

# Consolidated Disability Findings from the 2012 U.S. State Department Country Reports on Human Rights Practices

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## East Asia and the Pacific

### Australia

#### **Constitution and Laws**

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

#### **Persons with Disabilities**

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

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

Schools are required to comply with the Disability Discrimination Act, and children with disabilities generally attended school. The federal government's Better Start initiative provided up to A\$12,000 (\$12,480) in funding for early intervention services and treatment for eligible children with disabilities. The government's More Support for Students with Disabilities initiative allocated A\$200 million (\$208 million) in additional funding for 2012 and 2013. The government also cooperated with state and territorial governments that ran programs to assist students with disabilities.

The HRC's annual report stated that 955 complaints citing 1,934 alleged grounds of discrimination were filed under the Disability Discrimination Act from July 2011 to June 2012. Of these, 31 percent related to employment, and 36 percent involved the provision of goods and services. The HRC resolved 976 complaints during the period, 451 through conciliation.

In July the federal and state governments agreed to launch the first stage of a National Disability Insurance Scheme (NDIS), beginning in July 2013, in South Australia, Tasmania, the Australian Capital Territory, and parts of New South Wales and Victoria. During the year the federal government committed approximately \$1 billion (\$1.04 billion) toward the first stage of the scheme. The NDIS aims to provide support for approximately 410,000 persons who have a permanent disability significantly affecting their communication, mobility, self-care, or self-management.

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## **Other Relevant References**

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

## **The Convention on the Rights of Persons with Disabilities**

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

## Brunei

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law does not prohibit discrimination against or mandate accessibility or other assistance for persons with disabilities. The government provided educational services for children with disabilities, but the level of services available was uneven. There were no reports of abuse in educational and mental health facilities. The Department for Community Development conducted several programs targeted at promoting awareness of the needs of persons with disabilities.

### **The Convention on the Rights of Persons with Disabilities**

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

## Burma

### **Constitution and Laws**

Chapter 8 of the constitution prohibits discrimination based on race, birth, religion, official position, status, culture, sex and wealth, but the government did not effectively enforce antidiscrimination laws.

### **Persons with Disabilities**

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

The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training. The government operated three schools

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for the blind, two for the deaf, two rehabilitation centers for adults with disabilities, and two for children with disabilities. However, the government provided inadequate funds for its schools and programs for persons with disabilities.

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

## **Other Relevant References**

The State Peace and Development Council continued to rule by decree and was not bound by any constitutional or statutory provisions concerning discrimination based on race, gender, disability, language, or social status.

The government did not permit media or other independent groups to monitor prison conditions. The government continued to deny the International Committee of the Red Cross (ICRC) unfettered access to prisons. As a result the ICRC could not follow the cases of more than 4,000 detainees, including prisoners of conscience, minors, foreigners, and sick and elderly prisoners. The government limited the ICRC's activities to supporting family visits to detainees and providing physical rehabilitation for landmine victims and other persons with disabilities. There was no ombudsman to serve on behalf of prisoners and detainees.

## **The Convention on the Rights of Persons with Disabilities**

Burma has not signed the Convention.

## **Cambodia**

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination, neglect, exploitation, or abandonment of persons with disabilities. It includes persons with mental illnesses and intellectual impairments in the definition of persons with disabilities and requires that public buildings and government services, including education, be accessible to persons with disabilities. The law does not address accessibility with respect to air travel or other transportation. The MOSAVY holds overall responsibility for protecting the rights of persons with disabilities, although the law assigns specific tasks to other ministries, including the Ministries of Health, Education, Public Works and Transport, and National Defense. The government requested that all television channels adopt sign-language interpretation for programming. As of December, one major

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television station had sign-language interpretation, and the Ministry of Information was working with the other stations to develop such capabilities. The government continued efforts to implement the law, although the full period for compliance in some cases extends to 2015. The Council of Ministers approved four sub-decrees to support the law.

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

Children with disabilities attended school.

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

## **The Convention on the Rights of Persons with Disabilities**

Cambodia signed the Convention and Optional Protocol on 1/10/2007 and ratified the Convention and Optional Protocol on 20/12/2012.

## China (includes Tibet, Hong Kong, and Macau)

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

The Ministry of Civil Affairs and the China Disabled Persons Federation (CDPF), a government-organized civil association, are the main entities responsible for persons with disabilities. In June the CDPF stated that, based on 2010 census figures, 85 million persons with disabilities lived in the country. According to government statistics, in 2011 there were 5,254 vocational training facilities, which provided training for 299,000 persons with disabilities. Of the 32 million persons with disabilities of working age, more than 22 million were employed. Government statistics stated that 7.4 million persons with disabilities enjoyed "minimum-life-guarantee" stipends; nearly three million had social insurance.

The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juveniles. In 2007 the Ministry of Education reported that nationwide there were 1,618

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schools for children with disabilities. According to NGOs, there were approximately 20 million children with disabilities, only 2 percent of whom had access to special education that could meet their needs.

According to the CDPF, in 2010 more than 519,000 school-age children with disabilities received compulsory education: 68 percent of them in inclusive education, 32 percent in 1,705 special schools and 2,775 special classes. NGOs claimed that while the overall school enrollment rate was 99 percent, only 75 percent of children with disabilities were enrolled in school. Nationwide, an estimated 243,000 school-age children with disabilities did not attend school. In 2011, 7,150 persons with disabilities were admitted to standard colleges and universities. Nearly 100,000 organizations existed, mostly in urban areas, to serve those with disabilities and protect their legal rights. The government, at times in conjunction with NGOs, sponsored programs to integrate persons with disabilities into society.

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

Unemployment among adults with disabilities remained a serious problem. The Employment Promotion Law requires local governments to offer incentives to enterprises that hire persons with disabilities. Regulations in some parts of the country also require employers to pay into a national fund for persons with disabilities when the employees with disabilities do not make up the statutory minimum percentage of the total workforce.

