

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

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## **Europe and Eurasia**

### **Albania**

#### **Constitution and Laws**

The law prohibits discrimination on the basis of gender; race; color; ethnicity; language; gender identity; sexual orientation; political, religious, or philosophical beliefs; economic, education, or social situation; pregnancy; parentage; parental responsibility; age; family or marital condition; civil status; residence; health status; genetic predispositions; disability; or affiliation with a particular group. No cases have been presented in court to test enforcement of the law. Cases of discrimination may be brought to the government's antidiscrimination commissioner. However, the commissioner's office was somewhat ineffective and often failed to challenge the government even with clear evidence of discrimination. The law allows the antidiscrimination commissioner to testify as an expert witness, even in appeals on cases the office rejected.

#### **Persons with Disabilities**

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. However, employers, schools, health care providers, and providers of other state services sometimes discriminated against such persons. The law mandates that new public buildings be accessible to persons with disabilities, but the government only sporadically enforced the law. According to the 2011 census, 24 percent of persons with disabilities had never attended school. Sixty-five percent of the persons with disabilities that had never attended school were female. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.

Persons with disabilities were not restricted from participating in civic affairs, although in practice resource constraints and lack of infrastructure made it difficult for them to participate fully in many activities. The government has set up social services agencies to protect the rights of persons with disabilities, but the agencies often lacked funding to implement their programs. The law does not limit the right of persons with disabilities to vote; however, voting centers are often housed in facilities lacking accommodations for disabled persons, effectively undermining their right to vote.

On March 15, the assembly passed a law severely cutting benefits for disabled persons, including subsidies for transportation and electricity. The government held that the new law would help reduce fraudulent claims, but organizations that worked with disabled persons complained that it would eliminate subsidies for the blind and persons with severe physical disabilities. The ombudsman had urged the government not to adopt the law.

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

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

Albania signed the Convention on 22/12/2009 and ratified the Convention on 11/2/2013.

## Andorra

### **Constitution and Laws**

The constitution and law declare all persons equal before the law and prohibit discrimination on grounds of birth, race, gender, origin, religion, opinions, or any other personal or social condition. For the most part, the government effectively enforced these provisions. The ECRI report of May 22 noted that the country's criminal legislation relating to racism and intolerance is not exhaustive and does not include, inter alia, a provision prohibiting public incitement to violence, hatred, and discrimination.

### **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, and the provision of other state services. The government enforced it effectively. The law mandates access to public buildings, information, and communications for persons with disabilities, and the government generally enforced this provision. Nevertheless, societal discrimination against persons with disabilities existed on a small scale in the form of social and cultural barriers. Persons with disabilities also faced disadvantages in the labor market. The Council of Europe's human rights commissioner observed a gap between what is written in the law and the situation in reality regarding persons with disabilities and a need to increase the awareness about the rights of persons with disabilities and the removal of all barriers, physical and cultural, which impede persons with disabilities from living in dignity.

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

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

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

## Armenia

### **Constitution and Laws**

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

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## **Persons with Disabilities**

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

Persons with disabilities were seldom seen outside the home due to the social stigma associated with disabilities. At times children with disabilities missed school, due both to discrimination and the absence of facilities to accommodate their needs. According to a survey conducted during the year by UNICEF, one in five children with disabilities did not attend school. According to UNICEF one in every eight children with disabilities surveyed resided in a residential care institution (orphanage or special boarding school). Only one in 20 of those children had access to mainstream education, while five in 20 went to special schools and 14 in 20 did not go to school at all.

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

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

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

There were widespread reports of corruption and arbitrary rulings in the Medical-Social Expertise Commission, a governmental body under the Ministry of Labor and Social Affairs that determines a person's disability status.

## **Other References**

There were widespread reports about corruption in the Medical-Social Expertise Commission (MSEC) under the Ministry of Labor and Social Affairs, the body that determines a person's disability status (see section 6).

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

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

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## Austria

### **Constitution and Laws**

The law provides for protection against discrimination based on race, gender, disability, language, sexual orientation and/or gender identity, or social status, and the government generally enforced these protections. On September 11, the Council of Europe's human rights commissioner criticized the country's antidiscrimination legal framework, describing it as overly complex.

### **Persons with Disabilities**

The law protects persons with physical, sensory, intellectual, and mental disabilities from discrimination in housing, education, air travel and other transportation, employment, and access to health care and other government services. The government had a mixed performance in enforcing these provisions.

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

The law prohibits the sterilization of minors; however, the law provides for involuntary sterilization of adults with mental disabilities in cases where a pregnancy would be considered life-threatening. Authorities maintained there were no such cases during the year. In September the Innsbruck Prosecutor's Office announced it was investigating allegations of forced sterilization of a woman with disabilities at the Innsbruck University Clinic in 2009.

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

In July the government adopted the National Action Plan on Persons with Disabilities, which contains guidelines, policies, and 250 concrete measures for persons with disabilities to be implemented by 2020. The Action Plan focuses on disability mainstreaming in all legislative and administrative areas. Key projects include child rehabilitation programs, projects for crime victims, reforms of custody regulations, and expansion of employment programs for persons with disabilities. Some civil society organizations expressed dissatisfaction with their lack of input in formulating the plan.

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

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

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## Azerbaijan

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

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

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

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

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

## Belarus

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

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

The country's lack of independent living opportunities left many persons with disabilities no choice but to live in state-run institutions. Approximately 70 such institutions existed across the country. Disability rights organizations reported that the quality of care in these facilities was low, and instances of mistreatment and abuse were reported. Persons with physical disabilities and persons with mental disabilities frequently were mixed within facilities and not provided specialized care. Public transportation was free to persons with disabilities, but neither the subway in Minsk nor the bus system was wheelchair accessible. According to government statistics, 2 percent of the country's public transportation network was accessible.

Disability rights organizations reported difficulty organizing advocacy activities due to impediments to freedom of assembly, censorship of materials, and the government's unwillingness to register assistance projects.

Advocates also noted that persons with disabilities, especially those who were visually and hearing impaired, lacked the ability to address violations of their rights easily and completely since courts often failed to provide special equipment and sign-language translation.

## **Other Relevant References**

There was discrimination against persons with disabilities, Roma, ethnic and sexual minorities, persons with HIV/AIDS, and those who sought to use the Belarusian language.

Women's groups voiced concerns about the feminization of poverty, particularly among women with more than two children, female-headed households, women taking care of family members with disabilities or older family members, and rural and older women.

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

Belarus has not signed the Convention.

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## Belgium

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law provides for the protection of persons with physical, sensory, intellectual, and mental disabilities from discrimination in employment, education, transportation, access to health care, and the provision of other state services, and the provisions were generally enforced. The CEOOR received 320 complaints in 2011, compared with 319 in 2010. Most were employment-related and concerned access to private and public buildings and services, including public transport and access to banks, bars, and restaurants.

Children with disabilities were able to attend school, and there were no significant patterns of abuse in educational or mental health facilities. While the government mandated that public buildings erected after 1970 must be accessible to such persons, many older buildings were still inaccessible. The law requires that inmates with disabilities receive adequate treatment in separate, appropriate facilities. However, there were approximately 1,000 inmates with disabilities in Belgian prisons in spite of this law.

### **Other Relevant References**

The government-sponsored Center for Equal Opportunity and the Combat Against Racism (CEOCR) is tasked with promoting equal opportunity and with combating all forms of discrimination, exclusion, or preferential treatment based on [...] disability, or physical characteristics. CEORC reported in 2011 that 19.7 complaints were from physical disabilities.

