

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

South and Central Asia

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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Afghanistan

Constitution and Laws

The constitution prohibits discrimination between citizens and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. The constitution does not explicitly address equal rights based on race, disability, language, or social status. There were reports of discrimination based on race, ethnicity, religion, and gender.

Persons with Disabilities

The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and ensure the active participation in society of persons with disabilities. The MoLSAMD drafted and the cabinet approved a five-year National Action Plan on March 16, which directs ministries to provide vocational training, establish empowerment centers, distribute food, build handicapped ramps in some government offices, conduct public awareness programs about the disabled, and take other steps to assist Afghans with disabilities.

The government and NGOs estimated that there were up to 900,000 mobility-impaired persons, of whom approximately 40,000 were limb amputees. The MoLSAMD stated that it

provided financial support to 79,202 individuals with disabilities. The MoLSAMD accorded special treatment to families of those killed in war.

In the Meshrano Jirga, two of the presidentially appointed seats were reserved for persons with disabilities.

Other Relevant References

There were numerous generally peaceful protests during the year related to a variety of causes, including the parliamentary impasse and the special tribunal, the rights of persons with physical disabilities, and concerns over public land use. Citizens also frequently protested against civilian casualties allegedly caused by progovernment forces. In August citizens in Zabul province took to the streets to protest night raids and at least three protesters were killed by police. The Zabul police chief claimed that the police opened fire due to insurgents present in the crowd who killed an officer.

The constitution provides for seats for women and minorities in both houses of parliament. The constitution provides for at least 68 female delegates in the lower house of the national assembly, while 10 seats are provided for the Kuchi ethnic minority. According to the constitution, the president should appoint one-third of the members, including two members with physical disabilities and two Kuchis. Fifty percent of the president's appointees to the upper house must be women.

Displaced Children: The Ministry of Labor, Social Affairs, Martyrs, and Disabled's (MoLSAMD) estimated that the number of street children in Kabul dropped during the year from previous NGO estimates of 37,000 street children in urban areas, but no new survey had been undertaken by the National Census Directorate at year's end. Street children had little or no access to government services, although several NGOs provided access to basic needs, such as shelter and food. Overall, experts stated up to 40 percent of children worked to help their impoverished families.

The Convention on the Rights of Persons with Disabilities

Afghanistan has not signed the Convention.

Bangladesh

Constitution and Laws

Laws specifically prohibit certain forms of discrimination against women, provide special procedures for persons accused of violence against women and children, call for harsh penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, enforcement of these laws was weak. Women, children, minority groups, and persons with disabilities were often confronted with social and economic disadvantages.

Persons with Disabilities

The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice persons with disabilities faced social and economic

discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility, and advocacy.

The 2001 Disabled Welfare Act and its 2008 regulations represent the country's comprehensive disability legislation; however, the law's impact is limited due to vague obligations, a weak implementation mechanism, and a sweeping indemnity clause. Most provisions create positive obligations, which are difficult to enforce. For example, the obligation on the government to provide persons with disabilities free education until the age of 18 has not been translated into tangible results. The law indemnifies all government employees from prosecution, limiting enforcement.

The law excludes children with "mental deficiency" from compulsory public education. The law provides inadequate safeguards against involuntary institutionalization and minimal oversight of guardians and caregivers. For example, at least 40 prisoners with psychosocial disabilities remained in the standard prison system, where some of them have been for nearly two decades.

The law bars persons with disabilities from applying for civil or judicial service positions. Public interest litigation initiated in April 2010 challenged both regulations, but persons with disabilities were routinely denied the opportunity to sit for examinations and were denied appropriate reasonable accommodations.

The law contains extensive accessibility requirements for new buildings. In practice, however, plans for new buildings were approved for construction without close compliance with these specifications.

Persons with disabilities were legally afforded the same access to information rights as those without disabilities, but family dynamics often influenced whether or not these rights were used.

The law identifies persons with disabilities as a priority group for government-sponsored legal services. The Ministry of Social Welfare, Department of Social Services, and National Foundation for the Development of the Disabled are the government agencies responsible for protecting the rights of persons with disabilities. Government facilities for treating persons with mental disabilities were inadequate. Several private initiatives existed for medical and vocational rehabilitation, as well as for employment of persons with disabilities. Several NGOs, including Handicap International, had programs focusing on helping and raising awareness about persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Bangladesh signed the Convention on 9/5/2007. Bangladesh ratified the Convention on 30/11/2007 and the Optional Protocol on 12/5/2008.