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

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

## **Other Relevant References (China)**

Principal human rights problems during the year included [...] discrimination against women, minorities, and persons with disabilities; a coercive birth limitation policy, which in some cases resulted in forced abortion or forced sterilization.

The law forbids the mistreatment or abandonment of children. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages were usually disabled or in

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poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into orphanages.

The government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems.

## **Persons with Disabilities (Hong Kong)**

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

Further, although the central government has signed the UN Convention on the Rights of Persons with Disabilities, the SAR still adheres to its own Disability Discrimination Ordinance, which human rights groups argue is much narrower and does not oblige the government to promote equal opportunities.

The Social Welfare Department, directly or in coordination with NGOs and employers, provided training and vocational rehabilitation services to assist persons with disabilities. As of September a total of 16,774 persons were participating in these various programs.

As of March 31, the government employed 3,391 civil servants with disabilities in a total workforce of 159,195, or 2.13 percent of the government workforce. Persons with disabilities filled 2 percent of LegCo secretariat positions, 1 percent of judicial positions, and 2 percent of nonjudicial positions in the judiciary.

Instances of discrimination against persons with disabilities persisted in employment, education, and the provision of some public services. The law calls for improved building access and sanctions against those who discriminate.

Despite inspections and the occasional closure of noncompliant businesses, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities. Persons with disabilities protested that the government discriminated against them. They claimed persons with severe disabilities who lived with their families could qualify for social security only by moving out of their families' homes and living alone or if every member of their families quit their jobs. The government firmly refuted this claim, noting the government instituted a disability allowance scheme for the severely disabled (those with "100 percent loss of earning capacity") to help persons with disabilities meet special needs arising from their condition. Additionally, as with all Hong Kongers facing financial hardship, persons with disabilities may apply for Comprehensive Social Security Assistance (CSSA).

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From September 17 to 28, a group of NGOs attended UN Committee on Human Rights of Persons with Disabilities hearings and submitted a report accusing the government of failing to address limited education and employment opportunities, along with accessibility issues and limited legal protection for the disabled. According to the group, support for children with special needs in the education system is half-hearted, with schools not providing adequate guidance or support that special-needs students require to move into mainstream education. Further, only 20 percent of high school graduates with disabilities applied to university.

According to the EOC, Hong Kong trailed other developed economies in providing equal opportunities for students with disabilities, despite having operated an integrated education policy since 1997. Particularly lacking were adequate resources, training of educators, and government support, EOC Policy and Research Committee Convenor John Tse Wing-ling noted. A Hong Kong Institute of Education Center for Special Educational Needs and Inclusive Education study released in November showed that 43 percent of teachers were unwilling to accept students with special education needs, while two-thirds of teachers and more than half of principals did not see excluding such students as discriminatory.

## **Other Relevant References (Hong Kong)**

There is an Office of the Ombudsman and an Equal Opportunity Commission (EOC), both appointed by the government but independent in their operations. Both organizations operated without interference from the government and published critical findings in their areas of responsibility. In a change welcomed by activists, the new EOC commissioner, Lam Woon-kwong, was a vocal public advocate on minority rights, access to public and commercial buildings for persons with disabilities, and other issues within the EOC's responsibility.

The law provides that all residents are equal, and the government enforced this in practice. The EOC is responsible for implementing the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance, the Family Status Discrimination Ordinance, and the Race Discrimination Ordinance.

## **Persons with Disabilities (Macau)**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government generally enforced these provisions in practice. The law mandates access to buildings, public facilities, information, and communications for persons with disabilities. The government enforced the law effectively. The government built and reconstructed public facilities such as the ferry terminal and overpasses for persons with disabilities. New buses accommodated spaces for passengers with wheelchairs. The Social Welfare Institute was primarily responsible for coordinating and funding public assistance programs to persons with disabilities. There was a governmental commission to rehabilitate persons with disabilities, with part of the commission's scope of work addressing employment. There were no reports of children with disabilities encountering obstacles to attending school.

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## **The Convention on the Rights of Persons with Disabilities**

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

## Fiji

### **Constitution and Laws**

The abrogated constitution prohibited discrimination based on race, sex, place of origin, ethnicity, sexual orientation, color, primary language, economic status, age, or disability. The government generally enforced these provisions effectively, although there were problems in some areas. After the constitution's abrogation, the ERP had similar provisions, but these are limited to workers and industrial relations matters.

### **Persons with Disabilities**

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

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

There were a number of special schools offering primary education for persons with physical, intellectual, and sensory disabilities; however, cost and location limited access. Opportunities for a secondary school or higher education for those with disabilities were very limited.

A decree stipulates that treatment should be provided for persons with mental and intellectual disabilities in the community, public health, and general health systems. In practice, however, most persons with such disabilities were separated from society and typically were supported at home by their families. Institutionalization of persons with severe mental disabilities was in a single underfunded public facility in Suva.

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

## **The Convention on the Rights of Persons with Disabilities**

Fiji signed the Convention on 2/6/2010.

## Indonesia

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or provision of other state services. The law does not contain specific requirements regarding access to air travel and other transportation, but it mandates accessibility to public facilities for persons with disabilities; however, the government did not enforce this provision (the Surabaya International Airport, for example, is not disabled accessible). The government classifies persons with disabilities into three categories: physically disabled, intellectually disabled, and physically and intellectually disabled. These categories are further divided for schooling. The government restricts the rights of persons to vote or participate in civil affairs by not enforcing accessibility laws. However, during the year's regional elections, the government provided some Braille ballots for blind voters.

The law provides children with disabilities with the right to an education and rehabilitative treatment. A November 2011 UNESCO study found that children with disabilities were 59 percent more likely not to receive a formal education than other children. According to one NGO, there were 1.4 million children with disabilities in the country, and fewer than 4 percent had access to education. According to 2008-09 government statistics, there were 1,686 schools dedicated to educating children with disabilities, 1,274 of them run privately. According to NGOs, more than 90 percent of blind children were illiterate. Some young persons with disabilities resorted to begging for a living. Children with disabilities were sent to separate schools, and mainstream education for them was extremely rare. The country's universities did not offer a degree in special education.

