

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

Western Hemisphere

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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Antigua and Barbuda

Persons with Disabilities

The constitution contains antidiscrimination provisions, but no specific laws prohibit discrimination against, or mandate accessibility for, persons with disabilities. There were few reports of discrimination against persons with disabilities in employment, access to health care, or in the provision of other state services. However, there were anecdotal cases of children, because of disabilities, who were unable to take themselves to the restroom and thus being denied entry to school.

The Convention on the Rights of Persons with Disabilities

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

Argentina

Constitution and Laws

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

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. A specific law also mandates access to buildings for persons with disabilities. While the federal government has protective laws, many states have not adopted the laws and have no mechanisms to ensure enforcement. An employment quota law reserves 4 percent of federal government jobs for persons with disabilities, but NGOs and special interest groups claimed the quota often was not respected in practice.

According to the Ministry of Labor's Office for Disabled Persons, more than 12,000 persons with disabilities had obtained jobs through Ministry of Labor programs in the city of Buenos Aires as of May 27. The programs included various benefits for disabled workers, such as free job training programs.

A pattern of inadequate facilities and poor conditions continued in some mental institutions. For example, the Jose T. Borda Hospital Psychiatric Hospital in Buenos Aires remained in poor condition and failed to provide basic necessities to patients, according to local human rights organizations and press reports. In July the Ombudsman's Office reported that the hospital lacked gas supplies, heating, and warm water for three months during the winter.

The National Advisory Committee for the Integration of People with Disabilities, under the National Council for Coordination of Social Policies, has formal responsibility for actions to accommodate persons with disabilities.

The government's actions to improve respect for the rights of persons with disabilities included a program that Buenos Aires Province started in September establishing economic incentives for municipalities that hire persons with disabilities to serve as civil servants. The program stipulated that municipalities participating in the program would receive a subsidy payment from the provincial Ministry of Labor.

The Convention on the Rights of Persons with Disabilities

Argentina signed the Convention and Optional Protocol on 30/3/2007. Argentina ratified the Convention and the Optional Protocol on 2/9/2008.

Bahamas, The

Persons with Disabilities

There is no specific law protecting persons with physical or mental disabilities from discrimination in employment, education, access to health care, or the provision of other state services. However, provisions in other legislation address the rights of persons with disabilities, including a prohibition of discrimination on the basis of disability. Although the law mandates access for persons with physical disabilities in new public buildings, the authorities rarely enforced this requirement, and very few buildings and public facilities were accessible to persons with disabilities. Advocates for persons with disabilities complained of widespread job discrimination and general apathy on the part of private employers and political leaders toward the need for training and equal opportunity.

The Disability Division within the Ministry of Labor and Social Development reported providing the following services during the year: disability allowances to disabled persons; financial assistance to procure prosthetics, wheelchairs, hearing aids, and other assistive devices; regular prosthetic committee meetings; annual government grants to NGOs serving the disabled community; crisis intervention counseling; and Braille classes.

In May the media reported allegations of patient abuse at the Sandilands psychiatric facility. Orderlies were accused of violently abusing institutionalized patients, and nurses were said to be too afraid to speak out.

A mix of government and private residential and nonresidential institutions provided education, training, counseling, and job placement services for adults and children with both physical and mental disabilities.

Other Relevant References

The Department of Social Services is responsible for abandoned children up to 18 years of age but had very limited resources at its disposal. The government found foster homes for some children, and the government hospital housed abandoned children with physical disabilities when foster homes could not be found.

The Convention on the Rights of Persons with Disabilities

The Bahamas has not signed the Convention.

Barbados

Persons with Disabilities

There are no laws that specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services, other than constitutional provisions asserting equality for all. In practice persons with disabilities faced some discrimination. The Ministry of Social Care, Constituency Empowerment, and Community

Development operated a Disabilities Unit to address the concerns of persons with disabilities, but parents complained of added fees and transport difficulties for children with disabilities at public schools. Although persons with disabilities continued to face social stigma preventing them from fully participating in society, attitudes were slowly evolving. Persons with disabilities generally experienced hiring discrimination as well as difficulty in achieving economic independence.

The Barbados Council for the Disabled, the Barbados National Organization for the Disabled, and other NGOs indicated that access and transportation remained the primary challenges facing persons with disabilities. Many public areas lacked the necessary ramps, railings, parking, and bathroom adjustments to accommodate such persons, and affordable, reliable transportation for them remained elusive. However, some measures were made to address transportation concerns through private transportation providers and disabled rights NGOs.

While no legislation mandates provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department set provisions for all public buildings to include accessibility to persons with disabilities. As a result, most new buildings had ramps, reserved parking, and special sanitary facilities for such persons. The Barbados Council for the Disabled and other NGOs promoted and implemented sensitization and accessibility programs designed to help persons with disabilities enjoy the inclusion and services that other citizens enjoy.

The Disabilities Unit continued numerous programs for persons with disabilities, including Call-a-Ride and Dial-a-Ride public transportation programs, sensitization workshops for public transportation operators, inspections of public transportation vehicles, sign language education programs, integrated summer camps, and accessibility programs.

The Convention on the Rights of Persons with Disabilities

Barbados signed the Convention on 19/7/2007.

Belize

Constitution and Laws

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

Persons with Disabilities

Although the law does not expressly prohibit discrimination against persons with physical and mental disabilities, the constitution provides for the protection of all citizens from any type of discrimination. The law does not provide for accessibility for persons with disabilities.

Informal government-organized committees for persons with disabilities were tasked with public education and enforcing protection. Private companies and NGOs provided services to persons with disabilities. The Ministry of Education maintained an educational unit offering limited special education programs within the regular school system. There were two schools and four special education centers for children with disabilities.

The prime minister's wife continued advocacy campaigns on behalf of persons with disabilities, partnered with CARE-Belize to promote schools that made efforts to create inclusive

environments for persons with disabilities, and proposed a program for Belize City to support children with disabilities. In November construction started on a mental health day-care resource center in Belize City to facilitate social support and training for income generation of the homeless and people with mental health problems as well as provide daily meals, medical referrals, and recreation activities for beneficiaries.

The Convention on the Rights of Persons with Disabilities

Belize signed the Convention on 9/5/2011 and ratified the Convention on 2/6/2011.

Bolivia

Constitution and Laws

The constitution explicitly prohibits discrimination based on race, gender, disability, language, or social status.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The law requires wheelchair access to all public and private buildings, duty-free import of orthopedic devices, a 50 percent reduction in public transportation fares for persons with disabilities, and expanded teaching of sign language and Braille. However, the government did not effectively enforce these provisions. In addition societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society.

