

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

Europe and Eurasia

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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Albania

Constitution and Laws

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

Persons with Disabilities

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

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

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

Convention on the Rights of Persons with Disabilities

Albania signed the Convention on 22/12/2009.

Andorra

Constitution and Law

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

Persons with Disabilities

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

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

Convention on the Rights of Persons with Disabilities

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

Armenia

Constitution and Law

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

Persons with Disabilities

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

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

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

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

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

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

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

Other Relevant References

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

by military and prison authorities. There were reports of forced labor. Workers' rights were limited and existing labor laws weakly enforced.

Convention on the Rights of Persons with Disabilities

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

Austria

Constitution and Law

The law provides for protection against discrimination based on race, gender, disability, language, or social status, and the government generally enforced these protections. In October the parliament passed a law prohibiting public incitement against persons with disabilities.

Persons with Disabilities

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

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

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

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

Other Relevant References

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

Convention on the Rights of Persons with Disabilities

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

Azerbaijan

Constitution and Law

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

Persons with Disabilities

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

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

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

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

Convention on the Rights of Persons with Disabilities

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

Belarus

Constitution and Law

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

Persons with Disabilities

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

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

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

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

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

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

Other Relevant References

[H]uman rights problems included abuses by security forces, which beat detainees and protesters, used excessive force to disperse peaceful demonstrators, and reportedly used torture and/or maltreatment during investigations and in prisons. Prison conditions remained extremely poor. Authorities arbitrarily arrested, detained, and imprisoned citizens for criticizing officials, for participating in demonstrations, and for other political reasons. The judiciary lacked independence, and suffered from inefficiency and political interference; trial outcomes often were predetermined, and many trials were conducted behind closed doors or in absentia. Authorities continued to infringe on citizens' privacy rights. The government further restricted civil liberties, including freedom of speech, press, assembly, association, religion, and movement. The government seized printed materials from civil society activists and prevented independent media from disseminating information and materials. The government continued to hinder or prevent the activities of some religious groups, at times fining them or restricting their services. Authorities harassed human rights groups, nongovernmental organizations (NGOs), and political parties, refusing to register many and then threatening them with criminal prosecution for operating without registration. Official corruption in all branches of government remained a problem. Violence and discrimination against women were problems, as was violence against children. Trafficking in persons remained a significant problem. There was discrimination against persons with disabilities, Roma, ethnic and sexual minorities, persons with HIV/AIDS, and those who sought to use the Belarusian language. Authorities harassed and at times dismissed members of independent unions, severely limiting the ability of workers to form and join independent trade unions and to organize and bargain collectively. There were very few women in the upper ranks of management or government, and most women were concentrated in the lower-paid public sector. Women's groups also voiced concerns about the feminization of poverty, particularly among women with more than two children, female-headed households, women taking care of family members with disabilities or older family members, and rural and older women.

Convention on the Rights of Persons with Disabilities

Belarus has not signed the Convention.

Belgium

Constitution and Law

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

instances the prosecutor must escalate the case (e.g., in a racially motivated crime, the charge would additionally include a hate crime offense).

Persons with Disabilities

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

Other Relevant References

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

Convention on the Rights of Persons with Disabilities

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

Bosnia and Herzegovina

Constitution and Law

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

Persons with Disabilities

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

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

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

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

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

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

Other Relevant References

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

Convention on the Rights of Persons with Disabilities

Bosnia and Herzegovina signed the Convention and the Optional Protocol on 29/7/2009. Bosnia and Herzegovina ratified the Convention and the Optional Protocol on 12/3/2010.

Bulgaria

Constitution and Law

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

Persons with Disabilities

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

services; however, the government did not effectively enforce these provisions in practice. Societal discrimination against persons with disabilities persisted.

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

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

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

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

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

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

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

Other Relevant References

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

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

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

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

Convention on the Rights of Persons with Disabilities

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

Croatia

Constitution and Law

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

Persons with Disabilities

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

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

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

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

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

Convention on the Rights of Persons with Disabilities

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

Cyprus

Constitution and Law

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services, and in practice the government generally enforced these provisions. While the law mandates that public buildings and tourist facilities built after 1999 be accessible to all, government enforcement was ineffective. Older buildings frequently lacked access for persons

with disabilities. There were no appropriate institutions for adults with mental disabilities who were in need of long-term care.

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

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

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

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

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

provide for two wheelchair spaces. The government also agreed to modify buses then in use if demand showed a need for two wheelchair spaces.