## **The Convention on the Rights of Persons with Disabilities**

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

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## Japan

### **Constitution and Laws**

The law prohibits discrimination based on race, gender, disability, and social status but does not prohibit discrimination based on language, sexual orientation, or gender identity. Although the government enforced these prohibitions to some degree, discrimination against women; ethnic minority group members; persons with disabilities; lesbian, gay, bisexual, and transgender (LGBT) persons; and foreigners remained problems. Moreover, enforcement was not uniform, with some provisions for persons with disabilities interpreted as applying to the public sector but not the private sector.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities and bars infringement of their rights and interests on the grounds of those disabilities. The law also bans discrimination in public sector employment, education, access to health care, or the provision of other state services, but not in air travel and other transportation means, and it does not stipulate remedies for persons with disabilities who suffer discriminatory acts. The government generally enforced these provisions.

In practice, however, persons with disabilities faced limited access to the above public sector services, and the Japan Federation of Bar Associations continued to complain that discrimination in this context was undefined and thus not enforceable through judicial remedies. Moreover, the law regarding discrimination in work places extends only to public sector employment and does not specify penalties for noncompliance. Many lawyers, experts, and persons with disabilities called during the year for a comprehensive antidiscrimination law.

The law also mandates that the government and private companies hire minimum proportions of persons with disabilities (including mental disabilities). Companies with more than 200 employees that do not comply must pay a fine of 50,000 yen (approximately \$580) per vacant position per month. Public employment of persons with disabilities exceeded minimum proportions, but according to Ministry of Health, Labor, and Welfare statistics, the private sector lagged despite increases over previous years.

Accessibility laws mandate that new construction projects for public use must include provisions for persons with disabilities. In addition, the government may grant low-interest loans and tax benefits to operators of hospitals, theaters, hotels, and other public-use facilities if they upgrade or install features to accommodate persons with disabilities.

Children with disabilities generally attended specialized schools.

Civic groups reported in March that, based on a survey conducted from May to November 2011, women with disabilities were vulnerable to sexual harassment.

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

## **The Convention on the Rights of Persons with Disabilities**

Japan signed the Convention on 28/9/2007.

## Kiribati

### **Constitution and Laws**

The constitution prohibits discrimination on the basis of race, national origin, or color, and the government observed these prohibitions in practice; however, only native I-Kiribati may own land.

### **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities, including in employment, education, air travel and other transportation, access to health care, or the provision of other state services. Public infrastructure and essential services were rudimentary and did not provide for special needs of persons with disabilities. Accessibility of buildings, communications, and information for persons with disabilities is not mandated, and there were no special accommodations for persons with disabilities.

There were two main nongovernmental organizations that supported and advocated for persons with disabilities: Te Toa Matoa (Disabled Persons' Organization) and the School for the Disabled. The school offered special elementary education classes and programs for children with disabilities from age six to age 14. Aside from this school, children with disabilities generally did not have access to education. A small number of children with disabilities pursued schooling in Fiji. During the year three schools in the outer islands were refurbished with foreign government assistance. These schools were made accessible for children with physical disabilities. The central hospital on Tarawa had a wing for persons with mental disabilities, and there was a psychiatrist working on Tarawa. Physiotherapy services also were offered at the hospital for persons with physical disabilities.

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

## **The Convention on the Rights of Persons with Disabilities**

Kiribati has not signed the Convention.

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## Korea, Democratic People's Republic of

### **Constitution and Laws**

The constitution grants equal rights to all citizens. However, the government has reportedly never granted its citizens most fundamental human rights in practice, and it continued pervasive discrimination based on social status.

### **Persons with Disabilities**

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

The Korean Federation for the Protection of the Disabled was founded in 1999 to coordinate the work with the disabled population countrywide.

The UN Committee on the Rights of the Child repeatedly expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure these children had effective access to health, education, and social services. UNICEF has noted that very high levels of malnutrition indicated serious problems for both the physical growth and psychosocial development of young children. Preliminary results from this year's National Nutrition Survey (conducted by the Central Bureau of Statistics, with technical assistance from the World Food Program, UNICEF, and the World Health Organization) estimated 475,868 children (27.9 percent) were stunted and 68,225 children (4 percent) acutely malnourished.

### **Other Relevant References**

Although disabled veterans were treated well, other persons with physical and mental disabilities, as well as those judged to be politically unreliable, were sent out of Pyongyang into internal exile.

The UN Committee on the Rights of the Child repeatedly has expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure these children had effective access to health, education, and social services.

### **The Convention on the Rights of Persons with Disabilities**

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

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## Korea, Republic of

### **Constitution and Laws**

The law forbids discrimination based on race, gender, disability, sexual orientation and social status, but not that based on language or gender identity, and the government effectively enforced the existing prohibitions.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services, and the government effectively enforced the law. The government also effectively implemented laws and programs to ensure that persons with disabilities had access to buildings, information, and communications. The law establishes penalties for deliberate discrimination of up to three years in prison and 30 million won (approximately \$28,200). The government, through the Ministry of Health and Welfare, continued to implement a comprehensive set of policies that included encouraging public and private buildings and facilities to provide barrier-free access, providing part-time employment, and employing a task force to introduce a long-term care system. The government operated rehabilitation hospitals in six regions, plus a national rehabilitation research center to increase opportunities and access for persons with disabilities.