The National Committee for Persons with Disabilities is responsible for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Bolivia signed the Convention and Optional Protocol on 13/8/2007. Bolivia ratified the Convention and the Optional Protocol on 16/11/2009.

Brazil

Constitution and Laws

The law prohibits and penalizes discrimination on the basis of race, gender, disability, or social status, but discrimination continued against women, Afro-Brazilians, gays and lesbians, and indigenous persons.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, and access to health care, and the federal government effectively enforced these provisions. While federal and state laws provide for access to buildings for persons with disabilities, states did not enforce them effectively.

Federal laws establish the basic rights to accessibility and access to information for persons with disabilities. The National Council for the Rights of Handicapped Persons and the National Council for the Rights of the Elderly, both within the SDH, have primary responsibility for

promoting the rights of persons with disabilities. According to the SDH, specific problems included the short supply of affordable orthotics and prosthetics, scarcity of affordable housing with special adaptations, need for more accessibility to public transport, and shortage of schools with facilities for physically challenged persons.

Beginning in July all residences built under the second version of the Ministry of Cities' public housing program must be constructed to meet accessibility standards for persons with disabilities.

In July the Sao Paulo state governor launched the Fast Track Employment Program, which offers public financial assistance for vocational training in 330 of 628 state public-sector job vacancies to persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Brazil signed the Convention and Optional Protocol on 30/3/2007. Brazil ratified the Convention and the Optional Protocol on 1/8/2008.

Canada

Constitution and Laws

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or in other areas, and the government effectively enforced these prohibitions. The government effectively implemented laws and programs mandating access to buildings, information, and communications for persons with disabilities.

A class-action lawsuit against the Huronia Regional Centre, a former facility operated by the province of Ontario for persons with developmental disabilities, which was filed in 2010 by former residents alleging systemic abuse and neglect, remained pending at year's end. In August a court in Ontario allowed two similar lawsuits against the Rideau Regional Centre and the Southwest Regional Centre to proceed.

Proper facilities existed for the treatment of the mentally ill, but mental health advocates asserted that the prison system was not sufficiently equipped or staffed to provide the care necessary for those in the criminal justice system, resulting in cases of segregation and self-harm.

Other Relevant References

There were no known reports of societal violence or discrimination against persons with HIV/AIDS. Courts generally interpreted prohibitions against discrimination on the basis of disability in federal and provincial human rights statutes to include discrimination against persons with HIV/AIDS.

The Convention on the Rights of Persons with Disabilities

Canada signed the Convention on 30/3/2007. Canada ratified the Convention on 11/3/2010.

Chile

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government enforced these prohibitions. However, such discrimination continued to occur.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services, and the government effectively enforced these provisions. However, persons with disabilities suffered forms of de facto discrimination. Law 20,422, which came into effect in February 2010, establishes norms for equal opportunity and social inclusion for persons with disabilities. The law provides for universal equal access to buildings, information, and communications. However, most public buildings did not comply with legal accessibility mandates. An improved transportation system in Santiago provided additional, but still limited, accessibility for persons with disabilities. Public transportation outside of the capital remained problematic.

The 2010 law also created the National Service for the Disabled (SENADIS), which replaced the National Fund for Persons with Disabilities. SENADIS operates under the jurisdiction of the Ministry of Planning and has responsibility for protecting the rights of persons with disabilities and creating programs to promote their better integration into society.

A number of communities around Santiago built parks that cater to the needs of children with physical, visual, and hearing impairments. This effort was part of a larger government initiative to provide universal access to public spaces.

Other Relevant References

In isolated instances prisoners died due to lack of clear prison procedures and insufficient medical resources. Prison officials reported that there were 161 deaths during the year, compared with 249 in 2010. Prisoners with HIV/AIDS and mental disabilities failed to receive adequate medical attention in some prisons.

The Convention on the Rights of Persons with Disabilities

Chile signed the Convention and Optional Protocol on 30/3/2007. Chile ratified the Convention and the Optional Protocol on 29/7/2008.

Colombia

Constitution and Laws

Although the law specifically prohibits discrimination based on race, gender, disability, language, or social status, in practice many of these prohibitions were not enforced.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government sought to enforce these prohibitions. No law mandates access to public buildings,

information, and telecommunications for persons with disabilities, limiting the power of the government to penalize schools or offices without access, but both national and local governments promoted programs aimed at improving access for the disabled. The Presidential Program for Human Rights is responsible for protecting the rights of persons with disabilities.

Other Relevant References

Despite several government initiatives to enhance IDP access to services and awareness of their rights, many IDPs continued to live in poverty with unhygienic conditions and limited access to health care, education, or employment. In 2004 the Constitutional Court ordered the government to reformulate its IDP programs and policies, including improving the registration system. Since then the court has issued more than 100 follow-up decisions, some addressing specific cross-cutting issues such as gender, disabled persons, and ethnic minorities, and others analyzing specific policy components such as land and housing.

The Convention on the Rights of Persons with Disabilities

Colombia signed the Convention on 30/3/2007 and ratified on 10/5/2011.

Costa Rica

Constitution and Laws

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

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, health-care access, or other state services. There were no reports of discriminatory practices in education or in the provision of other state services. The Ombudsman's Office reported that despite institutional efforts to improve the situation, there were isolated instances where a lack of interagency coordination prevented the implementation of comprehensive strategies to protect the fundamental rights of persons with disabilities. The Ombudsman's Office reported problems in access to employment for persons with disabilities.

Although the law mandates access to buildings for persons with disabilities, the government did not enforce this provision in practice, and many buildings remained inaccessible to persons with disabilities. During 2010 the Ombudsman's Office received reports of lack of access to public transportation, including noncompliance with accessibility requirements or malfunctioning of hydraulic wheelchair lifts for public transportation vehicles.

A political party, Accessibility without Exclusion, represented the interests of persons with disabilities and held four seats in the Legislative Assembly.

The Convention on the Rights of Persons with Disabilities

Costa Rica signed the Convention and Optional Protocol on 30/3/2007. Costa Rica ratified the Convention and the Optional Protocol on 1/10/2008.

Cuba

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, or social status. However, racial discrimination occurred frequently.

Persons with Disabilities

There was no known law prohibiting official discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. However, a Ministry of Labor and Social Security resolution gives persons with disabilities the right to equal employment opportunities and equal pay for equal work. There are no laws mandating accessibility to buildings, communications facilities, or information for persons with disabilities, and in practice facilities and services were rarely accessible to persons with disabilities.