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

Convention on the Rights of Persons with Disabilities

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

Czech Republic

Constitution and Law

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

Persons with Disabilities

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

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

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

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

Convention on the Rights of Persons with Disabilities

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

Denmark

Constitution and Law

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

Persons with Disabilities

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

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

Convention on the Rights of Persons with Disabilities

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

Estonia

Constitution and Law

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

Persons with Disabilities

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

Other Relevant References

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

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

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

Convention on the Rights of Persons with Disabilities

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

Finland

Constitution and Law

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

Persons with Disabilities

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

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

Some 200,000 persons with disabilities live in the country. On August 24, the Finnish Broadcasting Company reported persons with physical disabilities were underrepresented in the labor market, even though many of them would like to work. A survey by the innovation fund Sitra and the VATES Foundation published on August 24 found that companies were interested in hiring persons with disabilities but, among other things, wanted more information about various financial aid available to them and prospective employees. According to the survey, one third of the group was able to work, and many members of the group sought regular part-time jobs.

Other Relevant References

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

Convention on the Rights of Persons with Disabilities

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

France

Constitution and Law

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

Persons with Disabilities

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

During the year the Fund Management Organisation for the Professional Integration of People with Disabilities (Agefiph) reported that 19.3 percent of persons with disabilities were unemployed, twice the national rate. The law requires that at least 6 percent of the work force of companies with more than 20 employees be persons with disabilities. Noncompliant companies could face criminal fines. Although many companies were unaware of this legal obligation, in practice persons with disabilities made up on average 6 percent of the work force

of companies that were subject to the law. More than six of the 14 government ministries did not meet the 6 percent goal.

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

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

Convention on the Rights of Persons with Disabilities

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

Georgia

Constitution and Law

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

Persons with Disabilities

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

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

There were nine major committees in the country that evaluated children with disabilities and assisted with their integration in schools. Approximately 200 schools became accessible during the year by providing access ramps and other facilities. During the year standards for day care centers for children with disabilities were developed and all centers were evaluated based on these standards. The evaluations revealed problems in the majority of centers, including poor quality of services, lack of adaptation of buildings to special needs, and poor access to learning

materials. The Ministry of Education closed five boarding schools for children with disabilities and transferred students to inclusive education facilities during the year. However, families reported the ministry did not provide transitional costs, such as transportation, in many cases.

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

Convention on the Rights of Persons with Disabilities

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

Germany

Constitution and Law

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

Persons with Disabilities

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

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

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

The government promoted the employment of persons with disabilities through a number of measures. As of September 1, pursuant to an agreement between the German Railway and the Federal Ministry for Labor and Social Affairs, persons with disabilities who fulfill certain requirements can use all regional trains within the country free of charge. In addition employers with a minimum of 20 employees must hire persons with disabilities to fill at least 5 percent of all positions, and for noncompliance face a fine of between 100 euros (\$130) and

290 euros (\$377) per month. According to the Sozialverband VdK Deutschland, this regulation applies to about 135,000 companies; however, 38,000 chose to pay the noncompliance fine.

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

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

The Office of the Federal Commissioner for Matters relating to Persons with Disabilities is the principal government contact in all matters related to persons with disabilities and has specific responsibility for protecting their rights. The Ministry of Labor and Social Affairs; the Ministry of Family, Senior Citizens, Women, and Youth; and the Ministry of Transport, Building, and Urban Affairs also have responsibilities for addressing the needs of persons with disabilities. The German Institute for Human Rights has been designated to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities in the country.

Other Relevant References

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

Convention on the Rights of Persons with Disabilities

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

Greece

Constitution and Law

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

Persons with Disabilities

The law prohibits discrimination against persons with all known disabilities in employment, education, access to health care, or the provision of other government services. In practice NGOs and organizations for disability rights reported that government enforcement of these provisions was uneven. The law mandates access to buildings for persons with disabilities and

special ramps for the sidewalks and means of public transportation; however, authorities enforced this law poorly. Activists for the rights of persons with disabilities reported that, although special ramps for sidewalks were being constructed throughout the country, sidewalks and special ramps were overwhelmingly occupied by parked vehicles, thus hindering accessibility for persons with disabilities. The general lack of accessibility forced such persons to remain at home and led to serious social exclusion. Research by the Polytechnic School of Athens during the year revealed that 69 percent of the country's ports were not accessible to passengers with disabilities. The law allows service animals to accompany blind persons in all mass transit, but blind activists claimed they faced serious problems when attempting to use city transportation with their dogs.