Bhutan

Constitution and Laws

The constitution prohibits discrimination on the basis of race, sex, disability, language, religion, politics, or social status.

Persons with Disabilities

The law does not specifically protect the rights of citizens with disabilities, but it does direct the government to try to provide security in the “event of sickness and disability.” There was no evidence of official discrimination against persons with disabilities in matters of employment, education, access to health care, or the provision of other state services. The law stipulates that new buildings must be constructed to allow access for persons with disabilities, but the government did not enforce the law consistently. Under the Disability Prevention and Rehabilitation Program, the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities into schools, and foster community awareness and social integration. The approximately 22,000 persons with physical disabilities living in the country (3.4 percent of the population according to 2005 estimates) lacked necessary infrastructure. There is no government agency specifically responsible for protecting the rights of persons with disabilities.

There were three special education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates visually impaired children, and an education resource unit for the hearing impaired in Paro. There were also special education facilities in Thimphu designed to meet the needs of children who have physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to persons with disabilities. A new NGO, the Disabled Persons’ Association of Bhutan, was formed in September to change public perception of disability and assist persons with disabilities.

Other Relevant References

All citizens are entitled to free medical care. The government transported persons who could not receive adequate care in the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability, and in the event of death, their families were entitled to compensation. Labor regulations grant workers the right to leave work situations that endanger their health and safety.

The law stipulates that defendants must receive fair and speedy trials, and the government generally respected this right in practice. A preliminary hearing must be convened within 10 days of registration of a criminal matter with the appropriate court. Before registering any plea, courts must determine whether an accused is mentally sound and understands the consequences of entering a plea. Defendants enjoy a presumption of innocence, and cases must be proved beyond a reasonable doubt to obtain convictions. The government has prescribed a standing rule for all courts to clear all cases within a year. There is no trial by jury, as the country has an inquisitorial judicial system.

The Convention on the Rights of Persons with Disabilities

Bhutan signed the Convention on 21/9/2010.

India

Constitution and Laws

The law prohibits discrimination on the basis of race, gender, disability, language, religion, place of birth, or social status, and the government worked with varying degrees of success to enforce these provisions.

Persons with Disabilities

The constitution does not explicitly mention disability as a prohibited ground for discrimination. The Persons with Disabilities Act (PDA) provides equal rights for persons with the following disabilities: blindness, low vision, leprosy-cured (those cured of leprosy but who still lack sensation in extremities or suffer from deformity), hearing impairment, locomotor disability, mental retardation, and mental illness. The law is weakened by a clause that links implementation of programs to the “economic capacity and development” of the government.

On August 8, the Ministry of Social Justice and Empowerment (MSJE) informed parliament that the government had identified an additional 199 districts across the country as future locations for District Disability Rehabilitation Centers (DRC). The DRCs are to provide comprehensive rehabilitation services to the rural disabled, such as early detection and medical intervention/surgical correction; fitting of artificial aids and prosthetics; therapeutic services; educational services; vocational training; and community awareness. There were approximately 200 government-run centers across the country that provided comprehensive, integrated rehabilitation services to persons with disabilities.

During the year the central government relaunched the National Portal of India Web site to be accessible to all users, regardless of the device used, technology involved, or ability of the viewer. External Web sites were maintained by the respective departments, which were responsible for making the sites accessible to persons with disabilities. In 2010 the MSJE was the first government Web site to fulfill the accessibility norms for persons with disabilities.

Discrimination against persons with physical and mental disabilities in employment, education, and access to health care was more pervasive in rural areas. Despite legislation that all public buildings and transport be accessible to the disabled, there was limited accessibility. One notable exception is the Delhi metro system, which was designed to be accessible to those with physical disabilities. Mumbai installed new pedestrian crossing at busy intersections that did not have audible signals for visually impaired users. A national newspaper reported the signals were silenced after local residents complained they were too noisy.

On July 22, the Delhi government announced that it would provide free public bus passes to mentally disabled persons along with escorts.

The MHFW estimated that 6 to 7 percent of the population suffered from a mental or psychosocial disability and that 25 percent of the mentally ill were homeless. Disabled rights activists estimated that the country had 40 to 90 million persons with disabilities.

Most of those with mental disabilities were dependent on public health-care facilities and fewer than half of those who required treatment or community support services received such assistance. There was a severe shortage of trained staff; a WHO report released in September

2010 estimated that the country had less than one psychiatrist for every 300,000 persons, and most psychiatrists worked in urban areas. In rural areas the ratio shrank to less than one psychiatrist per one million persons. Continued lack of awareness about mental disability led many patients, particularly in rural areas, to seek assistance from traditional healers before seeking regular medical treatment.