The Special Education Division of the Ministry of Education is responsible for the education and training of children with disabilities. The Ministry of Labor and Social Security is in charge of the Job Program for the Handicapped.

In January 2010 at least 26 patients died of hypothermia and malnutrition at the government-run Mazorra Psychiatric Hospital in Havana when temperatures dropped to near freezing; hospital employees had sold the patients' food, medicine, and blankets on the black market. On January 31, a court sentenced 14 individuals, including the hospital's director, to prison terms of up to 15 years for their role in the deaths.

Other Relevant References

Political prisoners and the general prison population were kept in similar conditions. By refusing to wear standard prison uniforms, political prisoners frequently were denied certain privileges such as access to prison libraries and standard reductions in the severity of their sentence (for example, being transferred from a maximum-security to a medium-security prison or work camp). The government sometimes placed healthy prisoners in cells with mentally disturbed inmates. Political prisoners also reported being threatened or harassed by fellow inmates whom they thought were acting on orders of prison authorities.

The Convention on the Rights of Persons with Disabilities

Cuba signed the Convention on 26/4/2007. Cuba ratified the Convention on 6/9/2007.

Dominica

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities, and there is no legal requirement mandating access to buildings for such persons. Other than lack of access, there was no reported formal discrimination against them in employment, education, access to health care, or the provision of other state services. However, many employers refused to hire persons with disabilities, and unemployment among them was very high.

The government funded a special school for the hearing impaired and partially assisted two other schools for vision impaired and mentally challenged children. One of the public schools

also had a program for autistic children. However, the education of children with disabilities remained a serious challenge, as many of the children were in rural areas.

Other Relevant References

There were no government restrictions on the formation of local human rights organizations, although no such groups existed. Several advocacy groups, such as the Association of Disabled People, the Dominica National Council of Women (DNCW), and a women's and children's self-help organization, operated freely and without government interference.

The minimum wage law establishes a base wage of EC\$5.00 (approximately \$1.87) per hour for all public and private workers. The minimum wage varies according to category of worker, with the lowest minimum wage set at EC\$4.00 (\$1.50), and the maximum at EC\$5.50 (\$2.06) per hour. Most workers (including domestic employees) earned more than the legislated minimum wage as prevailing wages were much higher than statutory minimum wages. Enforcement is the responsibility of the labor commissioner. Labor laws provide that the labor commissioner may authorize the employment of a person with disabilities at a wage lower than the minimum rate to enable that person to be employed gainfully. The labor commissioner has not authorized subminimum wages for the last few years.

The Convention on the Rights of Persons with Disabilities

Dominica signed the Convention on 30/3/2007.

Dominican Republic

Constitution and Laws

Although the new constitution prohibits discrimination based on race, gender, disability, language, and social status, such discrimination existed, and the government seldom acknowledged its existence or made efforts to address the problem.

Persons with Disabilities

Although the law prohibits discrimination against persons with disabilities, these individuals encountered discrimination in employment and in obtaining other services. The law provides for physical access for persons with disabilities to all new public and private buildings, but the authorities did not enforce this provision. The Dominican Association for Rehabilitation, which had 23 branches around the country, received a large subsidy from the Secretariat of Public Health and from the Presidency to provide rehabilitation assistance to persons with physical and learning disabilities. The association cited the lack of accessible public transportation for persons with disabilities as a major impediment. The 2000 disability law states that the government should ensure that people with disabilities have access to the labor market and cultural, recreational, and religious activities.

Discrimination against persons with mental illness was common across all public and private sectors, and there were few resources dedicated to the mentally ill.

Other Relevant References

There were also insufficient efforts to segregate and provide services to mentally ill prisoners, except in the case of the CRCs in which the mentally ill were separated and received medical treatment, including therapy, for their illnesses.

The Convention on the Rights of Persons with Disabilities

The Dominican Republic signed the Convention and Optional Protocol on 30/3/2007. The Dominican Republic ratified the Convention and the Optional Protocol on 18/8/2009.

Ecuador

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, language, or social status. However, the government did not fully enforce these prohibitions. Women; persons with disabilities; indigenous persons; Afro-Ecuadorians; and lesbian, gay, bisexual, and transgender (LGBT) persons continued to face discrimination.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities and grants them priority and specialized care in the public and private sectors. The interagency National Council on Disabilities oversees government policies regarding persons with disabilities. Although the law mandates access to buildings and promotes equal access to health, education, social security, employment, transport, and communications for persons with disabilities, the government did not fully enforce it. The law requires that 4 percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities. In 2010, according to government information, only 35 percent of the 1,532 audited companies complied with this law.

An initiative called Ecuador without Barriers, led by the vice president of the country, sought to create jobs for persons with disabilities, provided funding to more than 200 municipalities to improve access to public buildings, and opened training and rehabilitation centers. The initiative also monitored the degree of compliance by companies that hire persons with disabilities. In addition to this program, the government was building centers for those considered intellectually disabled. The caregivers of persons with severe disabilities received a government monthly subsidy of \$240.

The law directs the electoral authorities to provide access and facilitate voting to persons with disabilities, and international observers commended the government's accommodations for persons with disabilities in the May 7 national referendum.

The Convention on the Rights of Persons with Disabilities

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

El Salvador

Constitution and Laws

Although the constitution and the legal code provide that all persons are equal before the law and prohibit discrimination regardless of race, gender, disability, language, or social status, in practice the government did not effectively enforce these prohibitions. There was discrimination against women; persons with disabilities; lesbian, gay, bisexual, and transgender (LGBT) persons; and indigenous people. The SIS, headed by First Lady Vanda Pignato, made efforts to overcome traditional bias in all these areas.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. According to the National Council for Comprehensive Attention to Persons with Disability (CONAIPD), the government did not allocate sufficient resources to enforce these prohibitions effectively, particularly in education, employment, and transportation, and did not effectively enforce legal requirements for access to buildings, information, and communications for persons with disabilities. There are almost no access ramps or provisions for the mobility of persons with sight and hearing disabilities.

Only 5 percent of businesses and no government agency fulfilled the legal requirement of hiring one person with disabilities for every 25 hires.

On March 17, the Legislative Assembly amended the electoral code to allow deaf, blind, and mute people to run as municipal and legislative candidates.