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

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

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

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

Other Relevant References

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

Convention on the Rights of Persons with Disabilities

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

Hungary

Constitution and Law

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

Persons with Disabilities

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

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

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

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

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

Both the central government and municipalities continued to renovate public buildings to make them accessible to persons with disabilities. Under the law, buildings operated by the central government were to have been made accessible by 2010, while those operated by municipalities were given until 2013 to meet the goal. There was no data available on the percentage of government buildings that were not accessible, but NGOs contended many

public buildings remained inaccessible. NGOs claimed that the right to public schooling was not honored for children with severe and multiple disabilities because public elementary schools are not obliged to enroll disabled children.

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

Other Relevant References

Segregation of Romani schoolchildren remained a problem. NGOs and government officials estimated that one-third of Romani children were educated in segregated classes and that 20 percent were placed without justification in remedial classes for children with mental disabilities, effectively segregating them from other students. Schools with a majority of Romani students employed simplified teaching curricula, were generally less well equipped, and were in significantly worse physical condition than those with non-Romani majorities.

Convention on the Rights of Persons with Disabilities

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

Iceland

Constitution and Law

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

Persons with Disabilities

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

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

The Ministry of Welfare was the lead government body responsible for protecting the rights of persons with disabilities. It coordinated the work of six regional offices that provided services

and support to persons with disabilities. It also maintained a diagnostic and advisory center in Reykjavik that aimed to create conditions allowing persons with disabilities to lead normal lives.

Other Relevant References

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

Convention on the Rights of Persons with Disabilities

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

Ireland

Constitution and Law

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

Persons with Disabilities

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

Other Relevant References

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

Convention on the Rights of Persons with Disabilities

Ireland signed the Convention on 30/3/2007.

Italy

Constitution and Law

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in the areas of employment, education, access to health care, and the provision of other state services. The government effectively enforced these provisions, but there were incidents of societal discrimination. Antigone claimed there was a pattern of abuse in prisons and mental health facilities, highlighting a number of deaths that may have resulted from poor care for persons with disabilities. On March 16, a parliamentary committee released a report on six criminal detention centers for inmates with psychiatric problems. The committee found that several of the centers had poor living conditions and did not provide adequate patient treatment. On July 27, police shut down 49 cells in two psychiatric facilities visited by the committee and arrested two Aversa hospital prison guards after charging them with sexually abusing a transsexual detainee on March 10.

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

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

Other Relevant References

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

Convention on the Rights of Persons with Disabilities

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

Kosovo

Constitution and Law

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

Persons with Disabilities

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

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

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

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

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

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

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

Other Relevant References

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

Convention on the Rights of Persons with Disabilities

Kosovo has not signed the Convention

Latvia

Constitution and Law

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

Persons with Disabilities

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

Convention on the Rights of Persons with Disabilities

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

Liechtenstein

Constitution and Law

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

Persons with Disabilities

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

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

Convention on the Rights of Persons with Disabilities

Liechtenstein has not signed the Convention.

Lithuania

Constitution and Law

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

Persons with Disabilities

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

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

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

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

Convention on the Rights of Persons with Disabilities

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

Luxembourg

Constitution and Law

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

Persons with Disabilities

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

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

Convention on the Rights of Persons with Disabilities

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

Macedonia

Constitution and Law

The constitution and law prohibit discrimination based on gender, race, disability, religion, national, social, or political affiliation, and provides for fines ranging from 400 to 1,000 euros

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

Human Rights Problems

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

Persons with Disabilities

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

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

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

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

Other Relevant References

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

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

Convention on the Rights of Persons with Disabilities

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

Malta

Constitution and Law

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

Persons with Disabilities

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

Convention on the Rights of Persons with Disabilities

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

Moldova

Constitution and Law

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

Persons with Disabilities

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

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

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

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

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

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

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

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

Other Relevant References

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

particularly vulnerable to trafficking and labor exploitation. UNICEF estimated that 50 percent of the children who were institutionalized had disabilities.

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

Convention on the Rights of Disabilities

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

Monaco

Constitution and Law

The constitution provides that all nationals are equal before the law. It differentiates between rights accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents (including inviolability of the home). The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced it.

Persons with Disabilities

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

Convention on the Rights of Persons with Disabilities

Monaco signed the Convention on 23/9/2009.

Montenegro

Constitution and Law

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

Persons with Disabilities

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

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

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

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

Unemployment remained a serious problem for persons with disabilities. Authorities provide incentives to employers who hire persons with disabilities and penalties for those who do not meet a quota system for employing them. Employers who do not abide by the law must contribute to a fund for helping persons with disabilities, but they often chose this option in the belief that employees with disabilities would be unable to meet the requirements of the job. NGOs claimed that the fund dispensed little money with few visible results and objected to its

practice of returning unused funds to the state budget at the end of the budgetary year. The nontransparent use of these funds garnered significant public concern.