The PDA requires that 3 percent of public sector jobs be reserved for persons with physical, hearing, or visual disabilities. The government continued to allocate funds to programs and NGO partners to increase the number of jobs filled. Private sector employment of persons with disabilities remained low, despite PDA benefits to private companies, where persons with disabilities constituted more than 5 percent of the workforce. The state government of Tamil Nadu passed an order in 2010 reserving 3 percent of all positions in state public services and educational institutions for physically disabled persons and in all positions where reservations were applied for Scheduled Caste/Scheduled Tribes and Backwards Classes.

The law also stipulates that 3 percent of all educational places be reserved for persons with disabilities, but the MSJE stated that students with disabilities made up only an estimated 1 percent of all students. Some schools continued to segregate children with disabilities or deny their enrollment due to lack of infrastructure, equipment, and trained staff. UNICEF estimated that between 6 and 10 percent of all children in the country were born with disabilities. On August 10, the MHRD informed parliament that 183 students with disabilities were enrolled in central education institutions in 2010-11.

The MSJE continued to offer scholarships to persons with disabilities to pursue higher education. University enrollment of students with disabilities remained low for several reasons, including inaccessible infrastructure, limited availability of resource materials, nonimplementation of the 3 percent reserved job requirement, and harassment. For example, on June 22, a Delhi University student had to be carried up to the first floor for a bachelor of business study interview because the building did not have a ramp or elevator for physically disabled persons, nor did the department hold the interview on the ground floor.

On March 16, the MHRD informed parliament that there was no proposal to establish schools for disabled children in every district of the country. The MHRD noted that the objective of the central government-sponsored schemes “Inclusive Education for the Disabled at the Secondary State” and the “Sarva Shiksha Abhiyan” (SSA-Education for All) provided for disabled children in all government and government-aided schools. In February 2010 Delhi’s SSA began training teachers to provide home tutoring for children with disabilities.

On June 6, newspapers reported that the Delhi government had not yet recruited permanent teachers for children with disabilities despite a 2009 directive from the Delhi High Court requiring that at least two special teachers be employed at each school on a permanent basis. The Delhi government claimed to have hired 300 specially trained teachers, but the Municipal Corporation of Delhi stated that such posts had not yet been created and that no teachers had been employed.

On June 26, the central government approved two new scholarship schemes for students with disabilities in Jammu and Kashmir. The schemes are to provide 1,500 scholarships for physically disabled persons to facilitate their higher education.

Other relevant references

Most encounter killings, in which security forces and police extrajudicially killed alleged criminals or insurgents, occurred in areas in conflict, but the practice reportedly occurred elsewhere in the country as well. For example, on August 8, Special Police Officer (SPO) Abdul Majid and territorial army soldier Noor Hussain took a mentally disabled civilian to Surankot forest in Jammu and Kashmir and then launched an operation with the police and the 25 Rashtriya Rifles unit to eliminate a “dreaded terrorist” in the area. When the bullet-riddled body was found, the SPO said that he wanted to be a constable and the soldier requested a cash reward of 200,000 rupees (\$3,790). Both were arrested and charged with murder for the fake encounter. The identity of the victim was not reported.

In April 2010 members of the dominant Jat community burned 10 Dalit homes in Mirchpur, Haryana, killing 70-year-old Tara Chand and his disabled daughter Suman and injuring more than a dozen other individuals. On September 24, newspapers reported that of the 97 persons accused, 82 of them were acquitted by a Delhi court. Fifteen persons were convicted but none were found guilty of murder; three were convicted of culpable homicide not amounting to murder, with a maximum 10-year jail term. After the verdict was announced, calm prevailed, with both sides agreeing that the arrest of 97 persons was unjustified.

The Convention on the Rights of Persons with Disabilities

India signed the Convention on 30/3/2007. India ratified the Convention on 1/10/2007.

Kazakhstan

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce the law. Violence against women, trafficking in persons, and discrimination against non-Kazakhs in government, persons with disabilities, and those involved with homosexual activity were problems.

Persons with Disabilities

According to the Ministry of Labor and Social Protection, there were 506,000 persons with disabilities (3 percent of the total population) in the country, although analysts argued that the real number was higher. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, and access to health care, and in the provision of other state services or other areas, but significant discrimination exists in the areas of employment, education, and access to government services.