The employment rate for persons with disabilities was 35.5 percent in 2011, according to the Ministry of Health and Welfare. Any business with 50 full-time employees or more is required to meet an employment quota for persons with disabilities (3 percent for government agencies, 2.3 percent to 3 percent for public organizations, and 2.3 percent for private companies). Foreign companies operating in the export processing zones (EPZs) are exempt from these requirements. Any private company or public organization with 100 full-time workers or more is subject to a monthly penalty amounting to 530,000 won (approximately \$500) for each person with a disability whom it fails to hire and, if the employment rate of workers with disabilities does not reach 50 percent of the required quota, an additional charge may be imposed. During the year authorities charged establishments that failed to employ any persons with disabilities based on the minimum wage (approximately 940,000 won per month or \$880). The government enforced this new requirement in phases, beginning with employers of 300 or more full-time workers and expanding gradually to include employers with 100 or more full-time workers. Another part of enforcement involved disclosing in the media and the official gazette the names of businesses that fail to meet the employment quotas, which the Ministry of Employment and Labor did twice during the year.

The government provided a pension system for adults and children with disabilities, an allowance for children with disabilities under age 18 whose household income is below or near the National Basic Livelihood Security Standard, and a disability allowance for low-income persons age 18 and older with mild disabilities. The National Pension Service decides the severity of the disability, and local governments provide the pension directly to the qualified persons.

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The NHRC received 1,324 complaints of disability-related discrimination during the year. Of those, the commission requested a police investigation in one case and issued a recommendation in 114 cases, and the government resolved 20 cases by agreement. The commission rejected or deemed nonadmissible most of the remainder.

Children with disabilities qualified as special education beneficiaries and attended a special school that was free for persons between ages 3 and 17. Children with severe disabilities may receive hospitalized education.

On August 5, the Support for Children with Disabilities Welfare Act took effect. Implementation began during the year, including design of a support center to provide information and case management services for children and their families.

## **The Convention on the Rights of Persons with Disabilities**

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

## Laos

### **Constitution and Laws**

The constitution provides for equal treatment under the law for all citizens without regard to ethnicity, gender, social status, education, or faith, but there were no prohibitions of discrimination based on language, disability, sexual orientation, or gender identity. The government at times took action when well-documented, obvious cases of discrimination came to the attention of high-level officials, although the legal mechanism whereby citizens may bring charges of discrimination against individuals or organizations was neither well developed nor widely understood.

### **Persons with Disabilities**

Although constitutional protections against discrimination do not specifically apply to persons with any type of disability, regulations promulgated by the Ministry of Labor and Social Welfare and the Lao National Commission for the Disabled sought to protect such persons against discrimination. Nonetheless, these regulations continued to lack legal force.

The Ministry of Health has primary responsibility for protecting the rights of persons with disabilities. Because of the large number of disabilities resulting from unexploded ordnance accidents, the ministry continued to work extensively on the problem, especially in coordination with international NGOs, to operate the Cooperative Orthotic and Prosthetic Enterprise that supplies prosthetic limbs, corrects clubfeet, and provides education to deaf and blind persons.

According to the Ministry of Public Works and Transport, the law requires that construction projects begun after 2009 provide facilities to persons with disabilities and elderly individuals, particularly in the construction of buildings, roads, and public places. The law does not mandate accessibility to buildings built before its enactment or government services for persons with disabilities, but Ministry of Labor and

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Social Welfare regulations from 2011 resulted in the construction of additional sidewalk ramps in Vientiane during the year. While there was some additional progress made on accessibility, a lack of resources for infrastructure slowed the retrofitting of most buildings and limited government staffing prevented effective implementation. There were no reports of discrimination in the workplace.

The government continued to implement its strategic plan to protect the rights of children with disabilities and enable them to study alongside other children in schools countrywide.

## **Other Relevant References**

The law also mandates extensive employer responsibility for those disabled at work, and this provision appeared effectively enforced.

## **The Convention on the Rights of Persons with Disabilities**

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

## Malaysia

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

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

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

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Recognizing that public transportation was not “disabled-friendly,” the government maintained its 50 percent reduction of the excise duty on locally made cars and motorcycles adapted for persons with disabilities. The Ministry of Human Resources was responsible for safeguarding the rights of persons with disabilities.

On February 16, SUHAKAM initiated a task force to come up with a system to monitor public facilities and policies for persons with disabilities. The SUHAKAM director stated the task force would specifically look into public transport services, facilities in buildings, health care, and education. SUHAKAM also pointed out that the Persons with Disabilities Act of 2008 is still not fully enforced; for example, persons with disabilities cannot access much of the public transportation system or navigate through cities on the sidewalk. Employers were also reluctant to hire persons with disabilities.

On June 15, individuals with disabilities at a roundtable hosted by SUHAKAM criticized the EC for not assisting persons with disabilities in voting, pointing out that many polling stations were inaccessible to those with disabilities. The roundtable proposed the possibility of electronic or postal voting for those with disabilities. The EC adopted a proposal by the PSC on electoral reform to allow such voters to be assisted by a trusted adult, not just by a family member, as was previously the case.

## **The Convention on the Rights of Persons with Disabilities**

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

## **Marshall Islands**

### **Constitution and Laws**

The constitution prohibits discrimination on the basis of sex, race, color, language, national or social origin, place of birth, and family status or descent, and the government generally observed these provisions.

### **Persons with Disabilities**

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

The government provided minimal support for persons with mental disabilities. There were no psychiatric facilities in the country. Persons whom the police deemed as exhibiting psychotic behavior were held in a standard detention cell until they could be seen by a healthcare worker.

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

## **The Convention on the Rights of Persons with Disabilities**

Marshall Islands has not signed the Convention.

## Micronesia, Federated States of

### **Constitution and Laws**

The constitution and law provide explicit protection against discrimination based on race, sex, or language, but societal discrimination against women remained a problem. There are no laws against family violence. During the year the national government passed a law to combat trafficking in persons, and implementation of the legislation was under consideration at the state level at year's end.

### **Persons with Disabilities**

The law prohibits discrimination in public service employment against persons with physical disabilities. No law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in private-sector employment, education, air travel and other public transportation, access to health care, or provision of other state services. Neither laws nor regulations mandate accessibility to public buildings or services for persons with disabilities. In practice many buildings had ramps or only one story. There was one elevator in the two-story Pohnpei State government building. No policies or programs ensured access to information and communications for persons with disabilities.