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

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

Despite laws entitling persons with mental disabilities to accommodation and education in institutions appropriate to their needs, mental health care remained inadequate.

Institutionalized persons often become wards of the state and live in isolation in outdated and underfunded treatment facilities. Institutionalization perpetuated stigmatization of the mentally ill. A December 1 NGO report on psychiatric and mental hospitals in Kotor, Podgorica, and Niksic cited many of these deficiencies. At the same time it noted that the authors had observed no instances of the mistreatment of patients.

Partly in response to the CPT's March 2010 report, which detailed the "appalling" mistreatment of residents of the Komanski Most Institution for Persons with Special Needs, authorities initiated or continued a number of improvements in that institution during the year. Physical conditions remained substandard in some respects and staff shortages persisted, but there were improvements in the women's section and cafeteria. A central heating system and video surveillance were installed. Children were separated from adults and men from women. Educational opportunities outside the institution were made available, and more flexible daily activity plans were developed. Use of the isolation room was discontinued and use of leather restraints was strictly limited and recorded in a log.

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

Other Relevant References

Criminal trials are generally public, but sessions may be closed during the testimony of state-protected witnesses. Juries are not used. Professional judges preside over trials. Lay judges assist them in determining verdicts, but the judges generally determine the sentences.

Defendants have the right to be present at their trials and to consult with an attorney in a timely manner in pretrial and trial proceedings. Defendants have a right to an attorney and an attorney is provided at public expense when a defendant is a disabled person, in detention, destitute, or indicted on a charge carrying a possible sentence greater than 10 years. These rights were generally respected. Defendants and their attorneys have the right to access government-held evidence relevant to their cases. Defendants enjoy a legal presumption of innocence. Courts may try defendants in absentia but must repeat the trials if the convicted

individuals are later apprehended. Both the defense and the prosecution have the right of appeal. Defendants' rights were generally respected and extended to all citizens.

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

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

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

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

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

One of the most important human rights problems facing the country was the mistreatment of refugees and other persons displaced as a consequence of conflicts in the 1990s and the absence of a resolution of their legal status. Another was societal discrimination based on

gender, sexual orientation, ethnicity, age, and disability. Corruption continued to be a serious problem, despite some improvements in the government's battle against it. It was fostered by extensive cronyism and nepotism, weak controls over conflicts of interest, and the failure of the executive and judicial branches to identify and prosecute corrupt high-ranking officials.

Convention on the Rights of Persons with Disabilities

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

Netherlands

Constitution and Law

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

Persons with Disabilities

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

Other Relevant References

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

Convention on the Rights of Persons with Disabilities

Netherlands signed the Convention on 30/3/2007.

Norway

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced this prohibition in practice, although there were

reports of violence against women and children, some anti-Semitism, and stigmatizing statements against immigrants and Muslims.

Persons with Disabilities

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

Convention on the Rights of Persons with Disabilities

Norway signed the Convention on 30/3/2007.

Poland

Constitution and Law

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

Persons with Disabilities

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

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

The Ministry of Labor and Social Policy is responsible for disability-related matters. During the year the government plenipotentiary for persons with disabilities organized training sessions for central and local government officials to encourage them to hire persons with disabilities.

The state fund for rehabilitation of persons with disabilities continued a nationwide campaign encouraging companies to employ them. The fund granted money to NGOs to organize media campaigns on the rights of disabled persons.

Other Relevant References

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

In December 2010 some restaurants and clubs in Poznan denied entry to members of the Romani community. On February 22, the Poznan prosecutor refused to initiate a criminal investigation into these complaints, but two security guards who did not admit the Roma to a restaurant were charged with a petty offense and fined 1,000 zloty (\$310) each. The Roma Association appealed the case, and the prosecutor reopened it on April 14. The Roma Association reported that, despite government assistance programs, many Romani children did not attend public school. This was because of either financial constraints or fears that teachers would encourage assimilation and discourage traditional practices. However, according to the Ministry of the Interior and Administration, 2,764 of the 3,369 Romani children between the ages of six and 16 were enrolled in school in the 2009-10 school year, the latest data available. The association stated that inadequacies in Romani children's education made it impossible for Roma to escape their poverty. In October the association reported that many Romani children were placed in schools for children with mental disabilities, even though two-thirds were intellectually able to study in regular schools. Research by the Jagiellonian University in Krakow showed that the improper placement might have resulted from improper testing by psychologists. On May 31, the Ministry of Internal Affairs and Administration reported that in 2010, 16.8 percent of Romani children were placed in schools for children with mental disabilities.