Several public and private organizations promoted the rights of persons with disabilities, including the Telethon Foundation for Disabled Rehabilitation and the Salvadoran National Institute for the Disabled (ISRI). The Rehabilitation Foundation, in cooperation with ISRI, continued to operate a treatment center for persons with disabilities. However, CONAIPD reported that the government provided minimal funding for ISRI. The vast majority of persons with disabilities received care at home by relatives with little or no government support or supervision.

CONAIPD--composed of representatives of multiple government entities--is the government agency responsible for protecting disability rights, but it lacks enforcement power.

There were no reported patterns of abuse in prisons or in educational or mental health facilities, although CONAIPD reported isolated incidents, including sexual abuse, in those facilities.

CONAIPD reported that persons were fired after becoming disabled, persons with disabilities were not considered for work for which they qualified, and some schools would not accept children with disabilities due to lack of facilities and resources. There is no formal system for filing a complaint with the government.

During the year the SIS and CONAIPD conducted awareness campaigns, provided sensitivity training, promoted employment of persons with disabilities, and trained doctors and teachers about rights of persons with disabilities.

Other Relevant References

Rape and Domestic Violence: The law criminalizes rape. While not specifically addressed in the law, spousal rape may be considered a crime if the actions meet the criminal code definition of rape. The law requires the OAG to prosecute rape cases whether or not the victim presses charges, and the law does not permit the victim's pardon to nullify the criminal charge. The penalty for rape is six to 10 years' imprisonment, but the law provides for a maximum sentence of 20 years for rape of certain classes of victims, including children and persons with disabilities.

The Convention on the Rights of Persons with Disabilities

El Salvador signed the Convention and Optional Protocol on 30/3/2007. El Salvador ratified the Convention and the Optional Protocol on 14/12/2007.

Grenada

Persons with Disabilities

The constitution and law do not protect job seekers with disabilities from discrimination in employment. Although the law does not mandate access to public buildings or services, building owners increasingly incorporated disabled access into new construction and premises renovation. The government provided for special education throughout the school system; however, most parents chose to send their children to three special education schools operating in the country. Persons with disabilities had full access to the health-care system and other public services, faced no discrimination in access to information and communication, and suffered no restrictions on the right to vote or to participate fully in civic affairs. The government and nongovernmental organizations (NGOs) continued to provide training and work opportunities for such persons. The Ministry of Social Services includes an office responsible for looking after persons with disabilities, as well as the Council for the Disabled, which reviews disability-related issues.

Other Relevant References

In July a prison guard shot and killed a man who was allegedly breaching the fence at Her Majesty's Prison; the DPP concluded there was no criminal liability. In November the police killed a mentally unstable man who attacked an officer with a machete, in which the DPP also found no criminal liability. Both cases were referred to the coroner for further investigation. At year's end the CID, in coordination with the DPP, was investigating the December 26 death of a Canadian-Grenadian citizen whom police allegedly beat while in custody.

The Convention on the Rights of Persons with Disabilities

Grenada signed the Convention on 12/7/2010.

Guatemala

Constitution and Laws

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. In practice the government frequently did not enforce these provisions due to inadequate resources, corruption, and a dysfunctional judicial system.

Persons with Disabilities

The constitution contains no specific prohibitions against discrimination based on physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. The law, however, mandates equal access to public facilities and provides some other legal protections. In many cases persons with physical and mental disabilities did not enjoy these rights, and the government devoted few resources to addressing the problem. The law does not mandate that persons with disabilities have access to information or communications. The National Council for Persons with Disabilities reported that few of the country's persons with disabilities attended educational institutions or held jobs. The council, composed of representatives of relevant government ministries and agencies, is the principal government entity responsible for protecting the rights of persons with disabilities. It met regularly to discuss initiatives and had a budget of five million quetzales (\$640,000).

There were minimal educational resources for persons with special needs, and the majority of universities did not have accessible facilities for persons with disabilities.

On December 10, a group of 35 persons with disabilities protested at the Urban Transport (Transurbano) headquarters in Guatemala City over the lack of accessible public transportation in the country. Transurbano's spokesperson dismissed the protesters as misinformed.

The National Hospital for Mental Health, the principal health provider for persons with mental illness, lacked basic supplies, equipment, hygienic living conditions, and adequate professional staffing.

Other Relevant References

On June 17, former chief of the defense staff Hector Mario Lopez Fuentes was arrested on charges of genocide, crimes against humanity, and forced disappearance. Prosecutors claimed that Lopez Fuentes gave the orders that resulted in 12 massacres and the deaths of 317 people between 1982 and 1983 in the Ixil region of the Quiche Department. Retired brigadier general Jose Mauricio Rodriguez Sanchez, the director of military intelligence under Lopez Fuentes, was arrested on October 12 and also charged with these crimes. At year's end both suspects were being held in preventive detention awaiting trial. On October 24, former defense minister Oscar Humberto Mejia Victores, charged with being the intellectual author of a policy of genocide, surrendered to authorities in connection with the Lopez Fuentes and Rodriguez Sanchez cases. However, government medical experts declared the 80-year-old unfit to stand trial due to age-related mental illness. He was being held in a military hospital at year's end.

The Convention on the Rights of Persons with Disabilities

Guatemala signed the Convention and Optional Protocol on 30/3/2007. Guatemala ratified the Convention and the Optional Protocol on 7/4/2009.

Guyana

Constitution and Laws

While the constitution prohibits discrimination based on race, gender, disability, language, social status, religion, or national origin, the government did not always effectively enforce these prohibitions.

Persons with Disabilities

The constitution mandates the state to “take legislative and other measures” designed to protect disadvantaged persons and persons with disabilities. The law provides for equal protection and for a National Commission on Disabilities to advise the government, coordinate actions on issues affecting persons with disabilities, and implement and monitor the law. The commission focused its attention on sensitizing the public about the law and on compliance. The commission conducted workshops, meetings, and panel discussions and provided advocacy for persons living with disabilities. Lack of appropriate infrastructure to provide access to both public and private facilities made it difficult for persons with disabilities to be employed outside their homes. The Open Door Center offered assistance and training to persons with disabilities throughout the year.

Other Relevant References

There was one death in prison, which occurred when three prisoners attacked a fourth, who died as a result of a fractured skull. Authorities charged the three with murder. Following an inmate-upon-inmate killing in 2010, the GPS announced measures to keep mentally unstable inmates segregated from the general prison population until construction of a separate facility to hold them, and authorities held 35 inmates isolated from the general prison population at the Georgetown facility.

The Convention on the Rights of Persons with Disabilities

Guyana signed the Convention on 11/4/2007.