The law protects access to information for persons with disabilities. The government produced periodicals, scientific journals, reference literature, and fictional works that were recorded either on disk or in Braille. The law requires one national television channel to broadcast news programs with sign-language translation. NGOs believed that implementation of the laws on disability was lacking, and the Nur Otan party’s Institute of Parliamentary Development has concluded that access for disabled persons to information and communications was insufficient.

The law requires companies to set aside 3 percent of their jobs for persons with disabilities. International and local observers noted some improvement regarding the rights of persons with disabilities. Nevertheless, there were reports that persons with disabilities faced difficulty integrating into society and finding employment. According to NGOs, 3 percent of persons with disabilities were employed, and 90 percent of employers who declined to hire persons with disabilities did so because of an applicant's disability. The law mandates access to buildings for persons with disabilities. Vice Minister of Labor and Social Protection Assel Nusupova identified the two biggest problems facing persons with disabilities as poor infrastructure and lack of access to education. Persons with disabilities had difficulty accessing public transportation. The government did not make a concerted effort to address these problems.

Citizens with mental disabilities could be committed to state-run institutions without their consent or judicial review. In practice the government committed persons at a young age with the permission of their families. Institutions were poorly managed and inadequately funded.

There are no regulations regarding the rights of patients in mental hospitals; human rights observers believed this led to mass abuse of patients' rights. NGOs reported that patients often were drugged and isolated for minor infractions, and experienced poor conditions and a complete lack of privacy. In response to NGO reports, prosecutors disclosed 7,000 violations of mental patients' rights ranging from illegal institutionalization, to restricting access to information and unlawful extension of patients' stays. Prosecutors punished 45 officials as a result of the investigation. NGOs reported that orphanages for children with physical and mental disabilities were overcrowded and unsanitary, with insufficient staff to care adequately for children's needs.

The government did not restrict the right of persons with disabilities to vote and arranged home voting for individuals who could not travel to polling places as a result of their disability.

The Ministry of Labor and Social Protection was the primary government agency responsible for protecting the rights of persons with disabilities; the Ministries of Health and Education also assisted in their protection. Statistics on disability issues are unavailable.

Other Relevant References

Persons detained, arrested, or accused of committing a crime have the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation. The law does not require police to inform detainees that they have the right to an attorney, and in practice police did not do so. Human rights observers alleged that law enforcement officials dissuaded detainees from seeing an attorney, gathered evidence through preliminary questioning before a detainee's attorney arrived, and, in some cases, used corrupt defense attorneys to gather evidence. The law states that the government must provide an attorney for an indigent suspect or defendant when the suspect is a minor, has physical or mental disabilities, or faces serious criminal charges. In practice public defenders often lacked the necessary experience and training to assist defendants. Defendants are barred from freely choosing their defense counsel if the cases against them involve state secrets. The law only allows lawyers who have special clearance to work on such cases.

Defendants in criminal cases have the right to counsel and to a government-provided attorney if they cannot afford counsel. Under the criminal procedure code a defendant must be

represented by an attorney when the defendant is a minor, has mental or physical disabilities, does not speak the language of the court, or faces 10 or more years of imprisonment. In practice defense attorneys reportedly participated in only half of all criminal cases, in part because the government did not provide sufficient funds to pay them. The law also provides defendants the right to be present at their trials, to be heard in court, to confront witnesses against them, and to call witnesses for the defense. They have the right to appeal a decision to a higher court. According to observers, defense attorneys played a narrow role in trials, which were dominated by prosecutors.

Other reported abuses included: arbitrary or unlawful deprivation of life; military hazing that led to deaths; detainee and prisoner torture and other abuse; harsh and life-threatening prison conditions; arbitrary arrest and detention; infringements on citizens' privacy rights; restrictions on freedom of religion; prohibitive political party registration requirements; restrictions on the activities of nongovernmental organizations (NGOs); violence and discrimination against women; abuse of children; trafficking in persons; discrimination against persons with disabilities and ethnic minorities; societal discrimination against gay, lesbian, bisexual, and transgender persons, and persons with HIV/AIDS; forced labor; and child labor.

The Convention on the Rights of Persons with Disabilities

Kazakhstan signed the Convention and Optional Protocol on 11/12/2008.

Kyrgyz Republic

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status. Although women were active in government, education, civil society, the media, and small business, they encountered gender-based discrimination. Rights activists claimed authorities failed to apprehend or punish perpetrators of crimes of discrimination during the year.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but in practice such persons faced discrimination in employment, education, access to health care, and the provision of other state services. The law mandates access to buildings for persons with disabilities and requires access to public transportation and parking, and it authorizes subsidies to make mass media available to persons with hearing or visual disabilities and free plots of land for the construction of a home; however, the government generally did not ensure that these provisions of the law were implemented. In addition persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population.