Landlords were convicted for discriminating against foreigners and persons with disabilities.

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

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

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## Bosnia and Herzegovina

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law in both entities and at the state-level prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, air travel and other transportation, and the provision of other state services. In practice there was discrimination against persons with disabilities in all these areas.

In the Federation the law provides that all public buildings must be retrofitted to provide access to persons with disabilities and new buildings also must be accessible. In practice buildings were rarely accessible to persons with disabilities. The RS has comparable laws for public access, but few older public buildings were accessible. Human rights NGOs complained that many new public buildings continued to be built without access for persons with disabilities.

Human rights NGOs complained that the government ineffectively implemented laws and programs to ensure access to information.

The law requires children with special needs to attend regular classes, but schools were often unable to accommodate them. Children with special needs either attended classes using regular curricula in regular schools or attended schools for children with special needs. In practice parents of children with special needs, especially of those with greater disabilities, faced many obstacles and were left almost completely on their own to provide education for their children, although a growing number of programs for children with disabilities were available in schools.

### **Other Relevant References**

The following human rights problems were reported: [...] discrimination against persons with disabilities; trafficking in persons; and limits on employment rights.

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

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

## Bulgaria

### **Constitution and Laws**

The law prohibits discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal

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discrimination continued, particularly against persons with disabilities; ethnic minorities; and LGBT persons. Trafficking in persons continued to be a problem.

The government investigated complaints of discrimination, issued rulings, and imposed sanctions against violators. The law allows individuals to pursue a discrimination case through the court system or through the CPD. In the first 10 months of the year, the CPD received 728 complaints, up from 685 in 2011. The majority of the complaints concerned multiple allegations of discrimination, mostly based on personal status and disability, particularly with regard to employment. The commission found 230 cases of discriminatory practices and imposed fines totaling 7,250 levs (\$4,885) on violators.

## **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, and the provision of other state services. However, the government did not effectively enforce these provisions in practice. The government focused most of its efforts on providing various social services but lacked sufficient funding to adjust the infrastructure and implement active policies to improve public awareness. Societal discrimination against persons with disabilities persisted.

The law requires improved access to buildings for persons with disabilities, and most new public works projects took this requirement into account. However, enforcement of this law lagged in existing, unrenovated buildings. The law promotes the employment of persons with disabilities, providing employers with subsidies covering 30 to 50 percent of insurance benefits and the cost of adjusting and equipping workplaces to accommodate persons with disabilities. However, enforcement was poor and employers did not feel encouraged enough, and as a result more than 73 percent of the economically active persons with disabilities were unemployed. Other factors such as lack of access to adequate education, lack of skills, and lack of accessible transportation also contributed to that rate of unemployment. Only 17 percent of the municipalities provided adequate public transportation infrastructure.

The constitution provides for the right of all citizens to vote, and the law provides specific measures for persons with disabilities to have access to the polls, including mobile ballot boxes. The country's generally poor infrastructure for disabled persons provided them with inadequate access to education, health care, and social services. Individuals with mental and physical disabilities often were separated from the rest of society in institutions located for the most part in remote places, which prevented the hiring of qualified staff and hampered access to timely medical assistance. Despite some incremental improvements, conditions in the 81 institutions for persons with mental, physical, and sensory disabilities in the country remained poor. NGOs criticized the government for not moving toward an inclusive, community-oriented model of education, socialization, and health care for persons with disabilities.

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Authorities placed children with varying types and degrees of disability in the same institution. The government operated 72 institutions for parentless children, 31 for medical and social care, 24 for children and youth with mental disabilities, and 73 family-type residence centers. At the end of 2011, the total number of children in these institutions was 2,636. According to the CPD, less than 10 percent of the schools provide access for children with disabilities.

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

In June the government approved a two-year action plan for providing equal opportunities to persons with disabilities that fleshed out the existing government strategy.

## **Other Relevant References**

Societal discrimination continued, particularly against ethnic minorities, sexual minorities, and persons with disabilities.

Human rights problems included[...] and discrimination against persons with disabilities, Roma, other members of minority groups, and lesbian, gay, bisexual, and transgender (LGBT) persons.

A defense attorney is mandatory if the alleged crime carries a punishment of 10 or more years in prison for juveniles, foreigners, persons with mental or physical disabilities, or for trials conducted in the absence of the accused.

The government lacked a policy on children with disabilities, resulting in their receiving inadequate access to education, healthcare, and social services (see section 6.).

Problems in state-run institutions for children, including incidents involving the exploitation of children, continued to receive media attention during the year. In September the BHC and the prosecution service conducted a joint inspection of institutions for disabled children that uncovered 238 deaths in the preceding decade as a result of poor treatment, lack of supervision, and unsanitary conditions as well as violence.

In 2009 there were 6,920 children, including children with disabilities, in 137 specialized institutions. This was a decrease from 7,466 children in 140 institutions in 2008 and a 45 percent decrease from 12,609 children in 165 institutions in 2001. The majority of children in institutions were Roma. Most children in state institutions were not orphans; courts institutionalized children when they determined that their families were unable to provide adequate care.

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

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

## Croatia

### **Constitution and Laws**

The law prohibits discrimination based on gender, age, race, disability, language, or social status; and the government generally enforced these prohibitions. The Sex Equality Act and the Suppression of Discrimination Act explicitly prohibit discrimination on grounds of sexual orientation. The law does not discriminate based on gender identity.

### **Persons with Disabilities**

The law on the suppression of discrimination guarantees access for persons with disabilities to all modes of transportation. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and in the provision of other state services; however, discrimination occurred.

By June, 811 persons with disabilities found employment, while 5,914 others remained unemployed. The ombudswoman for persons with disabilities reported the majority of complaints received by her office in 2011 continued to involve payments and services based on disability, followed by physical accessibility and health care. Many complaints concerned institutions' perceived uneven criteria in granting certain benefits and services to persons with disabilities.

In a 2011 letter to the then prime minister, Human Rights Watch and the Mental Disability Advocacy Center criticized the government for doing little to deinstitutionalize approximately 9,000 persons with intellectual or mental disabilities. The ombudswoman for persons with disabilities stated in June that their inspection of relevant institutions showed no progress in finding alternative solutions for these individuals during the year.

The law mandates access to buildings for persons with disabilities; however, the government did not always enforce this provision, and the law did not mandate that existing facilities be retrofitted. While there were improvements in larger cities, access to public facilities for persons with disabilities remained limited. The government enacted and effectively implemented laws and programs to ensure access to information and communications. Children with disabilities attended all levels of school and were permitted to be home schooled if necessary. There were no reports of abuse in educational and mental health facilities. There were no restrictions on the rights of disabled persons to vote or participate in civic affairs.

### **Other Relevant References**

The law provides longer sentences for sexual violence against persons with disabilities.

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

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

## Cyprus

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or in the provision of other state services. In practice the government generally enforced these provisions. While the law mandates universal accessibility for public buildings and tourist facilities built after 1999, government enforcement was ineffective. Older buildings frequently lacked access for persons with disabilities. There were no appropriate institutions for adults with mental disabilities who needed long-term care.

The amended People with Disabilities Law, which extended the ombudsman's authority to cover discrimination based on disabilities in both the private and public sectors, had not been fully implemented by the end of the year. Problems facing persons with disabilities included narrow or nonexistent sidewalks and lack of transport, parking spaces, accessible toilets, and elevators. During the year the ombudsman examined two complaints of discrimination against persons with disabilities concerning access of persons with disabilities to schools and beaches. The complaints were still under investigation at year's end.