By law children with disabilities have the right to special education and training up to age 21. The government provided children with disabilities, including learning disabilities, special education, including instruction at home if necessary and if foreign funding was available. Such funding was available during the year, but special education programs had some difficulties serving all eligible children, with transportation problems cited as one factor impeding participation.

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

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

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## **Other Relevant References**

In July the national government held a National Women's Conference that addressed various gender-based issues, including women's health, women in decision making, self employment of women, improving women's education, problems of women with disabilities, and domestic violence. Officials held two inmates with mental disabilities in separate cells, owing to lack of medical facilities for them; they were not charged with any crime.

## **The Convention on the Rights of Persons with Disabilities**

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

## Mongolia

### **Constitution and Laws**

The law states that no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status and that men and women shall be equal in political, economic, social, cultural fields, and family. The government generally enforced these provisions in practice. The law does not address gender identity.

### **Persons with Disabilities**

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

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

Persons with disabilities could not fully participate in the political process since little accommodation was made for such persons at polling stations. According to a study done by Mercy Corps during the June parliamentary elections, out of 60 polling stations in Ulaanbaatar, only 15 percent were accessible for persons with disabilities, while 47 percent were completely inaccessible due to being located in basements or upper floors with no elevator access. Most polling stations offered magnifying glasses for voters with visual impairments and some used portable ramps for wheelchair users. Persons with sight and hearing disabilities had difficulty remaining informed about public affairs due to a lack of accessible broadcast media.

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

There were several specialized schools for youth with disabilities, although students with disabilities could by law also attend regular schools. In practice children with disabilities had limited access to education. NGOs dedicated to promoting rights for persons with disabilities reported that there was a dearth of understanding regarding what constitutes a disability. Government studies were often overly inclusive, counting those with illnesses or even mild vision problems as persons with disabilities, while educational institutions frequently failed to identify mental and developmental disabilities. Furthermore, while schools generally have classes dedicated to the disabled, they do not separate students based on disability type. The Mongolian National Federation of Disabled People's Organization (MNFDPPO) reported it was unaware of any public kindergarten or secondary school with wheelchair ramps or access for the disabled. The MNFDPO encouraged vocational education centers to work with children with disabilities so that they could eventually be capable of running small businesses.

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

## **Other Relevant References**

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. For persons 14 and 15 years of age, the workweek is 30 hours; for individuals with disabilities and those 16 and 17 years of age, it is 36 hours.

## **The Convention on the Rights of Persons with Disabilities**

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

## Nauru

### **Constitution and Laws**

The constitution prohibits discrimination on the basis of race, gender, disability, language, sexual orientation or gender identity, or social status, and the government generally observed these provisions.

### **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with disabilities. No legislation mandates services for persons with disabilities or access to public buildings. Although the government in

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2009 began installing mobility ramps in public buildings, many buildings in the country were not accessible. The government provides a welfare benefit to persons with disabilities. As part of aiding the participation in society of persons with disabilities, Department of Education teachers provided rudimentary classes for a small group of students with disabilities. Such classes were held at a teacher's home.

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

## **Other Relevant References**

Department of Education teachers provided rudimentary classes for a small group of students with disabilities, which were held at a teacher's home, as no classroom was available.

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

## **The Convention on the Rights of Persons with Disabilities**

Nauru ratified the Convention on 27/6/2012.

## New Zealand

### **Constitution and Laws**

The law prohibits discrimination on the basis of race, gender, sexual orientation, gender identity, social status, language, disability, age, and national or ethnic origin, and the government actively enforced these prohibitions.

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities in employment; education; access to places and facilities, including air travel and other transport; and the provision of goods, services, housing, and accommodation. The government is prohibited from discriminating on the basis of physical, sensory, intellectual, or mental disability, unless such discrimination can be "demonstrably justified." There are laws and programs designed to ensure access to communications and information for persons with disabilities. The government effectively enforced applicable laws. Most school-age children with disabilities attended school.

During the year the HRC received 628 disability-related complaints, which represented 17 percent of the total complaints received. While recording and reporting outcomes of such complaints was a relatively new procedure for the HRC, it estimated that approximately 65 percent of the complaints were resolved.

The government's Office for Disability Issues worked to protect and promote the rights of persons with disabilities. In September 2011 the HRC appointed a commissioner with responsibility for disability rights

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issues to enhance the commission's ability to promote the UN Convention on the Rights of Persons with Disabilities and to create awareness of the rights and achievements of persons with disabilities. Additionally, during the year both the HRC and the Mental Health Commission continued to address mental health problems in their antidiscrimination efforts.

## **The Convention on the Rights of Persons with Disabilities**

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

## Palau

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

## **The Convention on the Rights of Persons with Disabilities**

Palau signed the Convention on 20/9/2011 and ratified the Convention on 11/7/2013.

## Papua New Guinea

### **Constitution and Laws**

The constitution provides for equal protection under the law irrespective of race, tribe, and place of origin, color, or sex; however, enforcement of the provisions was not effective.

### **Persons with Disabilities**

Although the constitution prohibits discrimination against persons with physical or mental disabilities, there are no antidiscrimination laws. Persons with physical, sensory, intellectual, and mental disabilities faced discrimination in employment, education, access to health care, air travel and other transportation, and provision of other state services. No legislation mandates accessibility to buildings, and most buildings were not accessible. There were no policies or programs to assist persons with disabilities in obtaining access to communications and information. Generally families took care of persons with disabilities at home, and there were no reports of abuse in educational or mental health facilities. Children with disabilities suffered from the under-resourced educational system and attended school in disproportionately low numbers.

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

## **Other Relevant References**

Human rights abuses during the year included [...] discrimination against persons with disabilities.