The lack of resources made it difficult for persons with disabilities to receive adequate education. Although children with disabilities have the right to an education, Gulbara Nurdavletova of the Association of Parents of Children with Disabilities stated that most were denied entry into schools. Parents sometimes established special educational centers for their children, but they did not receive government assistance.

Serious problems continued within psychiatric hospitals. The government did not provide basic needs such as food, water, clothing, heating, and health care, and facilities were often overcrowded. Inadequate funding played a critical factor. In 2008 a parliamentary commission reported violations of patients' rights in a number of mental hospitals, mainly due to lack of funding.

Authorities usually placed children with mental disabilities in psychiatric hospitals rather than integrating them with other children. Other patients were also committed involuntarily, including children without mental disabilities who were too old to remain in orphanages. The Youth Human Rights Group monitored the protection of children's rights in institutions for children with mental and physical disabilities. The group noted gross violations by staff at several institutions, including depriving young patients of sufficient nourishment and physically abusing them.

The Office of the Prosecutor General is responsible for protecting the rights of psychiatric patients and persons with disabilities. According to local NGO lawyers, the members of the Prosecutor's Office had no training and little knowledge of the protection of these rights and were ineffective in assisting citizens with disabilities. Most judges lacked the experience and training to determine whether persons should be referred to psychiatric hospitals, and the practice continued of institutionalizing individuals against their will.

The country does not have centralized statistics about those with disabilities, but authorities estimated the number between 20,000 and 30,000.

Dastan Bekeshev, a blind member of parliament, stated that local society discriminated heavily against persons with disabilities. He contended that the 2008 law requiring all employers to provide special quotas (approximately 5 percent of working positions) for people with disabilities had not been implemented.

Other Relevant References

The following additional human rights problems existed: arbitrary killings by law enforcement officials; poor prison conditions; lack of judicial impartiality; harassment of nongovernmental organizations (NGOs), activists, and journalists; pressure on independent media; authorities' failure to protect refugees adequately; pervasive corruption; discrimination against women, persons with disabilities, ethnic and religious minorities, and other persons based on sexual orientation or gender identity; child abuse; trafficking in persons; and child labor.

Education: The law provides for compulsory and free education for the first nine years of schooling, or until age 14; secondary education is free and universal until age 17. However, financial constraints prevented the government from providing free basic education for all students, and the system of residence registration restricted access to social services, including education for certain children, such as refugees, migrants, and noncitizens. The law carries penalties for parents who do not send their children to school or who obstruct their attendance. This law was only sporadically enforced, particularly in rural areas. Families who kept children in public schools often had to pay burdensome and illegal administrative fees. The government continued to fund two programs to provide school supplies and textbooks to low-income children and those with mental or physical disabilities. Legally, all textbooks should be free of charge, but the government was unable to provide them to all students.

The law provides for the protection of children from economic exploitation and from work that poses a danger to their health or development; however, child labor remained a widespread problem. The minimum legal age for basic employment is 16, except for work considered by the government to be “light,” such as selling newspapers. In addition, children as young as 14 may work with the permission of a parent or guardian. The law prohibits the employment of persons under 18 at night, underground, or in difficult or dangerous conditions, including the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine building. Children who are 14 or 15 may work up to five hours a day; children who are 16 to 18 may work up to seven hours a day. These laws also apply to children with disabilities.

State orphanages and foster homes lacked resources and often were unable to provide proper care. Some older children were transferred to mental health care facilities even when they did not exhibit mental health problems. According to data provided by the Government Social Protection Development Agency, more than 20,000 children lived in state institutions or foster care.

The law prohibits all forms of forced or compulsory labor; however, there were reports that such practices occurred, especially involving foreign laborers in agriculture. The government did not fully implement legal prohibitions. Unlike in previous years, there were no reports by the NGO Mental Health and Society during the year that psychiatric hospital patients were forced to work or provide domestic service for doctors and local farmers.

The Convention on the Rights of Persons with Disabilities

The Kyrgyz Republic signed the Convention on 21/9/2011.

Maldives

Constitution and Laws

The law provides for the equality of all citizens, but there is no specific provision to prohibit discrimination based on race, gender, religion, disability, or social status. Women traditionally were disadvantaged, particularly in the application of sharia in matters such as divorce, education, inheritance, and testimony in legal proceedings.