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

Convention on the Rights of Persons with Disabilities

Poland signed the Convention on 30/3/2007.

Portugal

Constitution and Law

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

Persons with Disabilities

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

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

Convention on the Rights of Persons with Disabilities

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

Romania

Constitution and Law

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

Persons with Disabilities

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

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

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

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

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

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

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

Other Relevant References

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

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

Convention on the Rights of Persons with Disabilities

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

Russia

Persons with Disabilities

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

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

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

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

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

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

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

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

There appeared to be no legal mechanism by which individuals could contest their assignment to a facility for persons with disabilities. The classification of categories of disability to children with mental disabilities often followed them through their lives. The labels "imbecile" and "idiot," which were assigned by a commission that assesses children with developmental problems at the age of three and signify that a child is uneducable, were almost always irrevocable. Even the label "debil" (slightly retarded) followed an individual on official documents, creating barriers to employment and housing after graduation from state institutions. This designation was increasingly challenged in the case of children with parents or individual caregivers, but there were few advocates for the rights of institutionalized children.

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

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

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

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

Other Relevant References

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

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

Convention on the Rights of Persons with Disabilities

Russia signed the Convention on 24/9/2008.

San Marino

Constitution and Law

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

Persons with Disabilities

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

Other Relevant References

The minimum age of consent for sex is 18 years, and the penalty for sexual acts with a minor is imprisonment for a period of six months to three years. The penalty increases to a period of two to six years if the child is under 14 years of age or is under the age of 18 and has physical or mental disabilities. The law prohibits child pornography, including performances, works, and material, and provides for punishment of anyone trading in or providing or in any way distributing child pornography material. The law punishes anyone who provides information aimed at enticing or sexually exploiting children under the age of 18. The penalty for this type of crime is imprisonment for a period of from two to six years, which is increased to four to 10 years if it involves sexual intercourse or if it has been committed to the detriment of a child under 14 years of age or a child under the age of 18 who has physical or mental disabilities.

Convention on the Rights of Persons with Disabilities

San Marino signed the Convention and Optional Protocol on 30/3/2007. San Marino ratified the Convention and the Optional Protocol on 22/2/2008.

Serbia

Constitution and Law

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government made efforts to enforce these prohibitions effectively. However, discrimination against women, LGBT persons, and ethnic minorities; trafficking in persons; and violence against women and children were problems.

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The government generally enforced the law. However, lack of access to older public buildings and public transportation was a problem. The law mandates access for persons with disabilities to new public buildings, and the government generally enforced this provision in practice.

The law prohibits physical, emotional, and verbal abuse in all schools, and there were no reports of abuse in special education facilities. According to the commissioner for equality, persons with disabilities were among the groups facing the greatest levels of discrimination.

Unemployment and discrimination in hiring remained a serious problem for persons with disabilities. A lack of workplace accommodations combined with discrimination and overall high unemployment made it difficult for persons with disabilities to obtain work.

The Ministries of Labor and Social Policy, Education, and Health had sections with responsibilities to protect persons with disabilities. The Ministry of Labor and Social Policy had a broad mandate to liaise with NGOs, distribute social assistance, and monitor laws to ensure the rights of persons with disabilities were protected. . The Ministries of Health and Education offered assistance and protection in their respective spheres.

Other Relevant References

According to the NGOs Felicitas and Center for Democracy, the most common violations of workers' rights involved work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers' withholding maternity leave allowances; discrimination based on sex and age; discrimination against persons with disabilities; unsafe working conditions; and general harassment. According to Nezavisnost, the Ministry of Labor and Social Policy's Labor Inspectorate continued to help the union reinstate members who had been fired for union activities.

Convention on the Rights of Persons with Disabilities

Serbia signed the Convention and Optional Protocol on 17/12/2007. Serbia ratified the Convention and the Optional Protocol on 31/7/2009.

Slovakia

Constitution and Law

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; the government made efforts to enforce these prohibitions in practice. All government agencies are required to create special favorable conditions for groups who are victims of discrimination, including but not limited to, employment, education, and vocational training.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. Persons with disabilities were able to vote and participate in civic affairs. In practice, however, experts reported that access to buildings and higher education remained a problem, and laws to provide assistance to students with disabilities have not been implemented with regard to school facilities or educational materials. There were reports that persons with severe physical disabilities received less than the minimum wage in some instances.

NGOs reported limited resources for psychiatric care outside of Bratislava, a lack of community-based psychiatric care, and an absence of mechanisms to monitor human rights violations against persons with such disabilities. Psychiatric institutions and hospitals, which fall under the purview of the Ministry of Healthcare, continued to use cage beds to restrain patients. The law prohibits both physical and nonphysical restraints in social care homes, managed by the Ministry of Labor, Social Affairs, and Family. Several NGOs conducted public education campaigns on mental illness and worked cooperatively with the health ministry.