Haiti

Constitution and Laws

The law does not specifically prohibit discrimination on the grounds of race, gender, disability, language, or social status. It does provide for equal working conditions regardless of gender, beliefs, or marital status. However, no effective governmental mechanism administered or enforced these provisions.

Persons with Disabilities

The constitution and laws do not explicitly prohibit discrimination against persons with physical and mental disabilities, and there were no reports of discrimination by the government against persons with disabilities in employment, education, access to health care, or the provision of other state services. However, because of widespread and chronic poverty, a shortage of public services, and limited educational opportunities, persons with disabilities were severely disadvantaged.

The Secretariat of State for the Integration of Handicapped Persons (SEIPH) is the lead government agency responsible for providing assistance to persons with disabilities and ensuring that their concerns are taken into account, especially during the reconstruction phase. In practice the UN provided most of the coordination and NGOs provided most of services, with SEIPH acting primarily as an advocate within the government. SEIPH estimated there were 800,000 persons with disabilities, plus an estimated additional 5,000-10,000 as a result of injuries from the 2010 earthquake, including 5,000 new amputees. Only 3 percent of children with disabilities had access to schools. Handicap International provided comprehensive services to a limited number of persons including prostheses, psychosocial counseling, and training.

The conditions in the state hospital for mental illness were well below international standards, with patients often living in harsh conditions. Patients were frequently restrained in order to keep them from wandering, and many of them were kept isolated in small rooms without windows and without adequate or regular access to hygiene. Staff in the hospitals were insufficient to meet patients' needs and were often untrained for providing mental health services. As a group, people with mental illness or developmental disabilities were consistently marginalized, neglected, and abused in general society. For example, family members frequently tied up persons with cognitive disabilities or mental illness for long periods of time. There was a general stigma against all forms of mental illness. Much of this neglect and abuse stems from a lack of understanding of mental health, mental illness, and disability. A lack of quality mental health services, as well as a lack of advocacy and awareness-raising activities in support of this population, exacerbated and perpetuated the misunderstanding. There were only approximately 20 psychiatrists in the country, most of whose training and credentials were antiquated. Under such conditions the majority of the mentally ill did not receive adequate mental health services.

The Convention on the Rights of Persons with Disabilities

Haiti ratified the Convention and the Optional Protocol on 23/7/2009.

Honduras

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, but it was not effectively enforced. Political, military, and social elites generally enjoyed impunity under the legal system. Women and other vulnerable groups continued to suffer social and economic discrimination.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. Enforcement is the responsibility of the Secretariat of Labor and Social Security (STSS) ; however, it focuses primarily on workplace safety and pay issues. Statutory provisions make it illegal for an employer to discriminate against a worker based on disability. There were no verifiable reports of discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The law requires access to buildings for persons with disabilities. In practice few buildings were accessible, and the federal

government did not effectively implement laws or programs to ensure such access. The government has a disabilities unit in the Secretariat of Social Development and a special commissioner for disabilities in the Secretariat of the Presidency.

Other Relevant References

Persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, were held with the general prison population. Authorities at the Dr. Marco Aurelio Soto National Penitentiary at Tamara reported that, while their facility was the only prison in the country with an antiretroviral treatment program, the facility did not have necessary materials to test for or diagnose HIV/AIDS, tuberculosis, or diabetes. For the nearly 3,000 inmates held at Tamara, there was only one dentist, and the surgical facility lacked anesthesia, surgical gloves, and needles.

The Convention on the Rights of Persons with Disabilities

Honduras signed the Convention on 30/3/2007 and Optional Protocol on 23/8/2007. Honduras ratified the Convention on 14/4/2008 and the Optional Protocol on 16/8/2010.

Jamaica

Persons with Disabilities

There are no laws prohibiting discrimination against persons with disabilities or mandating accessibility for persons with disabilities. Although the government ratified the UN Convention on the Rights of Persons with Disabilities in 2007, there were no reports of actions taken to implement the provisions of the convention. Persons with disabilities encountered discrimination in employment and denial of access to schools. Discrimination in access to education was particularly pronounced at the primary level. Fewer problems were reported in secondary schools, and tertiary institutions, including community colleges, were increasingly drafting policies ensuring full inclusion of persons with disabilities. Health care reportedly was universally available.

Prior to the December elections, Human Rights Watch pointed out that many polling stations were inaccessible to persons with disabilities, but the government responded that it would be impractical to make changes to ensure accessibility so close to the elections. Nonetheless, election officials made efforts to accommodate voters with accessibility issues, by recruiting other voters to carry a wheelchair up a flight of steps or moving and carrying the prefabricated cardboard voting booth to the voter. After the December elections, both houses of Parliament announced plans to provide the oath of allegiance in Braille to accommodate visually impaired persons.

The Ministry of Labor has responsibility for the Jamaica Council for Persons with Disabilities, which had a budget of 54 million (J\$661,770) in 2010-11. The council distributes economic empowerment grants of up to J\$50,000 (\$613) to persons with disabilities to help them embark on small entrepreneurial ventures, such as vending or furniture making, or to provide them with assistive aids, such as prosthetics or hearing aids. Smaller rehabilitation grants of up to J\$15,000 (\$185) are available for similar purposes. The Ministry of Labor also has responsibility for the Early Stimulation Project, an education program for children with disabilities, as well as the Abilities Foundation, a vocational program for older persons with disabilities.

Other Relevant References

Other scheduled trials included that of police corporal Malica Reid, charged with the November 2010 killing of prominent businessman Frederick “Mickey” Hill, which began on October 28 and was rescheduled for January 2012. The case of Detective Sergeant Lloyd Kelly, charged with the July 2010 killing of a mentally disturbed man, was also to go to court in January 2012. The Home Circuit Court rescheduled the trial of three policemen, Loui Lynch, Paul Edwards, and Victor Barrett, involved in the 2004 abduction and killing of Kemar Walters and Oliver Duncan, to April 16, 2012. The Special Coroner Court was scheduled to consider the 2007 police shooting deaths of Dexter Hyatt and Tian Wolfe in November but postponed it to a later date.

Overcrowding and poor living conditions remained severe problems. At the St. Catherine Adult Correctional Institution in Spanish Town, inmates shared dark, unventilated, and dirty cells. Designed to hold 800 inmates, the facility held 1,200. Constructed to hold 50 detainees, each cell held an average of 138 detainees. Police officers at the facility reported that the mentally ill detainees were locked up in the bathroom of the holding section. Some detainees also were held in the prison’s medical facility.