## **The Convention on the Rights of Persons with Disabilities**

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

## Philippines

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, disability, language, or minority status, but not discrimination based on sexual orientation or gender identity. Moreover, vague regulations and budgetary constraints continued to hinder implementation of specified protections.

### **Persons with Disabilities**

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

The National Council for the Welfare of Disabled Persons formulated policies and coordinated the activities of all government agencies for the rehabilitation, self-development, and self-reliance of persons with disabilities and their integration into the mainstream of society. DOLE's Bureau of Local Employment maintained registers of persons with disabilities that indicate their skills and abilities, monitored private and public places of employment for violations of labor standards regarding persons with disabilities, and promoted the establishment of cooperatives and self-employment projects for persons with disabilities. One reliable NGO reported that the government continued to have limited means to assist persons with disabilities in finding employment, and such persons had limited recourse when prospective employers violated their rights, because of the financial barriers to filing a lawsuit. One university noted that a company granted a job interview to a graduate with a hearing disability but, in a subsequent telephone call to set a time, rescinded the offer. That university reported that only one of its 14 graduates in 2012 with hearing disabilities was able to secure full-time employment.

The DSWD operated two assisted-living centers in Metro Manila and five community-based vocational centers for persons with disabilities nationwide. From January to December, the DSWD provided services to 2,972 persons with disabilities.

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

Children with disabilities attended primary, secondary, and higher-education schools.

Government efforts to improve access to transportation for persons with disabilities were limited. Two of Manila's three light-rail lines were wheelchair accessible, but many stops continued to have unrepaired, out-of-service elevators. Buses lacked wheelchair lifts, and one NGO claimed that private transportation providers, such as taxis, often overcharged persons with disabilities or refused them service. A small number of sidewalks had wheelchair ramps that were often blocked, crumbling, or too steep; the situation was worse in many smaller cities and towns.

The constitution provides for the right of persons with physical disabilities to vote, with the assistance of other persons if necessary. COMELEC determines the capacity of persons with mental disabilities to vote during the registration process, and exclusions and inclusions may be appealed to the courts.

Many persons with disabilities did not vote because of the physical barriers described above. A December 2011 survey, released in July by social-research NGO Social Weather Stations, indicated the participation of persons with disabilities in elections decreased from 60 percent in 2007 to 54 percent in 2010. On June 29, COMELEC approved a resolution requiring that difficulties experienced by persons with disabilities in casting ballots be addressed in time for scheduled 2013 national elections. Requirements set forth included provisions for precincts to be on the ground floor, have space to accommodate wheelchair use, and allow family/household-member assistance inside the polling place. Furthermore, authorities conducted special voter registration drives for persons with disabilities in August throughout the country, although in some cases persons with disabilities reportedly were not provided the supplemental form needed to indicate their disability. An estimated 3,500 persons with disabilities registered nationwide on a single day, according to the International Foundation for Electoral Systems (IFES). IFES also reported successful partnerships with COMELEC, the Department of Education, the National Council for Disability Affairs, and others to seek to ensure accessible Web sites and voting sites in preparation for the 2013 elections.

## **The Convention on the Rights of Persons with Disabilities**

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

## Samoa

### **Constitution and Laws**

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these provisions in practice. The constitution does not address

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sexual orientation or gender identity. In practice the society publicly recognizes the transgender Fa'afafine community, although members of the community reported instances of social discrimination. Politics and culture generally reflected a heritage of matai privilege and power, and members of certain families of high traditional status possessed some advantages.

## **Persons with Disabilities**

There is no law pertaining specifically to the status of persons with disabilities or regarding accessibility for them. Tradition dictates that families care for persons with disabilities, and this custom was observed widely in practice.

The death of a mentally ill man in Tafaigata Prison on December 26 raised concerns about the treatment of mentally ill patients while in police custody. The man was initially transported to the National Hospital for treatment but was subsequently transferred to police custody because of his erratic and violent behavior and held in a jail cell, where he was later found dead. The investigation into the cause of his death continued at year's end.

Some children with disabilities attended regular public schools while others attended one of three schools designed specifically to educate disabled students. Many public buildings were old, and only a few were accessible to persons with disabilities. Most new buildings provided better access, including ramps and elevators in most multistory buildings.

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

## **The Convention on the Rights of Persons with Disabilities**

Samoa has not signed the Convention.

## Singapore

### **Constitution and Laws**

The constitution states that all persons are equal before the law and entitled to the equal protection of the law, and the government generally respected these provisions in practice; there is no explicit provision granting equal rights to women and minorities. Mindful of the country's history of intercommunal tension, the government took numerous measures to ensure racial, ethnic, religious, and cultural nondiscrimination. Social, economic, and cultural benefits and facilities were available to all citizens regardless of race, religion, or gender.

### **Persons with Disabilities**

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

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

The government maintained a comprehensive code on barrier-free accessibility; it established standards for facilities for persons with physical disabilities in all new buildings and mandated the progressive upgrading of older structures. There was no comprehensive legislation addressing equal opportunities for persons with disabilities in education or employment; however, the National Council of Social Services, in conjunction with various voluntary associations, provided an extensive job training and placement program for persons with disabilities. A tax deduction of up to S\$100,000 (\$78,000) was available to employers to defray the expense of building modifications to benefit employees with disabilities. The government also provides a tax deduction for families caring for a sibling, spouse, or child with a disability of up to S\$11,000 (\$8,800). The country allows guide dogs for the blind into public places and on trains, but the laws do not cover buses and taxis. Public trains were 100 percent wheelchair accessible as were 58 percent of buses. All major pedestrian thoroughfares have curb cuts.

Informal provisions permit university matriculation for those with visual or hearing impairments or other physical disabilities. Approximately 12,000 children with intellectual disabilities attended mainstream schools during the year. There were 20 special education schools that enrolled 5,059 students. All primary and secondary schools were equipped with basic handicap facilities, such as handicap toilets and first-level wheelchair ramps. Approximately 26 percent of all primary and 18 percent of secondary schools were equipped with full-handicap facilities.