Legislation requiring television stations to provide voiceover for blind viewers has not been implemented by any Slovak broadcaster. While by law mandatory standards for access to buildings are defined, NGOs noted they were not fully implemented, although access to privately owned buildings improved more rapidly than access to state buildings.

The Government Council on Human Rights, National Minorities, and Gender Equality operated a committee for persons with disabilities. The council served as a governmental advisory body and NGOs working on disability issues are represented. The committee's first session, held in June, dealt with procedural and status issues.

Other Relevant References

While education is universal, free through the postsecondary level, and compulsory until the age of 15, Romani children exhibited a lower attendance rate than other children. Although Romani children comprised only 15 percent of the total number of children under the age of 16, they were disproportionately enrolled in "special" schools for children with mental disabilities, despite diagnostic scores that were often within the average range of intellectual capacity. In many special schools, the registered student body was nearly 100 percent Roma, according to NGO reports.

The law provides for the protection of children from exploitation in the workplace; however, there were reports that Romani children in some settlements were exploited for commercial

sex. NGOs reported that most Romani victims, including children with disabilities, were exploited by family members or other Roma.

Convention on the Rights of Persons with Disabilities

Slovakia signed the Convention and Optional Protocol on 26/9/2007. Slovakia ratified the Convention and the Optional Protocol on 26/5/2010.

Slovenia

Constitution and Law

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other government services, and the government generally enforced these provisions in practice. The law mandates access to buildings for persons with disabilities. The government implemented laws and programs to ensure that persons with disabilities had access to buildings, information, and communications, but modification of public and private structures to improve access continued at a slow pace, and many buildings were not accessible in practice. The Ministry of Labor, Family, and Social Affairs has primary responsibility for protecting the rights of persons with disabilities.

Convention on the Rights of Persons with Disabilities

Slovenia signed the Convention and Optional Protocol on 30/3/2007. Slovenia ratified the Convention and the Optional Protocol on 24/4/2008.

Spain

Constitution and Law

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, access to information technology and communication, including social media, and the provision of other state services. The government generally enforced these provisions effectively. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions; however, levels of assistance and accessibility differed between regions. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities.

The law provides for fines of up to one million euros (\$1.3 million) for discrimination against disabled persons.

On January 21, the State Federation of Deaf People expressed its regret that the Senate had allocated funds to interpret between Spanish official languages without considering allotting funds to hire sign language interpreters.

Other Relevant References

The law provides that persons who provoke discrimination, hatred, or violence against groups or associations for racist, anti-Semitic, or other references to ideology, religion or belief, family status, membership within an ethnic group or race, national origin, sex, sexual orientation, illness, or disability, may be punished with imprisonment for one to three years.

Penalties for recruiting children or persons with disabilities into prostitution is imprisonment from one to five years (previously it was one to four years); if the child is under the age of 13, the term of imprisonment is four to six years. The same sentence applies to those who seek child prostitutes. The penalty for pimping children or persons with disabilities into prostitution is imprisonment from four to six years and, if the minor is under 13, the term of imprisonment is five to 10 years. The penalty for recruiting children or persons with disabilities for child pornography is one to five years' imprisonment; if the child is under the age of 13, imprisonment is five to nine years. In addition individuals who contact children under the age of 13 through the Internet for the purpose of sexual exploitation face imprisonment of one to three years.

Convention on the Rights of Persons with Disabilities

Spain signed the Convention and Optional Protocol on 30/3/2007. Spain ratified the Convention and the Optional Protocol on 3/12/2007.

Sweden

Constitution and Law

While the constitution and law prohibit discrimination based on race, gender, age, disability, language, social status, or sexual orientation, the government did not always effectively enforce these prohibitions.

Persons with Disabilities

The law prohibits employers from discriminating against persons with physical, sensory, intellectual, and mental disabilities in hiring decisions and prohibits universities from discriminating against students with disabilities in making admission decisions. No other specific law prohibits discrimination against persons with disabilities. The discrimination ombudsman is responsible for protecting the rights of persons with disabilities.

The law on discrimination does not cover accessibility. Regulations for new buildings require full accessibility, and similar requirements exist for some, but not all, public facilities. However, many buildings and some means of public transportation remained inaccessible.

The number of reports of discrimination against persons with disabilities increased during the year. During the year there were 563 reports of governmental discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state

services. Most other cases involved lack of access to buildings used by the public, such as apartments, restaurants, and bars. Many cases were handled through mediation procedures rather than formal court hearings.