Persons with Disabilities

The constitution provides for the rights and freedom from discrimination of persons with disabilities, and a Special Needs Act was put in place in July 2010. The purpose of the act is to protect the rights of persons with disabilities and to provide financial assistance. Additionally, the president created the Council to Protect the Rights of People with Disabilities. As mandated in the act, anyone with disabilities is entitled to Rf 2,000 (\$156) every month. The Ministry of Health and Family maintains a list of persons with disabilities. By December the ministry had received 5,336 applications, of which 3,865 were deemed eligible, and 3,566 were receiving the allowance.

Government programs provided services for persons with disabilities, including special educational programs for persons with sensory disabilities. Inadequate facilities made it difficult for persons with disabilities to participate in the workforce.

There were multiple NGOs working to increase awareness and improve support for persons with disabilities, including Hand in Hand, the Association of Disability and Development, Handicap International, and the Care Society.

In April 2010 the HRCM, in conjunction with the UNDP, released a report on the rights of persons with disabilities. The report found that most schools took children only with very limited to moderate disabilities and not those with more severe disabilities. There was virtually no access to or transition to secondary-level education for children with disabilities. Additionally there was no mental health care available in Male; there were only two psychiatrists working in the country, who dealt mostly with drug rehabilitation. There also was a lack of quality residential care. There were more than 31 persons with disabilities waiting for a place at the Home for People with Special Needs as of March.

The government established disability awareness and empowerment campaigns on some of the more populous islands. The government integrated students with physical disabilities into mainstream educational programs. Families usually cared for persons with disabilities. When family care was unavailable, persons with disabilities lived in the Ministry of Health and Family's Institute for Needy People, which also assisted elderly persons. When requested the government provided free medication for all persons with mental disabilities on the islands, but follow-up care was infrequent. The government also provided assistive devices, such as wheelchairs, crutches, spectacles, hearing aids, and special seats for children with cerebral palsy.

The Convention on the Rights of Persons with Disabilities

Maldives signed the Convention on 2/10/2007. Maldives ratified the Convention on 5/4/2010.

Nepal

Constitution and Laws

The law prohibits discrimination based on race, caste, gender, disability, language, or social status. However, the government did not effectively enforce these prohibitions. The Caste Discrimination and Untouchability Act, passed in May, criminalizes discrimination based on caste. As of year's end, its effectiveness was unclear. A rigid caste system continued to operate throughout the country in many areas of religious, professional, and daily life. Societal discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas.

Persons with Disabilities

The interim constitution does not address the rights of persons with disabilities. Government efforts to enforce laws and regulations to improve rights and benefits for persons with disabilities were not effective. The law mandates access to buildings, transportation, employment, education, and other state services, but these provisions generally were not enforced. The government did not effectively enforce laws regarding persons with disabilities.

According to Handicap International, persons with physical and mental disabilities faced discrimination in employment, education, access to health care, and the provision of other

state services. The Ministry of Women, Children, and Social Welfare is responsible for the protection of persons with disabilities, the Ministry of Education provides scholarships for children with disabilities, and the Ministry of Local Development is responsible for allocating 5 percent of the budget of local development agencies for disability programs. Some NGOs working with persons with disabilities received funding from the government. However, most persons with physical or mental disabilities relied almost exclusively on family members for assistance.

Other Relevant References

Other human rights problems included extremely poor prison conditions, with conditions at detention centers even worse. Officials sometimes used antiterrorism legislation to justify excessive use of force. Corruption existed at all levels of government and the police, and the courts remained vulnerable to political pressure, bribery, and intimidation. The government sometimes restricted freedom of assembly. The government limited freedoms for refugees, particularly for the Tibetan community. Discrimination against women was a problem, and citizenship laws that discriminate based on gender contributed to statelessness. Domestic violence against women remained a serious problem, and dowry-related deaths occurred. Violence against children was widespread, although rarely prosecuted, and commercial sexual exploitation of children remained a serious problem. Discrimination against persons with disabilities, some ethnic groups, and persons with HIV/AIDS was a problem. Violence associated with caste-based discrimination occurred. There were some restrictions on worker rights, and forced and bonded labor and child labor remained significant problems.

Rape and Domestic Violence: Violence against women remained a problem. Under the civil code, sentences for rape vary between five and 12 years, depending on the female victim's age. The law also mandates five years' additional imprisonment in the case of gang rape or rape of pregnant women or women with disabilities. The victim's compensation depends on the degree of mental and physical torture. Under the law the definition of rape includes marital rape, and the husband can be jailed for three to six months. Most incidents of rape went unreported, although in those rape cases that were reported, police and the courts were responsive. During fiscal year 2010-11, 481 cases of rape and 151 cases of attempted rape were filed with police, compared with 376 cases of rape and 101 cases of attempted rape in the previous fiscal year, according to the Women's Police Cell, a special unit of the NP that investigates crimes against women.