The state provides facilities to enable children with disabilities to attend all levels of education. An escort is provided if necessary. Since there were no long-term care facilities specifically for persons with mental disabilities, many resided at the Athalassa Psychiatric Hospital. The House of Representatives Committee on Human Rights noted that there was no infrastructure to support mental health patients when they left the psychiatric hospital and no programs for their social integration or aftercare in general. On February 14, the ombudsman released a report with recommendations for improving patients' living conditions at Athalassa Psychiatric Hospital. The report expressed concern that two minor patients were held in the same ward with adult patients and stressed the need for a separate psychiatric clinic for children. The ombudsman reported the hospital adopted many of her recommendations, including the creation of a separate department for children and juveniles.

In a report on its 2008 visit to the country, released in December, the CPT noted that it had observed no improvements in living conditions in the Athalassa Psychiatric Hospital since its previous visit in 2004 and that the hospital needed immediate construction of new facilities or complete renovation of the existing ones.

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The Paraplegics Association reported that the government did not take measures to ensure that all public buses were accessible to wheelchair users. The association reported that some of the older buses were not at all accessible while the newer ones had only one space for wheelchair users. After a meeting with the minister of communications and works in 2010, the Paraplegics Association stated that the government had agreed that all future orders for buses would provide for two wheelchair spaces. The government also agreed to modify buses then in use if demand showed a need for two wheelchair spaces. According to the Paraplegics Association, the government neither ordered new buses nor modified the existing ones.

The Ministry of Labor and Social Insurance's Service for the Care and Rehabilitation of the Disabled is responsible for protecting the rights of persons with disabilities. The minister of labor and social insurance chaired the Pancyprian Council for Persons with Disabilities, which included representatives of government services, organizations representing persons with disabilities, and employer and employee organizations.

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

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

## Cyprus – the Area Administered by Turkish Cypriots

### **Constitution and Laws**

The "law" prohibits discrimination based on race, gender, disability, language, or social status. Authorities generally enforced these 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 in the provision of other "state" services, and in practice authorities effectively enforced these provisions. The "government" employed 563 persons with disabilities and provided financial aid to the remaining 3,804 persons with disabilities in the area administered by Turkish Cypriots. The "law" does not mandate access to public buildings and other facilities for persons with disabilities.

## Czech Republic

### **Constitution and Laws**

The law prohibits discrimination based on gender, age, disability, race, ethnic origin, nationality, sexual orientation, religion, or personal belief. The government did not effectively enforce these provisions. Significant societal discrimination against some minorities, including Roma, persisted.

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## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, mental, and other disabilities in employment, education, public transportation services, access to health care, and the provision of other government services. The government generally enforced these provisions. Nevertheless, persons with disabilities faced a shortage of public accommodations and were unemployed at disproportionately high rates. Most children with disabilities were able to attend mainstream primary and secondary schools and universities. A number of children with disabilities were placed in special schools, or practical schools, which were intended for children with “mild retardation.” These schools did not prepare children for university-level education. Elementary school directors had the authority to accept or reject any student, based upon the school’s ability to meet the student’s individual needs. It was not uncommon for mainstream schools to refuse admittance to students with disabilities.

Of Prague’s 54 subway stations, 32 were accessible to persons with disabilities, including five of the 15 major stations in the city center. A majority of buses and new tramcars had low-floor entry doors to accommodate passengers with disabilities. The subway, bus, and tram systems provided stop announcements and equipment for visually impaired riders.

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

The government continued its program to aid persons with disabilities, Mobility for All, which focuses on removing access barriers to public buildings in towns and villages, as well as increasing the accessibility of public transportation.

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

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

## Denmark

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, in a number of areas including employment, education, air and other modes of travel, access to health care, and other state services, and the government effectively enforced these provisions in practice. The law mandates access by persons with disabilities to buildings, education, information, and communications, and the government generally enforced these provisions in practice. Children with

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disabilities attended school. The right of persons with disabilities to vote or participate in civic affairs was not restricted.

The parliamentary ombudsman monitored the treatment of persons with disabilities and issued six opinions regarding complaints of disability discrimination.

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

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

## Estonia

### **Constitution and Laws**

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced the prohibitions. Violence against women and child abuse were problems. Measures to ensure access to services by persons with disabilities were inadequate, especially in rural areas, and progress in naturalizing the country's large population of stateless persons continued to be slow.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and transportation (although it does not mention air transportation explicitly). The government generally enforced these provisions. Additionally, the state provides access to information services and makes individual assistants available to persons with disabilities when necessary. The law does not mandate access to buildings for persons with disabilities; few older buildings were accessible, although new or renovated buildings generally were. According to the legal chancellor, measures to extend fundamental rights to individuals in mental health facilities remained inadequate. Problems included abusive use of physical restraints and inadequate medical care. NGOs complained that while services typically were accessible in Tallinn, persons in some rural areas had difficulty receiving appropriate care.

The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities, and local governments are responsible for the provision of social welfare services to persons with disabilities. Children with disabilities attended school (primary, secondary, and higher education). The government focused on developing rehabilitation services to improve the ability of persons with disabilities to cope independently and increase their social inclusion. The government also compensated for some additional expenses caused by a person's disability.

### **Other Relevant References**

The legal chancellor, an independent official with a staff of 30 persons, performs the role of human rights ombudsman. The legal chancellor reviews legislation for compliance with the constitution and oversees observance by authorities of fundamental rights and freedoms and the principles of good governance. The legal chancellor also helps resolve accusations of discrimination based on gender, race,

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nationality (ethnic origin), color, language, religion, social status, age, disability, and sexual orientation. The legal chancellor makes recommendations to ministries and local governments, requests responses, and has the authority to appeal to the Supreme Court. The legal chancellor compiles an annual report for parliament. Public trust in the office was high, and the government was responsive to the reports and decisions issued by this office.

Authorities have adopted policies, such as funding citizenship and language courses and simplifying the process for persons with disabilities, to facilitate acquisition of citizenship by those stateless persons who wish it.

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

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

## Finland

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

Approximately 200,000 persons with disabilities lived in the country. On August 9, the Finnish Broadcasting Company reported that persons with physical disabilities were likely to experience difficulties entering the labor market, although many of them would like to work and would receive public training and educational services. A doctoral thesis for Eastern Finland University found that the public service system is too rigid to meet personal needs. The thesis proposed better collaboration between the government and persons with disabilities, as well as structural changes to public services.

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Children and young persons with disabilities attend primary, secondary, and higher education school and study together with their peers. According to the most recent government statistics available, in 2011 44,081 pupils-- 8.1 percent of all pupils in the nine years of mandatory schooling--had disabilities.

The Council of Europe's human rights commissioner identified 21 hate crimes directed at persons with disabilities in 2010.

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

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

## France

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

During the year the Fund Management Organization for the Professional Integration of People with Disabilities (Agefiph) reported that persons with disabilities had a 22 percent higher unemployment rate than the general population. The law requires that at least 6 percent of the workforce of companies with more than 20 employees be persons with disabilities. Noncompliant companies could face criminal fines, and 57 percent of French companies complied with the law, according to Agefiph.

In January the defender of rights stated that three companies, including Airbus and Easyjet, demonstrated discriminatory behavior against citizens with disabilities.