Other Relevant References

At the national level, the country has seven ombudsmen: four justice ombudsmen, the chancellor of justice, the children's ombudsman, and the discrimination ombudsman with responsibility for ethnicity, gender, transsexual identity, religion, age, sexual orientation, and disabilities. There are normally ombudsmen down to the municipal level as well. The ombudsmen enjoyed the government's cooperation and operated without government or party interference. They had adequate resources and generally were considered effective. The children's ombudsman published a number of reports and publications for children and those working to protect children's rights. The discrimination ombudsman published material throughout the year to prevent discrimination. On February 17, a government statement clarified the mission of the discrimination ombudsman and reduced the processing time for reported cases.

[R]eported problems included use of excessive force by police, forced deportation of Iraqis and others to areas deemed unsafe, the trafficking of women and children, discrimination against persons with disabilities, and wage abuse of mainly foreign seasonal berry pickers.

Convention on the Rights of Persons with Disabilities

Sweden signed the Convention and Optional Protocol on 30/3/2007. Sweden ratified the Convention and the Optional Protocol on 15/12/2008.

Switzerland

Constitution and Law

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

Persons with Disabilities

The constitution and federal law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas, and the government generally enforced the prohibition. The law mandates access to public buildings and government services for persons with disabilities, and the government generally enforced these provisions in practice.

The Federal Equal Opportunity Office for Persons with Disabilities promoted awareness of the law and respect for the rights of the disabled through counseling and financial support for projects to facilitate their integration in society and the labor market.

In October the Disabled Persons Federation criticized plans for new double-decker trains scheduled to start operations on interurban rail lines in 2013 for lack of handicap accessibility. The federation complained that entering the trains in a wheelchair was difficult, and the special cars for handicapped persons alienated them. According to the federation, the trains did not

meet the standards as defined by the disabilities act. The federation appealed to the federal administrative court, where the case was pending at year's end.

Convention on the Rights of Persons with Disabilities

Switzerland has not signed the Convention.

Turkey

Constitution and Law

The law prohibits discrimination based on race, gender, religion, disability, language, or social status. The government did not enforce these prohibitions effectively. The constitution allows measures to be taken to advance gender equality, as well as measures to benefit children, seniors, persons with disabilities, widows, and veterans without violating the constitutional prohibition against discrimination. The government maintained hotlines to prevent the exploitation of women, children, persons with disabilities, and senior citizens, although some human rights groups questioned their effectiveness.

Persons with Disabilities

The constitution permits positive discrimination for persons with disabilities and the law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services. The government did not always enforce the law effectively. The law requires all responsible institutions to make necessary arrangements for easy access for the disabled in open areas and on mass transportation by July 2012, but little progress had taken place by the end of the year. In June a new entity responsible for protecting disabled persons, the Disabled and Senior Citizens Directorate General, was formed under the Family and Social Policies Ministry. During the year the government's domestic violence hotline received 11,003 calls from individuals with disabilities and 1,401 from the elderly.

In 2010 (with arrangements in the FY 2010 budget) the state employed an estimated 7,500 citizens with disabilities. On February 13, a law was passed introducing a central examination to facilitate employment of the disabled by the state. The law, which went into effect on October 3, also tasks employers not to give certain assignments, such as night shifts, to personnel with disabilities and to ensure them flexible working hours.

On April 7, the Disabled and Senior Citizens Directorate General inaugurated a program aimed at mobilizing governors in selected provinces in Central Anatolia and the eastern Black Sea regions to implement awareness programs, include disabled citizens in social life, and train caretakers for the disabled.

The law mandates access to buildings and public transportation for persons with disabilities, but access in most cities was extremely limited, and there is no clear system of fines or other punishment for noncompliance. On April 26, the Ministry of Interior issued a circular directing that municipality buses be upgraded to accommodate disabled citizens.

During the June 12 parliamentary elections, for the first time, the Supreme Election Board automatically assigned citizens registered with disabilities to vote at polling sites with easy access for disabled persons.

Other Relevant References

The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The law also requires that the government provide indigent detainees with a public attorney in criminal cases where the defendant requests an attorney. In cases where the potential sentence is greater than five years, or where the defendant is a child or is disabled, a defense attorney is appointed even without the defense request. Detainees were generally allowed prompt access to family members. However, human rights organizations reported difficulties in helping families find out whether a relative had been detained because the government refused to release such information to the organizations or the families.