The Convention on the Rights of Persons with Disabilities

Nepal signed the Convention and Optional Protocol on 3/1/2008. Nepal ratified the Convention and the Optional Protocol on 7/5/2010.

Pakistan

Persons with Disabilities

The law provides for equality of the rights of persons with disabilities, but the provisions were not always implemented in practice. After dissolution of the Ministry of Social Welfare and Special Education in April, its affiliated departments, including the Directorate General for

Special Education, National Council for the Rehabilitation of the Disabled (NCRD), and National Trust for the Disabled, were handed over to the Capital Administration and Development Division. The special education and social welfare offices were devolved to the provinces and are responsible for protecting the rights of persons with disabilities.

In the provinces social welfare departments worked for the welfare and education of persons with disabilities. In Sindh the minister for bonded labor and special education is mandated to address the educational needs of persons with disabilities. At the higher-education level, special departments provided special education at Allama Iqbal Open University, the University of the Punjab, and Karachi University. According to the Leonard Cheshire Foundation, most children with disabilities did not attend school; at the primary level specifically the percentages for those out of school were 50 percent for girls and 28 percent for boys.

The government declared the federal capital and provincial capitals as disabled-friendly cities and granted permission to persons with disabilities to take central superior service exams. It also established 127 special education centers in main cities. Employment quotas at the federal and provincial levels require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. In practice this right was protected only partially due to a lack of adequate enforcement mechanisms. Families cared for most individuals with physical and mental disabilities. In some cases criminals forced persons with disabilities into begging and took most of the proceeds they received.

Organizations that refused to hire persons with disabilities could choose to pay a fine to a disability assistance fund. This obligation rarely was enforced. The NCRD provided job placement and loan facilities as well as subsistence funding. There were no restrictions on the rights of persons with disabilities to vote or participate in civil affairs. However, voting was difficult for persons with disabilities because of severe difficulties in obtaining transportation and access to polling stations.

Other Relevant References

Police often did not segregate detainees from convicted criminals. Prisoners with mental illness usually lacked adequate care and were not separated from the general prison population.

The Convention on the Rights of Persons with Disabilities

Pakistan signed the Convention on 25/9/2008 and ratified the Convention on 5/7/2011.

Sri Lanka

Constitution and Law

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these rights in practice; however, there were instances where gender and ethnic-based discrimination occurred.

Persons with Disabilities

The law forbids discrimination against any person with physical, sensory, intellectual, or mental disabilities; however, in practice discrimination occurred in employment, education, and

provision of state services. On April 27, the Supreme Court reinforced a 2009 directive that steps be taken to provide easy access for persons with disabilities to public buildings, but there was little progress by year's end. There were regulations on accessibility, but in practice accommodation for access to buildings for persons with disabilities was rare. On May 11, the government appointed a consultant on accessibility in health sector buildings to implement these regulations more effectively.

The government took steps to support participation by persons with disabilities in civic affairs. For example, on July 10, the Election Department announced a provision for a disabled person to be accompanied by another when voting in elections.

Persons with disabilities faced difficulties due to negative attitudes and societal discrimination. In some rural areas the belief of many residents that physical and mental disabilities were contagious led to long-term isolation of such persons, who in some cases rarely or never left their homes.

Other Relevant References

Discrimination against persons with disabilities and against the ethnic Tamil minority continued, and a disproportionate number of victims of human rights violations were Tamils. Discrimination against persons based on their sexual orientation and against persons with HIV/AIDS were problems. Limits on workers' rights and child labor remained problems.

The Convention on the Rights of Persons with Disabilities

Sri Lanka signed the Convention on 30/3/2007.

Tajikistan

Constitution and Law

The law provides for the rights and freedoms of every person regardless of race, gender, disability, language, or social status, but in practice there was discrimination against women and persons with disabilities. Trafficking in persons remained a problem.

Persons with Disabilities

The law on social protection of persons with disabilities applies to individuals having either physical or mental disabilities. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not have the resources to provide legal safeguards. The law requires government buildings, schools, hospitals, and transportation to be accessible to persons with disabilities, but the government did not enforce these provisions. To attend school, children must be deemed "medically fit" by doctors. Many children with disabilities were not able to attend school because doctors considered them to be not "medically fit."