On February 15, authorities named Jean-Christophe Parisot, a quadriplegic, prefect of the department of Hérault in Southern France. Parisot had previously run for president in 2002 and 2007 to "prove that handicapped persons could handle responsibility."

The law provides for government compensation to persons for the consequences of a disability and requires that buildings, education, and employment be accessible to them. In 2010, the most recent year that statistics were available, 915,000 persons with disabilities received financial compensation from the government. The government paid adults with disabilities 776.59 euros (\$1,025) per month. The law requires that any new building with public or community space and any existing public building be accessible for persons with disabilities. According to the Association of Paralytics in France, only 15 percent of establishments in the country were handicap accessible. The law also requires the

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establishment of centers in each administrative department to assist disabled persons with receiving compensation and employment assistance.

In September the Office of the Minister-Delegate for Disabled Persons and for the Fight Against Exclusion released a report admitting that the January 2015 deadline for making all buildings accessible would not be met for budgetary reasons. It suggested maintaining the 2015 date but changing the goal to “intermediate accessibility.”

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

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

## Georgia

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

The law mandates access to buildings for persons with disabilities and stipulates fines for noncompliance. However, very few public facilities or buildings were accessible, although notably the presidential residence, the Ministry of Internal Affairs, Ministry of Justice, Ministry of Education, and Office of the Public Defender’s buildings complied with the law. Public and private transportation offered no accommodation for persons with disabilities. Sidewalk and street crossing accessibility was poor.

In the 2011 *Situation of Human Rights and Freedoms in Georgia* report, the Public Defender’s Office noted that infrastructural and institutional barriers created insurmountable difficulties for persons with disabilities. The report stated that access to medical care was especially problematic because many individuals with disabilities were unable to work yet did not qualify for government-subsidized health care. For example, one family applied to the public defender for assistance after the Ministry of Health determined their ownership of a used vehicle disqualified them for government-funded health care. The family asserted the car was necessary for transporting their two children with muscular dystrophy. The

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family later notified the public defender that one child died from pneumonia because it could not afford hospital treatment.

Nine major committees in the country evaluated children with disabilities and assisted with their integration in schools. Four early intervention centers for children with disabilities were managed by NGOs and partially funded by the government for the most vulnerable children. Only three large orphanages for children with disabilities remained open at the end of the year. A pilot program through the Ministry of Education integrated 100 children with special needs in physical education and sports classes in five public schools in Tbilisi.

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

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

## Germany

### **Constitution and Laws**

The constitution and laws prohibit discrimination based on sex, parentage, race, language, homeland and origin, faith, religious or political opinion, disability, sexual orientation and gender identity, or social status. Authorities compiled a strong enforcement record in most of these areas, but acknowledged that more needed to be done in some areas, for example, to enforce laws prohibiting discrimination against persons with disabilities.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, and the provision of other federal state services, which include access to air travel and other transportation. The relevant law makes no specific mention of persons with sensory or intellectual disabilities, but these are believed to be subsumed under the other headings. The extent to which the government effectively enforced these provisions remained debatable among NGOs, and the government expressed interest in learning about methodologies to enhance enforcement of its antidiscrimination laws. The country's approximately 500,000 children with disabilities attended school. Some persons with disabilities attended special schools, and officials contended that special schools were often better equipped to take care of such students, but critics argued that these institutions prevented the full integration of children with disabilities into the professional world and society as a whole.

The government employed a number of measures to promote the employment of persons with disabilities. Employers with 20 or more employees must hire persons with disabilities to fill at least 5 percent of all positions or face a fine of 100-290 euros (\$130-\$377) per month for noncompliance. According to the NGO Sozialverband VdK Deutschland, this regulation applied to approximately 135,000 companies in 2011; however, 38,000 chose to pay the noncompliance fine. As of September 2011, pursuant to an agreement between the German Railway and the Federal Ministry for Labor and Social

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Affairs, persons with disabilities who meet certain requirements can ride all regional trains within the country free of charge.

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

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

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

## **Other Relevant References**

The FCO defined "politically motivated crimes" as offenses related to the victims' ideology, nationality, ethnicity, race, skin color, religion, world view, ancestry, sexual orientation, disability status, appearance, or social status.

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

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

## Greece

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against people with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other government services such as transportation and education. NGOs and organizations for disability rights reported that government enforcement of these provisions was uneven.

The law mandates access to buildings for people with disabilities and special ramps for the sidewalks and means of public transportation; however, authorities enforced this law poorly. Activists for the rights of individuals with disabilities reported that parked vehicles often occupied sidewalks and special

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ramps, thus hindering access for persons with disabilities. The general lack of accessibility forced such individuals to remain at home and led to serious social exclusion. Research by the Polytechnic School of Athens during the year revealed that 69 percent of the country's ports were not accessible to passengers with disabilities. The law allows service animals to accompany blind people in all mass transit, but blind activists claimed they faced serious problems when attempting to use city transportation with their dogs.

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

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

There was a shortage of qualified personnel available to provide health and educational support to children with disabilities. Access to buildings, transportation, and public areas for individuals with disabilities, including children, remained poor. Legislation in this regard was not sufficiently enforced.

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

The Confederation of the Disabled estimated the unemployment rate for people with disabilities to be 84 percent in 2010 and called unemployment the greatest social problem they faced. Observers believed the situation has worsened due to the economic crisis.

## **Other Relevant References**

Transgender persons were exempt from military service on disability grounds.

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

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

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## Hungary

### **Constitution and Laws**

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

### **Persons with Disabilities**

The new constitution provides for the fundamental rights for all without discrimination including for persons with disabilities and vows to protect them with special measures. The law prohibits discrimination against persons with physical, sensory, and intellectual disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government services. However, persons with disabilities frequently faced discrimination and prejudice, and the government failed to enforce antidiscrimination laws effectively. According to the 2001 census, 577,000 persons with disabilities lived in the country, while disability organizations estimated the number to be significantly higher.

The international NGO Mental Disability Advocacy Center (MDAC) continued to criticize the government for failing to protect the rights of persons with disabilities who were under the legal guardianship of others, particularly their right to access employment, education, and health care. According to the MDAC, one of the key problems was the lack of alternatives to guardianship for persons with disabilities who needed support in making certain decisions. According to the MDAC, nearly 60,000 adults were under guardianship. On October 22, the UN Committee on the Rights of Persons with Disabilities released the *Concluding Observations on the Initial Periodic Report of Hungary*, which recommended “immediate steps to derogate guardianship in order to move from substitute decision-making to supported decision-making, which respects the person’s autonomy, will and preferences.”

A government decree requires all companies with more than 25 employees to reserve 5 percent of their work positions for persons with physical or mental disabilities and levies fines for noncompliance. Employers typically paid the fines rather than employ persons with disabilities. On July 3, a report published by the fundamental rights commissioner found that the right to human dignity and to free choice of employment for persons with disabilities was routinely violated. The report noted that the tendering system aimed at improving the employment of persons with disabilities was “unpredictable and chaotic in its present form,” and employment procedures were excessively complicated and served as disincentives for employers.

Both the central government and municipalities continued to renovate public buildings to make them accessible to persons with disabilities. The law originally set 2010 as the deadline by which the central government had to make buildings accessible, while municipalities have until 2013. There was no data available on the percentage of government buildings that complied with the law, but NGOs contended many public buildings remained inaccessible. NGOs claimed that the right to public schooling was not

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honored for children with severe and multiple disabilities because public elementary schools are not obliged to enroll children with disabilities.