The government provided funds for two distinct types of early education programs for children with special needs. The Early Intervention Program for Infants and Children (EIPIC) provided educational and therapy services for children up to age six who have handicaps or special needs. In 2011 there were 1,485 children enrolled in the 12 EIPIC programs. At the 18 Integrated Child Care Program Centers (ICCPs), special needs children engaged in the same group activities as other children while also receiving enhancements of the normal child care curriculum. In 2011 a total of 95 special needs children were enrolled in the ICCPs.

## **Other Relevant References**

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

## **The Convention on the Rights of Persons with Disabilities**

Singapore signed the Convention on 30/11/2012.

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## Solomon Islands

### **Constitution and Laws**

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

### **Persons with Disabilities**

There is no law or national policy prohibiting discrimination against persons with physical, sensory, intellectual, or mental disabilities, and no legislation mandates access to buildings, information, or communications for such individuals. The Ministry of Home Affairs is responsible for protecting the rights of persons with disabilities. In practice very few buildings were accessible to persons with disabilities. The government relied upon the extended family and NGOs to provide services and support to persons with disabilities. The country had one educational facility for children with disabilities, which was supported almost entirely by the ICRC. Children with disabilities were permitted to attend mainstream schools, but inadequate facilities and other resource constraints often made that impractical. A disability center in Honiara assisted persons with disabilities in finding employment; however, with high unemployment nationwide, and no laws requiring reasonable accommodations in the workplace, most persons with disabilities, particularly those in rural areas, did not find work outside of the family structure.

The government relied upon families to meet the needs of persons with mental disabilities; there were very limited government facilities or services for such persons. The Kilufi Hospital in Malaita operated a 10-bed ward for the treatment of psychiatric patients. A psychiatrist resident in Honiara ran a clinic at the National Referral Hospital. The Ministry of Home Affairs is responsible for protecting the rights of persons with disabilities.

### **The Convention on the Rights of Persons with Disabilities**

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

## Taiwan

### **Constitution and Laws**

The constitution prohibits discrimination based on race, gender, disability, language, sexual orientation or gender identity, or social status.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation services, access to health care,

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or the provision of other state services. The law sets minimum fines for violations, and authorities enforced the law effectively. The authorities enacted and effectively implemented laws and programs to ensure access to buildings, information, and communications. Primary and secondary schools and higher education were available for children with disabilities. However, there were reported sexual assaults in educational and mental health facilities from time to time.

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

The law stipulates that new public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and this requirement was generally met. Disabled rights groups raised the issue of older facilities not catering to the needs of disabled students and claimed that 50 percent of primary and secondary schools were not barrier-free. Children with disabilities attended school, and officials noted no patterns of abuse during the year. There were, however, some isolated cases. In September a foundation filed a lawsuit against 32 public servants for neglecting sexual assaults alleged to have occurred in a school for children with disabilities in 2011; a prosecutor was investigating the case.

## **The Convention on the Rights of Persons with Disabilities**

Taiwan has not signed the Convention.

## Thailand

### **Constitution and Laws**

The constitution provides for equal treatment without respect to race, gender, religion, disability, language, or social status but does not provide for equal treatment without respect to sexual orientation or gender identity. In practice some discrimination existed, and government enforcement of equal protection statutes continued to be uneven.

### **Persons with Disabilities**

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

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

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

The government maintained 43 special schools for students with disabilities, 76 centers offering special education programs for preschool-age children, and 76 educational centers for persons with disabilities. The law requires all state schools nationwide--approximately 31,000--to accept students with disabilities, and about two-thirds taught such students during the year. There were some reports of schools turning away students with disabilities, although the government claimed that such incidents occurred because schools did not have appropriate facilities to accommodate them. There also were nine government-operated and at least 23 NGO-operated training centers for persons with disabilities, including both full-time and part-time or seasonal centers. The government operated 13 state shelters specifically for persons with disabilities, including two day-care centers for autistic children. In addition, there were private associations providing occasional training for persons with disabilities.

Some employers subjected persons with disabilities to wage discrimination. Government regulations require private firms either to hire one person with a disability for every 100 other workers or contribute to a fund that benefits persons with disabilities, but this provision continued not to be uniformly enforced. Government officials estimated that 56 percent of firms complied with the law during the year, while the chair of the Council of Disabled People of Thailand believed the number to be 35 to 45 percent, which he attributed primarily to inadequate government follow-up with companies. Some state enterprises had discriminatory hiring policies.

## **Other Relevant References**

During 2009 there were 149,436 reported incidents of diseases and injuries from industrial accidents. This included 106,598 minor disabilities (resulting in no more than three days of missed work) and 42,838 disabilities resulting in more than three days of missed work (including permanent disabilities and deaths). However, the rate of incidents occurring in the informal and agricultural sectors and among migrant workers was believed to be higher. Occupational diseases rarely were diagnosed or compensated, and few doctors or clinics specialized in them. Many of the young migrant women employed along the Burma border had limited and substandard medical care options. In medium-sized and large factories, government health and safety standards often were applied, but overall enforcement of safety standards was lax. In the informal sector, health and safety protections were substandard.

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Irregular migrant workers that complete the new amnesty and related nationality verification process have access to the Workmen's Compensation Fund (WCF) and Social Security Office (SSO) funds. However, migrant workers faced discrimination by an SSO policy that denies migrants registered but with disabilities access to the WCF.

## **The Convention on the Rights of Persons with Disabilities**

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

## Timor-Leste

### **Constitution and Laws**

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

### **Persons with Disabilities**

Although the constitution protects the rights of persons with disabilities, the government has not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Electoral regulations made accommodations for people with disabilities and permitted them to request assistance with voting. There were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services. In many districts children with disabilities were unable to attend school due to accessibility problems. There are no known provisions with regard to access to air travel or other forms of transportation.