The provision of legal interpretation services is limited to situations where a defendant does not have sufficient command of Turkish to defend himself or herself or where the defendant or victim is disabled. In December 2010 a Diyarbakir court rejected a request by 17 defendants to defend themselves in Kurdish while they stood trial for supporting of terrorism after returning from Iraq in 2009. However, a Sanliurfa court the same month allowed defendants to defend themselves in Kurdish. Inconsistent court decisions regarding the use of languages other than Turkish were prevalent throughout the country.

Convention on the Rights of Persons with Disabilities

Turkey signed the Convention on 30/3/2007 and Optional Protocol on 28/9/2009. Turkey ratified the Convention on 28/9/2009.

Ukraine

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and other state services; however, the government generally did not enforce these laws.

As of January, according to the State Committee for Statistics, the number of persons with disabilities was 2,709,982, including 165,121 children. NGOs complained that the government did not allocate adequate resources to help those with disabilities.

According to Semen Gluzman of the Ukrainian Psychiatric Association (UPA), patients in mental health facilities remained at risk of abuse, and many psychiatric hospitals continued to use outdated methods and medicines. According to the UPA, insufficient funding, the absence of public watchdog councils at psychiatric hospitals, patients' lack of access to legal counsel, and poor enforcement of legal protections deprived patients with disabilities of their right to adequate medical care.

According to the law, employers must allocate 4 percent of employment opportunities to persons with disabilities. NGOs noted that many of those employed to fill these positions received a nominal salary to meet the requirement but did not actually work at their companies. During the first nine months of the year, 7,900 persons with disabilities received jobs through government employment-placement services, according to the Ministry of Social Policy.

The Ministry of Education confirmed there were 382 specialized secondary schools and boarding schools with a total of 46,327 children, as well as 40,371 classes with inclusive education serving 69,621 children with special educational needs. In general secondary schools there were 508 classes for children with disabilities serving 4,845 children.

Advocacy groups maintained that despite existing legal guarantees most public buildings remained inaccessible to persons with disabilities. Access to essential services and activities such as employment, education, health care, transportation, and financial services remain difficult. NGOs expressed concern over the lack of programs to promote the integration of students with disabilities into the general student population and noted that the lack of needs assessment programs by state-funded employment centers led to the placement of graduates with disabilities in inappropriate jobs.

Other Relevant References

In November the UHHRU reported that unknown persons attacked, beat, and assaulted Andriy Fedosov, a disability rights activist and investigator who uncovered poor living conditions and abuse in psychiatric hospitals in Crimea. Fedosov confirmed the attack and left the country with assistance from human rights organizations. In December he requested asylum in France. Both Human Rights Watch (HRW) and Amnesty International had previously expressed concern about Fedosov, saying the attacks appeared to be in retaliation for his activist work.

Trafficked women worked as housekeepers, seamstresses, dishwashers, or workers at small and large manufacturing plants abroad. Some women with small children and persons with disabilities were trafficked abroad for begging. Men were exploited in construction and manufacturing. Internal trafficking of Ukrainian citizens and exploitation of foreigners also occurred. The IOM assisted 568 adult victims (men and women) of labor exploitation as well as 12 minors.

Convention on the Rights of Persons with Disabilities

Ukraine signed the Convention and Optional Protocol on 24/9/2008. Ukraine ratified the Convention and the Optional Protocol on 4/2/2010.

United Kingdom

Constitution and Law

The law prohibits discrimination based on based on race, gender, disability, language, or social status, and the government routinely enforced the law effectively. The human rights commissions in England, Wales, and Scotland have mandates to combat discrimination based on race, sex, religion and belief, sexual orientation, and age. The Bermudian constitution and

laws protect the human rights of inhabitants of Bermuda, with the exception of protection against discrimination based on sexual orientation and age.

Persons with Disabilities

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

The law requires that all public service providers (except in the transportation sector) make “reasonable adjustments” to ensure their services are available to persons with disabilities. The law forbids employers from harassing or discriminating against job applicants or employees with disabilities. In August the Bermudian Parliament enacted the Human Rights (Unreasonable Hardship) Amendment Act 2011 to protect the rights of the disabled in the workplace; the act requires employers to “modify the circumstances of employment” to accommodate persons with disabilities, so long as there is no “unreasonable hardship” on the employer.

The mandate of UK’s Equality and Human Rights Commission (EHRC) included work on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The EHRC provided legal advice and support for individuals, a hotline for persons with disabilities and employers, and policy advice to the government. It may also conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

Convention on the Rights of Persons with Disabilities

The United Kingdom signed the Convention on 30/3/2007 and Optional Protocol on 26/2/2009. The United Kingdom ratified the Convention on 8/6/2009 and the Optional Protocol on 7/8/2009.