Throughout the system medical care was poor, primarily a result of having only three full-time doctors and one full-time nurse on staff. Four part-time psychiatrists cared for at least 225 diagnosed mentally ill inmates in 12 facilities across the island. Prisoners in need of dentures and unable to eat the prison food encountered difficulties gaining access to a dentist. Prison food was poor, and prison authorities frequently ignored inmates’ dietary restrictions.

If a detainee requests access to counsel, the law requires police to contact duty counsel (a private attorney who volunteers to represent detainees at police stations and until cases go to trial) under the Legal Aid Program; however, authorities continued to wait until after detainees had been identified in a lineup before contacting duty counsel for them. There was a functioning bail system, and detainees were provided with prompt access to family members. A constitutional amendment passed during the year ensures legal assistance if someone does not have sufficient means to pay for legal representation and provides that a civil organization may initiate an application on behalf of a detainee or a mentally ill person.

The Convention on the Rights of Persons with Disabilities

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

Mexico

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status. While the government continued to make progress enforcing these provisions, significant problems, particularly violence against women, persisted.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other services. However, the government did not effectively enforce all these stipulations. Public buildings and

facilities in Mexico City did not comply with the law requiring access for persons with disabilities, although the federal government stated that entrances, exits, and hallways in all of its offices were accessible to persons with disabilities. The education system provided special education for approximately 485,170 students with disabilities nationwide.

According to the National Commission for Persons with Disabilities, 63 percent of children with disabilities between the ages of six and 14 attended school, compared with 92 percent for those in the same age range without disabilities. Only 4 percent of the overall population with disabilities had finished university. According to the National Council to Prevent Discrimination, 60 percent of all persons with disabilities reported insufficient access to public or private health care. The CNDH received 41 complaints of discrimination against persons with physical disabilities and six complaints of discrimination against persons with mental disabilities during the year.

The secretary of health collaborated with the secretaries of social development, labor, and public education, as well as with the Integral Development of the Family (DIF) and the Office for the Promotion and Social Integration of the Disabled, to protect the rights of persons with disabilities. The government established offices and programs for the social integration of persons with disabilities, including a program to enhance job opportunities and launch an online portal to disseminate information and assistance.

In its 2010 study, Disability Rights International (DRI) found widespread human rights abuses in mental institutions and care facilities across the country, including those for children. Abuses against disabled persons included lack of access to justice, the use of physical and chemical restraints and unconsented lobotomies on some patients, physical and sexual abuse, and trafficking of children with mental disabilities. Persons with disabilities often lacked adequate privacy and clothing and often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or outsiders at facilities where there was little supervision.

DRI reported in 2010 that at the Samuel Ramirez Moreno Psychiatric Hospital in Mexico City, a man was restrained with a helmet and arm restraints during the day and bed restraints at night from at least March to September 2010. Authorities at the institution stated that long-term restraints were the only option they had to control the patient and that they were not administering any other form of treatment or therapy to improve his condition.

At the Cruz del Sur Psychiatric Hospital in Oaxaca in 2010, DRI investigators found a woman being held in a bed with restraints despite evidenced distress because she spoke an indigenous language that no member of the staff knew. The staff planned to keep her in restraints until members of her family arrived and could translate.

According to a 2010 survey by the National Council to Prevent Discrimination, 55 percent of persons with disabilities reported an income insufficient to cover their basic needs. More than 50 percent of those surveyed stated that their primary source of income was their family and only 40 percent reported having a job.

Other Relevant References

Instances of cruel, inhuman, and degrading treatment were reported to occur in public mental health institutions, including the use of unconsented lobotomies on persons with disabilities

Institutionalized Children: The NGO Disability Rights International found in a 2010 study that mentally disabled children in orphanages and care facilities were subject to a number of grave abuses, including trafficking in persons

The Convention on the Rights of Persons with Disabilities

Mexico signed the Convention and Optional Protocol on 30/3/2007. Mexico ratified the Convention and the Optional Protocol on 17/12/2007.

Nicaragua

Constitution and Laws

The law prohibits discrimination on the basis of race, gender, disability, language, or social status. In practice the government often did not enforce these legal prohibitions, and aggrieved persons filed few discrimination suits or formal complaints.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but in practice such discrimination was widespread in employment, education, access to health care, and the provision of state services. Laws related to persons with disabilities did not stipulate penalties for noncompliant companies, although penalties may be issued under the general labor inspection code. MiFamilia, the Ministry of Labor (MITRAB), and the PDDH are among government agencies responsible for the protection and advancement of rights for persons with disabilities. The government did not effectively enforce the law with regard to the protection of such individuals; did not mandate accessibility to buildings, information, and communications for them; and did not make information available on efforts to improve respect for their rights. Independent media reported that fewer than 1 percent of public sector employees were persons with disabilities, although that percentage is mandated by law, and that public institutions lacked coordination with the MITRAB regarding rights for persons with disabilities.

Persons with disabilities continued to have problems accessing schools, public health facilities, and other public institutions. Complaints continued regarding the lack of a handicap-accessible public transportation system in Managua. The government launched a fleet of 110 new buses during the year, some of which were handicap-accessible. However, in October *La Prensa* reported that only one of the handicap-accessible buses was operating and that bus stop facilities were not handicap-accessible.

Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care was generally poor.

The 2011 World Health Organization *World Report on Disability* estimated that only 0.40 percent of persons with disabilities attended compulsory elementary education. In 2010 MINSa reported that only one out of five students with disabilities finished primary school.

Other Relevant References

Trials are public, and the law provides defendants with the option of a jury trial. Defendants have the right to legal counsel, and the state provides public defenders for indigent persons. Defendants are presumed innocent until proven guilty and have the right of access to all

information and evidence registered with the government, as well as the right to know why and how it was obtained, but only during the discovery and trial phases, not during the pretrial period. Defendants can confront and question witnesses and also have the right to appeal a conviction. The law extends these rights to all citizens regardless of gender, ethnicity, disability, or other status. The courts continued to use the Napoleonic legal process for cases that were initiated before December 24, 2002.

The Convention on the Rights of Persons with Disabilities

Nicaragua signed the Convention on 30/3/2007 and Optional Protocol on 21/10/2008.

Nicaragua ratified the Convention on 7/12/2007 and the Optional Protocol on 2/2/2010.

Panama

Constitution and Laws

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

Persons with Disabilities

The law prohibits discrimination based on physical or mental disability, but the constitution permits the denial of naturalization to persons with mental or physical disabilities. The law mandates access to new or remodeled public buildings for persons with disabilities and requires that schools integrate children with special needs. In practice persons with disabilities experienced substantial discrimination in access to employment, education, health care, and other state services. Some public schools admitted children with mental and physical disabilities, but most did not have adequate facilities for children with special needs. The government installed ramps in some schools and mainstreamed some children with disabilities. Few private schools admitted children with special needs.