Training and vocational initiatives did not address the needs of persons with disabilities. There were reports that persons with mental disabilities sometimes faced discriminatory or degrading treatment due in part to a lack of appropriate community support or lack of referral to existing resources. Persons with mental disabilities were incarcerated with the general prison population. An office in the Ministry of Social Solidarity is responsible for protecting the rights of persons with disabilities.

### **Other Relevant References**

On May 3, the parliament passed the Law against Domestic Violence. The law was enacted to provide protection and defense to vulnerable groups including women, children, the elderly, and persons with disabilities, against all forms of violence, exploitation, discrimination, abandonment, oppression, sexual abuse, and mistreatment. An UNMIT report released in September 2011 described a woman with disabilities who was sterilized without consent after giving birth.

### **The Convention on the Rights of Persons with Disabilities**

Timor-Leste has not signed the Convention.

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## Tonga

### **Constitution and Laws**

The law confirms the special status of members of the royal family and the nobility. While social, cultural, and economic facilities were available to all citizens regardless of race and religion, members of the hereditary nobility had substantial advantages, including control over most land and a generally privileged status.

### **Persons with Disabilities**

No laws specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities, and there are no legally mandated provisions for services for them. There were no programs to ensure access to buildings for persons with disabilities, and in practice most buildings were not accessible. There also were no programs to ensure access to communications and information for persons with disabilities. The Tonga Red Cross Society (TRCS) operated a school for children with disabilities and conducted occasional home visits. A program of the Ministry of Education, Women, and Culture to assimilate children with disabilities into primary schools continued during the year. However, many school buildings were not accessible to students with physical disabilities, and attendance rates of children with disabilities at all educational levels were lower than those of students without disabilities. It was possible for some children with disabilities to attend regular schools, depending on the nature and degree of the child's disability, but children with more severe disabilities generally attended the TRCS-run school.

An NGO advocated on behalf of persons with disabilities, but there was no specific government agency with responsibility for protecting the rights of persons with disabilities.

### **The Convention on the Rights of Persons with Disabilities**

Tonga signed the Convention on 15/11/2007.

## Tuvalu

### **Constitution and Laws**

The law prohibits discrimination on the basis of race, color, and place of origin, and the government generally enforced these prohibitions. In 2005 the High Court stated that it was a deliberate decision in the constitution originally to omit gender as a basis of discrimination; thus, there is no constitutional protection against sex discrimination.

### **Persons with Disabilities**

The law does not prohibit discrimination on the basis of physical, sensory, intellectual, or mental disability, including in employment, education, air travel and other transport, or the provision of other state services. In practice supplementary state services to address the special needs of persons with disabilities were very limited. There are no mandated building accessibility provisions for persons with disabilities. The one multistory government building had nonoperational elevators, and there were no

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elevators in other multistory buildings. Persons with disabilities had limited access to information and communications. The Fusi Alofa Association (Tuvalu National Disabled Persons Organization) and the Tuvalu Red Cross undertook regular home visits to persons with disabilities and conducted educational programs to raise community awareness of the rights of persons with disabilities and advocate for such persons. Children with disabilities reportedly had lower school attendance rates at all levels than other children. The Fusi Alofa Association ran basic education classes in Funafuti for children with disabilities who were not able to attend school.

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

## **The Convention on the Rights of Persons with Disabilities**

Tuvalu has not signed the Convention.

## Vanuatu

### **Constitution and Laws**

While the law prohibits discrimination on the basis of race, place of origin, language, or sex, women remained victims of discrimination in the tradition-based society.

### **Persons with Disabilities**

There is no law specifically prohibiting discrimination against persons with physical, sensory, intellectual, or mental disabilities. There is a national policy designed to protect the rights of persons with disabilities, but the government did not implement it effectively. There were no specific programs to assist persons with disabilities and no legislation mandating access to buildings, information, or communications. The government relied upon the traditional extended family and NGOs to provide services and supports to persons with disabilities. In practice most buildings were not accessible to persons with disabilities. Due to a high rate of unemployment in the general population, few jobs were available for persons with disabilities. Persons with mental disabilities generally did not have access to services; they usually relied on members of their extended families for assistance. In general school officials rejected many potential students with disabilities.

## **The Convention on the Rights of Persons with Disabilities**

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

## Vietnam

### **Constitution and Laws**

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement of these prohibitions was uneven, and the law does not address discrimination based on sexual orientation or gender identity.

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## **Persons with Disabilities**

The constitution provides for the protection of persons with physical disabilities. The law prohibits discrimination against or maltreatment of persons with physical and mental disabilities, encourages their employment, and requires equality for them in accommodation, access to education, employment, health care, rehabilitation, local transportation, and vocational training. There was no similar provision regarding persons with sensory or intellectual disabilities.

The provision of services to persons with disabilities, although limited, improved during the year. The Ministry of Transportation implemented accessibility codes for public transportation facilities, continued to train transportation agency officials and students on the use of the codes, and developed training materials for bus drivers to assist individuals on and off buses. The government also reduced the bus fares for 33,000 individuals with disabilities in Hanoi and Ho Chi Minh City.

The law requires construction and major renovations of new government and large public buildings to include access for persons with disabilities, but enforcement continued to be sporadic. New buildings and facilities in larger urban cities were built with ramps and accessible entries. The Ministry of Construction maintained enforcement units in the cities of Hanoi, Ho Chi Minh, Danang, Quang Nam, Hai Phong, and Ninh Binh to enforce barrier-free codes and provided training on construction codes for inspectors and architectural companies in more than 22 provinces during the year.

Access to education for children with disabilities, including blindness, deafness, and mobility restrictions, remained extremely limited. There was no information available on the attendance by children with disabilities at primary, secondary, and higher-education schools.

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

The government assisted persons with disabilities to vote in 2011 by bringing ballot boxes to the homes of individuals unable to go to a polling station.

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

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## **The Convention on the Rights of Persons with Disabilities**

Vietnam signed the Convention on 22/10/2007.