NGOs continued to complain about the lack of independent oversight of government-run long-term care institutions for persons with mental disabilities. According to the MDAC, 25,000 persons with disabilities were living in long-term care psychiatric and social care institutions. On October 15, the ombudsman released a report on the accommodation and care of psychiatric patients in the Forensic Psychiatric Mental Institute (FPMI). The FPMI is the only institute where forced medical treatment ordered by a court can be carried out and where detainees with psychiatric or neurological problems are transferred from penitentiary institutions. The ombudsman's report concluded that the present circumstances constituted a violation of patients' rights to human dignity and to health.

According to the constitution, a court can deprive persons with disabilities who are under guardianship of their right to vote due to limited mental capacity. The MDAC harshly criticized the "mental ability" provision calling it an "unsophisticated disguise for disability-based discrimination" because it could apply to persons with intellectual disabilities and persons with psychosocial disabilities. NGOs noted that polling places were generally not accessible to persons with disabilities and that election materials were not available in an easy-to-read format.

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

## **Other Relevant References**

On May 20, the ECHR issued a decision favoring a plaintiff who challenged the decision of the authorities denying him the right to vote because he was under partial guardianship for manic depression, a condition the constitution envisages as a possible basis for deprivation of the franchise. However, the ECHR concluded that the indiscriminate removal of voting rights (without an individual judicial evaluation and based solely on a mental disability necessitating partial guardianship) violated the convention and awarded the plaintiff 3,000 euros (\$4,000).

Also on May 20, the ECHR ruled in favor of a plaintiff who claimed he was mistreated due to his physical disability while serving a prison sentence at Szeged Prison in 2005-06. The court awarded him 12,000 euros (\$16,000).

NGOs claimed that the right to public schooling is not honored for children with severe and multiple disabilities because public schools are not obliged to set up classes for those children. NGOs and government officials estimated that one-third of Romani children were educated in segregated classes and that 20 percent were placed without justification in remedial classes for children with mental disabilities, effectively segregating them from other students.

During the year the Chance for Children Foundation (CFCF) initiated a lawsuit against Heves County and the county-operated Expert Committee, which diagnoses and certifies children with disabilities and learning difficulties. The CFCF claimed that the percentage of children certified as having such disabilities was much higher than in other counties, the number of Romani children among them was

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disproportionately high, and almost all certified children attend segregated remedial schools with substandard curricula. The CFCF asked the court to rule that there was racial bias in the diagnosing and certifying procedure and to ban the county and its institution from the practice. The case was pending at year's end.

NGOs and government officials estimated that one-third of Romani children were educated in segregated classes and that 20 percent were placed without justification in remedial classes for children with mental disabilities.

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

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

## Iceland

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, sexual orientation, gender identity, disability, language, and social status. Various laws implement these prohibitions, and the government effectively enforced them. Following his January 7-9 visit to the country, COE Human Rights Commissioner Thomas Hammarberg, asserted that the nondiscrimination provisions of the law do not protect all vulnerable persons to the same extent and that persons with disabilities, older persons, members of ethnic and religious minorities, and transgender persons would benefit from stronger protections against discrimination.

### **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, and the provision of other state services. There were no reports of official discrimination in these areas. One domestic airline did not accommodate persons in wheelchairs. The law provides that persons with disabilities receive preference for government jobs when they are at least as qualified as other applicants. However, disability rights advocates asserted that the law was not fully implemented and that persons with disabilities constituted a majority of the country's poor. Children with disabilities attended school (primary, secondary, and higher education).

The government ensured that persons with disabilities had access to buildings, information, and communications. Disability rights advocates complained that access to public information was dissatisfactory, since not all persons with disabilities had electronic access. Building regulations require that public accommodations and government buildings, including elevators, be accessible to persons in wheelchairs; that public property managers reserve a minimum of one space for persons with disabilities; and that sidewalks outside the main entrance of such buildings be kept clear of ice and snow to the extent possible. While violations of these regulations are punishable by a fine or a jail sentence of

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up to two years, the main association for persons with disabilities complained that authorities rarely, if ever, assessed penalties for noncompliance.

The Ministry of Welfare was the lead government body responsible for protecting the rights of persons with disabilities. It coordinated the work of six regional offices that provided services and support to persons with disabilities. It also maintained a diagnostic and advisory center in Reykjavik that aimed to create conditions allowing persons with disabilities to lead normal lives.

In July two persons with disabilities filed complaints with the Supreme Court regarding procedures in the June 30 presidential elections. They complained that persons with disabilities could not select an assistant of their choice to help them cast their vote in the voting booth and instead had to rely on polling place staffers. The two individuals contended that this violated the principle of a secret ballot and that the election should be invalidated. The Supreme Court rejected the complaints on the grounds that the flaws in the election procedure did not have an effect on the election results. In October parliament passed a law allowing voters with disabilities to select an assistant of their choice to help them cast their vote.

## **Other Relevant References**

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

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

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

## Ireland

### **Constitution and Laws**

The constitution and law prohibit discrimination. The nine grounds under which discrimination is prohibited by equality legislation are: Gender; Civil Status; Family Status; Sexual Orientation; Religion; Age; Disability; Race; and Membership of the Traveller Community.

### **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; the government effectively enforced these provisions. The government effectively implemented laws and programs to ensure that persons with disabilities have access to

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buildings, information, and communications. The National Disability Authority has responsibility for setting and implementing disability standards, as well as directing disability policy. Children with disabilities generally have full access to all educational options at all levels. Observers reported that minors continued to be admitted to adult psychiatric units, and human rights groups continued to criticize understaffing and working conditions at the Central Mental Health Hospital in Dundrum, the country's only secure mental health facility.

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

Ireland signed the Convention on 30/3/2007.

## Italy

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in the areas of employment, education, air travel and other transportation, access to health care, and the provision of other government services. The government enforced these provisions, but in some instances accessibility to public buildings and facilities was not guaranteed, and there were incidents of societal discrimination. Following the suicide of an inmate in a psychiatric prison in Messina on July 2, the chairman of a parliamentary committee on health service in prisons, Ignazio Marino, attributed the suicide in part to the poor living conditions, and criticized living conditions in prisons and mental health facilities as unacceptable and jeopardizing efforts to treat and rehabilitate inmates.

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

According to ISTAT, during the 2010-11 school year, the most recent available data, there were 4.2 million persons with disabilities, of whom 139,000 were students in elementary and middle schools assisted by 63,000 specifically assigned and specially trained instructors.

### **Other Relevant References**

During the year there were some reports of police abuse of authority and inadequate care for prisoners with mental disabilities.

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

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

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

## Kosovo

### **Constitution and Laws**

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

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation, access to health care, and in the provision of other state services. The law requires the government to provide protection and services to all citizens equally, but persons with disabilities suffered considerable discrimination in practice. The government did not effectively implement laws and programs to provide persons with disabilities access to buildings, information, or communications. The Office of the Ombudsperson itself was not accessible for persons with physical disabilities. The Ministry of Labor and Social Welfare is the government agency responsible for protecting the rights of persons with disabilities.

Kosovo Mental Disability Rights International (K-MDRI) found the government was not implementing its national action plan for persons with disabilities and highlighted failures of the Ministry of Labor to provide opportunities for integrating persons with disabilities into society.

According to HandiKos, a local disability rights NGO, authorities did not adequately implement laws and governmental action plans relating to persons with disabilities. As a result children with disabilities often could not access educational opportunities, professional evaluations, or health and social services.