In June a group of persons with disabilities challenged Law 35 before the Supreme Court on grounds of discrimination and the protection of private information. The law, passed in August 2010, mandates that the National Electoral Tribunal include a person's disabilities as well as blood type and allergies on their national identification card in case of emergency. The law also requires the National Transportation Authority to include the same information on a state-issued drivers' license. By year's end there was no ruling from the court.

The National Secretariat for the Social Integration of Persons with Disabilities (SENADIS) is the government agency responsible for protecting the rights of persons with disabilities. The Ministry of Education and MIDES share responsibilities for educating and training minors with disabilities. SENADIS also distributes subsidies to NGOs dealing with disabilities issues.

The law stipulates a 2 percent quota for persons with disabilities within the workforce. The Ministry of Labor and Labor Development (MITRADEL) is responsible for referring workers with disabilities to employers for suitable jobs; however, in practice successful hiring by private sector employers remained difficult. From January to September, the Ombudsman's Office received 12 complaints of government violations involving the labor rights of persons with disabilities.

The government inaugurated with international funding four playgrounds accessible to persons with disabilities. In April the government decreed April Autism Month. The decree mandates interagency coordination for the development of educational and service programs for people with autism. In July the government signed an agreement with the Spanish NGO ONCE to provide training of blind and low-vision workers on ways to access the job market.

The government provided them with 50 balboas (\$50) per month and donated rehabilitation equipment to low-income persons with disabilities. The government also provided five vehicles to state-run hospitals and physical rehabilitation centers to allow for the proper transfer of patients in wheelchairs.

In September the Ministry of Social Development launched the Guardian Angel program, which provides a subsidy of 80 balboas (\$80) per month for children with severe physical disabilities. To qualify, the parents or guardian of a child must submit medical certification as to the severity of the disability and the child's dependency on another person. The family must also be living in poverty to qualify.

The Convention on the Rights of Persons with Disabilities

Panama signed the Convention and Optional Protocol on 30/3/2007. Panama ratified the Convention and the Optional Protocol on 7/8/2007.

Paraguay

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status. However, women, LGBT persons, and indigenous persons faced discrimination in practice.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The law does not mandate accessibility for persons with disabilities, and most of the country's buildings were inaccessible. Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The Ministry of Education estimated that at least half of all children with disabilities did not attend school because public buses could not accommodate them. The National Institute for the Protection of Exceptional People is responsible for legally confirming disability status.

As of March there were 686 government employees with disabilities, constituting approximately 1 percent of public-sector employees. On February 23, the Asuncion City Council approved an ordinance establishing architectural requirements for accessibility to buildings and on sidewalks, as well as fines for lack of compliance. There are no laws to ensure access to information and communications.

Other Relevant References

Discrimination and violence against women; indigenous persons; persons with disabilities; and lesbian, gay, bisexual, and transgender (LGBT) persons continued, as did trafficking in persons. Exploitation of child labor and violations of worker rights also remained serious problems.

The Convention on the Rights of Persons with Disabilities

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

Peru

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement lagged and discrimination persisted.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and establishes infractions and sanctions for noncompliance with specified norms. The constitution addresses social security, health, education, and employment matters for persons with disabilities as well as their right to engage in business, trade, and industry. The law provides for the protection, care, rehabilitation, security, and social inclusion of persons with disabilities; mandates that public spaces be free of barriers and accessible to persons with disabilities; and provides for the appointment of a disability rights specialist in the Ombudsman's Office. In addition the law mandates that Internet sites maintained by governmental, institutional, and other service providers be accessible to persons with disabilities and requires accessibility through the inclusion of sign language or subtitles in all educational and cultural programs on public television and in media alternatives in all public libraries.

In practice the government devoted limited resources to enforcement and training, and many persons with physical disabilities remained economically and socially marginalized. Governments at the national, regional, and local levels made little effort to provide access to public buildings. There were no interpreters for the deaf in government offices and no access to recordings or Braille for the blind. The majority of government Web sites remained inaccessible to persons with disabilities, and only the congressional television channel offered sign language interpretation.

The government failed to enforce laws safeguarding and attending to persons with mental disabilities in situations of social abandonment. The number of medical personnel providing services in psychiatric institutions was insufficient to care for all patients.

The Anne Sullivan Center for Persons with Disabilities reported cases of people who were denied the right to vote in the national elections during the year. One egregious case involved an individual who received training from elections officials on voting procedures but was subsequently labeled "disabled" and involuntarily removed from the voter registry.

A human rights ombudsman report published in December stated that many children with disabilities were unable to attend public schools due to lack of physical access. Nearly half of the country's public schools had no entrance ramps, and 88 percent lacked restrooms usable by persons with disabilities. Relatively few teachers (39 percent) had received any training in inclusive education.

Other Relevant References

The following human rights problems also were reported: killings by security forces of protesters during demonstrations, harsh prison conditions, abuse of detainees and inmates by prison security forces, lengthy pretrial detention and inordinate trial delays, intimidation of the media, incomplete registration of internally displaced persons, and discrimination against women. There also was discrimination against individuals with disabilities; members of racial and ethnic minority groups; indigenous persons; lesbian, gay, bisexual, and transgender persons; and persons with HIV/AIDS. Other problems were a lack of labor law enforcement and the exploitation of child labor, particularly in informal sectors.

Congressional committees included the Justice and Human Rights Committee and a committee for Health, Population, Family, and Persons with Disabilities. They issued no reports and had limited policy impact.

The court also ruled in the Pucayacu II case, sentencing Enrique de la Cruz Salcedo to 17 years in prison for the extrajudicial killing of seven persons in 1985. Another suspect in the case was found not guilty due to a mental illness he allegedly suffered at that time; a third suspect had fled, leading authorities to postpone his trial until his eventual capture.

The Convention on the Rights of Persons with Disabilities

Peru signed the Convention and Optional Protocol on 30/3/2007. Peru ratified the Convention and the Optional Protocol on 30/1/2008.

Saint Kitts and Nevis

Persons with Disabilities

While the law prohibits discrimination, it does not specifically cite discrimination against persons with disabilities. There was no reported discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The building code mandates access to buildings for persons with disabilities, but this code was not always followed or enforced.