The government's Commission on Fulfillment of International Human Rights, the Society of Invalids, and local and regional governmental structures are charged with protecting the rights of persons with disabilities. Although the government maintained group living and medical facilities for persons with disabilities, funding was limited and facilities were in poor condition.

The Convention on the Rights of Persons with Disabilities

Tajikistan has not signed the Convention.

Turkmenistan

Constitution and Law

Although the law prohibits discrimination based on race, gender, disability, language, ethnic minority status, or social status, discrimination continued to be a problem, as did violence against women.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. However, in practice persons with disabilities encountered discrimination and regularly were denied work, education, and access to health care and other state services because of strong cultural biases.

The government provided subsidies and pensions for persons with disabilities, although the assistance was inadequate to meet basic needs. The government considered persons with disabilities who received subsidies as being employed and therefore ineligible to compete for jobs in the government, the country's largest employer.

Some students with disabilities were unable to obtain education because there were no qualified teachers, and facilities were not accessible for persons with disabilities. Students with disabilities did not fit the unofficial university student profile and were not admitted to universities. The government placed children with disabilities, including those with mental disabilities, in boarding schools where they were to be provided with education and employment opportunities, if their condition allowed them to work; in practice neither was provided. Special schools for those with sensory disabilities existed in the larger cities. The government began construction of boarding schools with rehabilitation centers for persons with disabilities in each province and in Ashgabat.

Although the law requires new construction projects to include facilities that allow access by those with disabilities, compliance was inconsistent and older buildings remained inaccessible. A lack of consistent accessibility standards resulted in some new buildings with inappropriately designed access ramps. The Ministry of Social Welfare was responsible for protecting the rights of persons with disabilities. This ministry provided venues and organizational support for activities conducted by NGOs that assist persons with disabilities.

Other Relevant References

Child Abuse: There were isolated reports of child abuse. In 2006 the UN Committee on the Rights of the Child issued recommendations that called on the government to focus efforts on issues of family and alternative care, juvenile justice, child abuse prevention, health and welfare, education, children with disabilities, and special protection measures.

The minimum monthly wage for all sectors is 400 manat (\$140). An official estimate of the poverty-level income was not available. The standard legal workweek is 40 hours with weekends off. The law states that overtime or holiday pay should be double the regular payment. Maximum overtime in a year is 120 hours and cannot exceed four hours in two consecutive days. The law prohibits pregnant women, women that have children up to three years of age, women with disabled children under age 16, and single parents with two or more children from working overtime.

Consensual same-sex sexual conduct between men is illegal and punishable by up to two years in prison; the law does not mention women. According to one human rights NGO, homosexuality was considered a mental disorder by authorities, and gay men were sometimes sent to psychiatric institutions for treatment.

The Convention on the Rights of Persons with Disabilities

Turkmenistan ratified the Convention on 4/9/2008 and the Optional Protocol on 10/11/2010.

Uzbekistan

Constitution and Laws

The law and constitution prohibit discrimination on the bases of race, gender, disability, language, and social status. Nonetheless, societal discrimination against women and persons with disabilities existed, and child abuse persisted.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but there was some societal discrimination against those with disabilities.

The government continued its efforts to confirm the disability levels of citizens who receive government disability benefits. Officially, authorities conducted the confirmations to ensure the legitimacy of disability payments, but unconfirmed reports suggested that some persons with disabilities had their benefits unfairly reduced in this process.

The law allows for fines if public buildings are not accessible for the disabled, but disability activists reported that accessibility remained inadequate, noting, for example, that many of the high schools constructed in recent years have exterior ramps, but no interior modifications that would allow wheelchair accessibility.

The law does not provide effective safeguards against arbitrary or involuntary institutionalization. However, there were no reports during the year of persons being held at psychiatric hospitals despite showing no signs of mental illness.

The Ministry of Health controlled access to health care for persons with disabilities, and the Ministry of Labor and Social Protection facilitated employment of persons with disabilities. There were no reports of problems regarding accessibility of information and communications. No information was available regarding patterns of abuse in educational and mental health facilities.

Other Relevant References

Amnesty: On December 5, the Senate approved a prisoner amnesty. According to its terms, women, underage offenders, men over age 60, foreign citizens, and persons with disabilities or documented serious illnesses were eligible. The bill also included first-time offenders convicted of participation in banned organizations and the commission of crimes against peace or public security who “have firmly stood on the path to recovery.” Amnesty options included release from prison, transfer to a work camp, or termination of a criminal case at the pretrial or trial stage.

The Convention on the Rights of Persons with Disabilities

Uzbekistan signed the Convention on 27/2/2009.