The law provides for protection for children with disabilities. According to the Ministry of Education, seven special residential schools served children with disabilities and 77 special needs classrooms were in regular schools. The ministry reported 1,179 pupils were receiving special education at the end of the year. According to UNDP, children with disabilities faced a number of barriers to access mainstream educational facilities, including lack of transportation to and from educational facilities, special training for teachers, and appropriate infrastructure. As a result, only 10 percent of children with disabilities were in mainstream schools. The Ministry of Labor lacked funding and personnel needed to implement laws and provide support to families of children with disabilities.

No national law regulates the process of committing persons to psychiatric or social care facilities or to protect their rights within institutions, and mental health facilities were severely substandard. The ministries of labor and health had separate mandates for treating persons dealing with mental health issues. K-MDRI and KRCT reported that police detained persons with mental disabilities without legal

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basis in isolated conditions. The World Health Organization estimated 14,000 persons with mental disabilities resided in the country. K-MDRI reported an estimated 50,000 persons with mental disabilities lived isolated and stigmatized lives outside of institutions.

The main facility for persons with mental disabilities was the Shtime/Stimlje Special Institute (SSI), a complex with two residential treatment buildings. One building focused on adults with developmental or intellectual disabilities and treated 56 individuals. The second building specialized in treating adults with psychiatric issues, was run by the Ministry of Health, and housed 58 persons, most of whom have lived there since the war in 1999. The government also supported several residential “community houses” for developmentally disabled persons. All but one was dedicated to adults with disabilities.

K-MDRI cited SSI for having insufficiently trained staff and a lack of rehabilitation programs for patients and residents. According to the KRCT, conditions at SSI did not improve during the year, and few protocols existed for intervening with patients who demonstrated aggression to others or who might harm themselves. SSI staff did not keep records detailing patients’ potentially harmful behaviors or types or periods of treatment. Monitors observed overcrowding and filthy conditions, broken toilets, and some patients sleeping in small rooms without sheets or blankets.

The KRCT reported the Kosovo Correctional Service’s Psychiatric Unit could not adequately treat or hold inmates with emotional or mental problems. The clinic had beds for seven patients but no space allocated for receiving or treating women. Authorities detained women experiencing psychiatric distress at the University Hospital in Prishtine/Pristina. Reports indicated that officials tied women to their beds during their stay.

The Ministry of Health operated eight integration and community homes across the country, providing inpatient care for 75 persons with mental disabilities. The Ministry of Labor operated another 10 community homes with approximately 10 to 15 residents in each facility. K-MDRI reported that, while these homes were intended to be transitional, most residents spent years there with little prospect of integration into the community.

## **Other Relevant References**

The Ministry of Labor and Social Welfare reported that there were 258 abandoned children with disabilities, ranging in age from three to 18 years, living in two government-funded community homes receiving 24-hour care.

During the year reported problems and abuses included the following: [...] societal discrimination against persons with disabilities; abuse and discrimination against persons based on their sexual orientation; and child labor in the informal sector.

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

Kosovo has not signed the Convention

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## Latvia

### **Constitution and Laws**

The law prohibits discrimination based on race, gender, disability, language, sexual orientation and/or gender identity or social status, and the government enforced most of these prohibitions. However, there were complaints that rape and domestic violence laws were ineffective or not adequately enforced.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to healthcare, or the provision of other state services, and the government generally enforced these provisions. The law mandates access to air travel and other transportation, and during the year the government and municipalities had partially implemented the law. The also law mandates access to buildings for persons with disabilities; however, most buildings were not accessible.

The law grants additional assistance to children with disabilities, allowing them and their caretakers to use public transportation free of charge. The law also allows families of children who have been diagnosed with a disability to receive state-funded counseling. Children with disabilities attended school. The majority attended specialized schools, but children with disabilities can also attend regular schools that accommodate their needs. In September the government allocated funds for assistants in schools. The legislation came into force in October.

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

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

## Liechtenstein

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

The government effectively implemented laws and programs to ensure that persons with disabilities readily had access to buildings, information, and communications. The law mandates that all public kindergartens and schools, as well as public transportation systems, must be accessible to persons with

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disabilities by 2012. Children with disabilities were able to attend public schools or a special school established by the orthopedic society. The country also had several institutions that provided working, living, and school facilities for persons with disabilities.

During the year 296 buildings were rated “barrier-free,” an increase of 46 over the past five years. The law requires recently constructed public buildings to be barrier-free by 2027 and older public buildings by 2019.

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

Liechtenstein has not signed the Convention.

## Lithuania

### **Constitution and Laws**

The law prohibits and penalizes discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government efforts at enforcement, discrimination against women and ethnic and sexual minorities persisted. At the beginning of the year, authorities began implementation of a two-year plan to coordinate governmental efforts against discrimination, overseen by the Ministry of Social Affairs. The government allocated 788,500 litas (\$301,000) to the plan in the first year, including funds to NGOs for implementation of antidiscrimination programs.

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities, although it does not specify what kind of disabilities. It explicitly names housing, transport, telecommunications, and cultural and leisure activities as areas in which discrimination is forbidden. There was no proactive enforcement of these requirements. During the year the equal opportunities ombudsman investigated 18 cases of alleged discrimination based on disability.

The law mandates accessibility of buildings for persons with disabilities. According to 2011 data from the Department of Statistics, nearly 45 percent of housing was accessible to persons with disabilities.

According to the Department of Statistics, 42,754 children with disabilities (10.9 percent of all children in schools) attended public schools in 2011-12. However, they did not always receive the assistance they required; this was especially true for children with moving disabilities. Sixty-two special schools or drop-in centers accommodated 3,864 children.

Individuals involuntarily declared incapacitated by a court have no right to appeal. On February 14, the European Court of Human Rights, after investigating a complaint from Lithuania, found that the country’s system of protecting persons with mental disabilities suffered from serious legal and practical shortcomings by not providing persons who were legally incompetent with any avenue of appeal and, in the case at hand, by not giving the plaintiff an opportunity to participate in the hearing in which the

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incompetent status was determined. Authorities did not implement changes in this system by year's end.

The mental health system was widely regarded as inadequate; it remained among the least reformed areas in the health sector.

The Ministry of Social Security and Labor and the Council for the Affairs of the Disabled are the two primary governmental organizations responsible for developing equal opportunities in the labor market and improving government effectiveness in meeting the needs of and augmenting the social security net for persons with disabilities. The Ministry of Health is responsible for making health services equally accessible to all inhabitants of the country. During the year the government also organized a seminar for media specialists on nondiscrimination against persons with disabilities as part of its overall campaign against discrimination.

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

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

## Luxembourg

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, the provision of other state services, or other areas. The government effectively enforced these provisions. The law does not require government or privately owned buildings to be accessible to persons with disabilities, but the government subsidized the construction of such structures. The NGO Aid for Handicapped Children advocated for the protection of the rights of persons with disabilities. Children with disabilities attended school. Based on the nature and degree of their disability they attended one of nine such specialized schools.

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

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

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

## Macedonia

### **Constitution and Laws**

The constitution and law prohibit discrimination based on gender, race, disability, language, gender identity, religion, and national, social, or political affiliation; it provides for fines ranging from 400 to 1,000 euros (\$528 to \$1,300) on individuals or legal entities found guilty of discrimination. The government generally enforced these prohibitions. In its 2011 report, the ombudsman stated that discrimination existed in all spheres in society, especially on the grounds of ethnicity and political affiliation. The report recommended education campaigns to strengthen citizen awareness of discrimination.