Persons who are mentally ill and deemed a menace to society can be incarcerated for life; there were four such persons in the prison. Ministry of Health nurses in the various district health centers deal with persons with mental illness, and the General Hospital has a wing dedicated to caring for patients with mental illness.

Other Relevant References

There were no governmental restrictions on human rights groups, and there were several organizations that worked with marginalized groups such as women, children, the mentally challenged, the elderly, and the disabled.

The Convention on the Rights of Persons with Disabilities

Saint Kitts and Nevis has not signed the Convention.

Saint Lucia

Constitution and Laws

The constitution prohibits discrimination, but there was no specific legislation addressing discrimination in employment or against persons with disabilities.

Persons with Disabilities

No specific legislation protects the rights of persons with disabilities or mandates provision of government services for them. The government is obliged to provide disabled access to all public buildings, but only a few government buildings had ramps to provide access. There was no rehabilitation facility for persons with physical disabilities, although the Health Ministry operated a community-based rehabilitation program in residents' homes. There were schools for the deaf and the blind up to the secondary level. There also was a school for persons with mental disabilities; however, children with disabilities faced barriers in education, and there were few opportunities for such persons when they became adults.

A full mental health hospital and wellness center entered into full operation in 2010.

The Convention on the Rights of Persons with Disabilities

Saint Lucia signed the Convention on 22/9/2011.

Saint Vincent and the Grenadines

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services, and the government generally observed these prohibitions in practice. The law does not mandate access to buildings for persons with disabilities, and access for such persons generally was difficult. Communications were available for persons with disabilities, but the government did not have any programs to facilitate communication through technology. There were no restrictions on voting or other civic participation. The government partially supported a school for persons with disabilities. A separate rehabilitation center treated approximately five persons daily. The Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, and Persons with Disabilities is responsible for assisting persons with disabilities.

Other Relevant References

The August 2010 incident where a police officer shot and killed a mentally disturbed man during a civil disturbance and accidentally shot three girls went to a coroner's inquest. The coroner's jury ruled that the suspect's death was a death by misadventure.

The Convention on the Rights of Persons with Disabilities

Saint Vincent and the Grenadines ratified the Convention and the Optional Protocol on 29/10/2010.

Suriname

Constitution and Laws

The law prohibits discrimination based on race and ethnicity but does not address discrimination based on disability, language, or social status. In practice various sectors of the population--such as women, Maroons, Amerindians, persons with HIV/AIDS, and LGBT persons--suffered forms of discrimination.

Persons with Disabilities

There are no laws prohibiting discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of state services. In practice persons with disabilities suffered from discrimination when applying for jobs and services. Some training programs were provided for persons with visual or other disabilities. There are no laws or programs to ensure that persons with disabilities have access to buildings. A judge may rule that a person with a cognitive disability be denied the right to vote, take part in business transactions, or sign legal agreements. Persons with disabilities had equal access to information and communications. There were no reports of abuse in educational facilities for persons with disabilities. A Ministry of Social Affairs working group remained responsible for protecting the rights of persons with disabilities, but it made limited progress during the year.

The Convention on the Rights of Persons with Disabilities

Suriname signed the Convention on 30/3/2007.

Trinidad and Tobago

Persons with Disabilities

There are no statutes either prohibiting discrimination on the basis of disability or mandating equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, or other citizen services.

In practice persons with disabilities (an estimated 16 percent of the population) faced discrimination and denial of opportunities in the form of architectural barriers, employer reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist children with special needs to study, lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect.

Transportation was a particular concern, with only two buses accessible by persons with disabilities for a special on-call transportation service. A majority of bus stops were located on high sidewalks without ramps. Most government buildings and public places were not accessible. There were no restrictions on access to information, communications, voting, or participation in civic affairs.

The Convention on the Rights of Persons with Disabilities

Trinidad and Tobago signed the Convention on 27/9/2007.

Uruguay

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively, although societal discrimination against some groups persisted.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services; however, the government did not effectively enforce these provisions or promote programs to ensure access to buildings, information, and communications. Persons with disabilities reported discrimination in employment despite government efforts to assist in individual cases. While it did not discriminate against persons with disabilities, the government did not provide sufficient services such as accessible transportation.

The Uruguayan Institute for Educational Psychology reported that school-age children with disabilities, such as blindness or Down syndrome, received specially adapted laptops under Plan Ceibal (the Uruguayan One Laptop per Child program).

A national disabilities commission oversees implementation of a law on the rights of persons with disabilities. The law mandating accessibility for persons with disabilities to new buildings or public services was not consistently enforced. The law reserves 4 percent of public-sector jobs for persons with physical and mental disabilities, but the quota went unfilled.

Other Relevant References

Government Human Rights Bodies: The Commission Against Racism, Xenophobia, and All Forms of Discrimination, headed by the Ministry of Education and Culture's director for human rights, includes government, religious, and civil society representatives. The commission is responsible for proposing policies and specific measures to prevent and combat racism, xenophobia, and discrimination. Between its creation in 2007 and March 2010, the commission investigated 70 cases of alleged discrimination from Afro-Uruguayans, persons with disabilities, and lesbian, gay, bisexual, and transgender (LGBT) persons. However, the commission has had no allocated budget since the Mujica administration assumed office in March 2010. NGOs asserted that the commission did not react to several high-profile discrimination cases during the year.

The Convention on the Rights of Persons with Disabilities

Uruguay signed the Convention on 3/4/2007. Uruguay ratified the Convention on 11/2/2009.

Venezuela

Constitution and Laws

The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status; however, discrimination against women, persons with disabilities, and indigenous persons and discrimination based on sexual orientation were problems. On August 22, the National Assembly passed the Organic Law against Racial Discrimination, which President Chavez signed into law on December 19. The law aims to eliminate all forms of racial

discrimination, creates a new National Institute against Racial Discrimination to enforce the law, and provides for up to three years' imprisonment for acts of racial discrimination.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, and the provision of other state services, but the government did not make a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access, but persons with disabilities had minimal access to public transportation, and ramps were practically nonexistent. Online resources and access to information were generally available to persons with disabilities. The National Commission for Persons with Disabilities (Conapdis), an independent agency affiliated with the Ministry for Participation and Social Development, and the Mission Jose Gregorio Hernandez advocate for the rights of persons with disabilities and provide them with medical, legal, occupational, and cultural programs. Through the new Mission for the Children of Venezuela, announced on November 25, the government has undertaken to provide monthly subsidies of BsF 600 (\$140) to heads of households for each disabled child or adult whom they support.

The Convention on the Rights of Persons with Disabilities

Venezuela has not signed the Convention.