### **Persons with Disabilities**

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

The law requires that only new buildings be made accessible to persons with disabilities. Many public buildings remained inaccessible. Inconsistent inspection resulted in construction of new facilities that were not accessible. NGOs reported the situation was improving over time. Public transportation is largely inaccessible for physically disabled persons. The Ministry of Education failed to provide suitable special education services for disabled persons, although children with disabilities attended school. The right to vote and participate in civic affairs was not restricted. The government and its agencies did not take any significant steps to improve respect for rights of persons with disabilities during the year.

Advocates stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented the full integration of persons with disabilities into society. Additionally, the low salaries offered to the often undertrained persons with disabilities further discouraged them from seeking employment.

The Ministry of Labor and Social Policy is responsible for integrating persons with disabilities into economic life and for the payment of benefits. In practice disability benefits did not cover the cost of

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living. Advocates indicated that employment and life-skills training programs for persons with mental and physical disabilities were very limited and did not contribute significantly to their economic integration.

In its 2010 visit the CPT noted consistent allegations of mistreatment of psychiatric patients by staff and violence between patients, in particular at Demir Hisar Psychiatric Hospital. The alleged mistreatment included the use of wooden sticks and metal rods. Many patients at Demir Hisar forensic ward also alleged that they had been physically abused by other patients, that they feared for their personal safety, and that staff did not intervene to prevent violence between patients, preferring to withdraw from such situations for their own protection.

The CPT reported finding the wards at Demir Hisar extremely dilapidated, poorly maintained, dirty, and reeking of urine. Two wards in particular had sanitary facilities in a poor state of repair, with feces on the floor and clogged, inoperative plumbing. For this reason patients were obliged to use bedpans, which the patients then emptied. The CPT also reported finding the wards at Negorci Hospital very dilapidated with some of the rooms severely overcrowded. In the facility there was poor or no artificial lighting and blocked toilets contained mounds of dirty rags. There were no indoor communal areas for patients, so patients were effectively confined to their rooms during the winter.

## **Other Relevant References**

On July 16, the prosecutor indicted 36 of 40 medical doctors and officials of the Health Fund whom police arrested in April on bribery and fraud charges related to disability pensions.

On December 2009 parliament passed a law that provides for free legal aid to citizens seeking legal assistance. The law designates those who qualify for assistance including recipients of social or disability welfare, single parents, certain pension recipients, and asylum seekers. The Office of the UN High Commissioner for Refugees (UNHCR) reported that in practice there has been no access to state-funded free legal aid for asylum seekers due to the manner in which the provisions of the law were interpreted.

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

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

## Malta

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits both the public and private sectors from discriminating against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other

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transportation, health care, physical access, access to goods and services, housing, and insurance, and the government effectively enforced these provisions. As of the end of September, the National Commission for Persons with Disabilities (NCPD), the agency responsible for enforcement of this law, was examining 175 pending discrimination complaints from previous years; opened investigations into 164 new cases; and satisfactorily concluded 146. Children with disabilities attended both mainstream schools and Education Resource Centers from primary school through university.

The government previously implemented legislation to ensure access to buildings, information, and communication. In November the government launched a Maltese language voice recognition software for use by persons with speech and hearing disabilities.

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

Malta signed the Convention and Optional Protocol on 30/3/2007 and ratified the Convention and Optional Protocol on 10/10/2012.

## Moldova

### **Constitution and Laws**

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

On May 25, parliament adopted the Law on Ensuring Equality, which prohibits discrimination on the basis of 11 characteristics, including sex, race, religion, and disability, but only prohibits discrimination on the basis of sexual orientation in the area of employment. On December 20, parliament established a council to prevent discrimination and ensure equality in implementing the new law. NGOs complained that the council would be ineffective because it lacked the power to issue binding decisions or sanctions.

### **Persons with Disabilities**

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

In March parliament passed the Law on Social Inclusion of People with Disabilities to protect the rights of persons with disabilities and ensure nondiscrimination in employment, education, health care, and public life. The law prohibits construction companies from designing or constructing buildings without special access for persons with disabilities and requires transportation companies to equip their vehicles to meet the needs of persons with disabilities. The law also requires that land, railroad, and air transportation authorities ensure access for persons with disabilities and adapt public spaces and transportation to provide access for persons in wheelchairs. The airport administration must provide an escort for persons with disabilities. The provisions of the law are in line with EU standards; however, authorities have not yet elaborated the details of their implementation.

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The country had approximately 180,000 persons with disabilities, including 14,034 children, a large number of whom often faced discrimination, social exclusion, poverty, unemployment, and lack of access to public services. According to the Ministry of Education, most of the 4,400 children in residential institutions were children with disabilities. The Ministry of Health reported that 27 percent of them were children with congenital diseases, 26 percent had mental disorders, and 20 percent had nervous system diseases.

While children with disabilities are entitled to home schooling provided by the government, Amnesty International reported that the law was often ignored or implemented to minimal effect, particularly in rural areas. In many cases, children with disabilities, even those whose disabilities would not prevent them from attending school, declined schooling to avoid discrimination. Some children with disabilities attended regular schools, while others were placed in boarding schools, including “special” boarding schools, or were home schooled. The reform of the residential system aims at integrating as many children with disabilities as possible into regular schools.

In Transnistria children with disabilities rarely attended school and lacked access to specialized resources.

Official regulations mandate access to buildings for persons with disabilities, and most government buildings provided such access. While many newly built or reconstructed private buildings were accessible, older buildings often were not. Throughout the year persons with limited mobility complained about the lack of access ways to public transportation and public institutions, and the lack of designated parking places. Even in cases where institutions had ramps, they often did not fit a standard wheelchair, or were too steep or slippery. Most of the access ramps at street crossings did not correspond to the required standards for access in a wheelchair. The government provided few resources to train those with disabilities. The Social Assistance Division in the Ministry of Labor, Social Protection, and Family and the National Labor Force Agency were responsible for protecting the rights of individuals with disabilities. During the year the National Labor Force Agency budgeted resources for 43 new employees, who were to provide information, guidance, and counseling to persons with disabilities.

During the year the network of social services was expanded to include specialized services, such as social assistance, support, and counseling to foster the beneficiaries’ social inclusion; 155 persons with disabilities benefited from the service, which was available in seven districts and two municipalities.

There were 9,500 persons nationwide with visual impairments, of whom 3,500 were fully blind. Ballots were not available in Braille, but the Central Electoral Commission started a pilot project to provide ballots in Braille for visually impaired voters in the next parliamentary elections. During the 2010 parliamentary election, authorities tested a new method of direct, secret voting for persons with visual impairments at one Chisinau polling station.

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Although the law provides for equal employment opportunities and prohibits discrimination against persons with disabilities (with the exception of jobs requiring specific health standards), many employers either failed to accommodate or avoided employing such persons. The new Law on Social Inclusion of Persons with Disabilities requires that 5 percent of the workforce in companies with 20 or more employees must be persons with disabilities. It also provides that persons with disabilities are entitled to two months of paid annual leave and a six-hour workday. During the year the pensions for persons with disabilities were increased by 9.6 percent.

Transnistrian “legislation” provides for protection of the rights of persons with disabilities in the areas of education, health care, and employment. Reliable information regarding the treatment of persons with disabilities in Transnistria was lacking.

## **Other Relevant References**

On March 23, Transnistrian leader Igor Smirnov signed a decree granting a mass pardon, commutation, or amnesty to hundreds of inmates. More than 900 persons benefitted from the amnesty, including those who had served in the 1990-92 conflict with Moldova, persons convicted of lesser crimes, disabled and ill inmates (including those suffering from tuberculosis, HIV, and cancer), mothers, and single parents.

On July 1, acting president Mihai Ghimpu pardoned a group of convicts condemned for various offences, including two with disabilities. When examining the pardon requests, the reviewers and pardoning officials took into consideration the character and extent of the social threat of committed crimes; the offender's behavior and attitude towards work in prison, as well as participation in social activities within detention facilities; family status; and the term of punishment.

Transnistrian authorities also continued to control and intimidate NGOs by inviting their representatives to meetings where security officials were present and pressuring landlords not to renew leases for office space. Authorities restricted NGOs from providing legal advice and other assistance on political programs, such as domestic disputes, access for persons with disabilities, and property and pension rights. Transnistrian authorities encouraged NGOs operating in the region to cooperate with Russian, Abkhazian, and South Ossetian organizations rather than Western NGOs and those that operated in Moldova proper.

UNICEF estimated that 50 percent of the children who were institutionalized had disabilities. The Ministry of Labor, Social Protection, and Family maintained two boarding schools with a population of 675 children with disabilities and three asylums providing temporary shelter (for up to one year), counseling, and other assistance to up to 110 children from socially vulnerable families. The Ministry of Education oversaw 15 boarding schools with 5,813 students. The ministry reported that 35 percent of the children in its care were orphans or abandoned. The other 65 percent came from socially vulnerable families in which parents were unable to maintain even basic living conditions.

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

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

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## Monaco

### **Constitution and Laws**

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

### **Persons with Disabilities**

The constitution and the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other government services. The government effectively enforced these provisions. The government has enacted and effectively implemented laws ensuring access to public buildings for persons with disabilities, and the country has a handicapped-equipped beach. The Social Welfare Services assisted minors under 18 with disabilities.

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

Monaco signed the Convention on 23/9/2009.

## Montenegro

### **Constitution and Laws**

The constitution and laws prohibit discrimination based on race, sexual orientation, gender, disability, language, or social status. The government did not fully enforce these prohibitions. The Office of the Ombudsman, which is responsible for the law's implementation, lacked the human, technical, and financial resources for its enforcement. Antidiscrimination campaigns and training for public servants continued, but government efforts to combat discrimination remained modest. In February an Antidiscrimination Council chaired by the prime minister became operational. The NGO Civic Alliance complained that the appointment of council members was not transparent and that representatives of ethnic minorities were not included.

### **Persons with Disabilities**

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

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In October 2011 a girl from Niksic filed a civil suit against the Municipal Assembly of Niksic seeking 5,000 euros (\$6,600) in damages for injuries she sustained after falling from her wheelchair at the entrance of city hall, which was inaccessible to persons with disabilities. The case was pending at year's end.

Despite some government efforts, persons with disabilities remained among the most vulnerable members of the population. According to the 2011 census, 11 percent of the population had difficulty performing everyday activities due to illness, disability, or age. The Ministries of Health, Labor and Social Welfare, Education and Sports, Finance, Justice and Human Rights, and Sustainable Development and Tourism, as well as the Secretariat for Legislation, the State Employment Agency, and five NGOs all provided assistance and protection in their respective spheres to persons with disabilities through a Council for Care of Persons with Disabilities. NGOs contended that the government was significantly behind in implementing its plan to integrate persons with disabilities.

Discriminatory treatment persisted. Regulations providing protection, encouraging employment, and securing housing for persons with disabilities were not consistently implemented. Although persons with disabilities are entitled to health care within the general health care system, often it was not delivered in a satisfactory manner. Disability allowances were inadequate and did not cover the cost of living.

Education for children with mental and physical disabilities remained inadequate. Children with disabilities attended primary schools, and to a lesser degree, secondary schools. There were three schools specially designed for children with disabilities (two in Podgorica and one in Kotor). In other schools throughout the country, children with minor physical and mental disabilities attended school together with other children. Many schools had no access for students with physical disabilities. Those students who went to university generally were limited in which faculties they could enroll, since only a few were accessible. Many parents turned to the ombudsman because their children had problems in schools; the ombudsman recommended that children with special needs be provided assistants. While in 2011 the government funded 158 such assistants, there were 145 in 2012, assigned to 22 different schools. The government continued to implement its plan to construct daycare centers for children with disabilities as an alternative form of social protection in all 21 municipalities; six centers were in operation by year's end, with three additional centers nearing completion, according to the government.

In March the chief state prosecutor, citing insufficient evidence, stated she would not pursue allegations of mistreatment of children at the Komanski Most institution for persons with mental disabilities. A negative 2010 report by a CPT mission was followed by a March 2011 report by the ombudsman, who described conditions there for individuals with mental disabilities, including children, as inadequate. Problems included insufficient separation of adults from children and a lack of accommodation for female residents. NGOs criticized the chief state prosecutor for the delayed response. Since the CPT visit, authorities have taken a number of steps to respond to these criticisms. In January and February, three individuals in the Komanski Most institution died of influenza, while almost one-half of the

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residents were ill. The media and NGOs alleged that authorities kept the epidemic hidden and responded to it ineffectively.

Employment for persons with disabilities was limited. Advocates indicated that training programs were very limited and did not contribute significantly to their economic integration. Governmental entities employed very few persons with disabilities. In the private sector, 15 employers provided employment to 36 persons with disabilities. Authorities provided incentives to private employers to hire persons with disabilities, and those who failed to meet established quotas for hiring such persons were required to contribute to a Fund for Professional Rehabilitation and Employment of Persons with Disabilities. Employers often preferred to pay the contribution. The nontransparent use of the fund was itself a source of controversy. NGOs claimed that during first 10 months of the year, the fund dispensed only a small fraction of its resources, returning 7.4 million euros (\$9.8 million) to the state budget at the end of the budgetary year. NGOs complained that despite this surplus, some requests for funding for the employment of persons with disabilities were rejected under the pretext of lack of funds. NGOs requested that the fund be detached from the State Employment Agency and Ministry of Finance and made a separate legal entity.

According to the Association of Young Persons with Disabilities, 10 persons with disabilities were studying at local universities in 2011, compared with three in 2001. That association implemented a project for training guide dogs and provided three dogs to visually impaired individuals.

Mental health care remained inadequate. Institutionalized persons often became wards of the state and lived in isolation in outdated and underfunded facilities. Institutionalization perpetuated stigmatization of persons with mental disabilities. A 2011 NGO report on psychiatric and mental hospitals in Kotor, Podgorica, and Niksic cited many of these deficiencies; however, the report's authors did not observe any mistreatment of patients.

On February 8, a court ordered Rados Pavicevic to pay 700 euros (\$924) to the Montenegrin Youth Association of Handicapped Persons after he was convicted of ejecting Andrija Samardzic from his restaurant because he was accompanied by a guide dog.

## **Other Relevant References**

The government provided books for children without parents, the disabled, special social cases, and Romani children.

A deputy ombudsman investigated complaints of violations of children's rights. His office received 32 complaints during the first nine months of the year, mainly involving contact with parents after divorce, protection from violence, the rights of children with disabilities, children's right to education, and access to social benefits.

Children with disabilities faced numerous obstacles in education and other social services. Some children with mental disabilities were confined in institutions under substandard conditions. In its March

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9 report on its 2008 visit to the country, the CPT described the treatment of 15 children in the Komanski Most Institution for Persons with Special Needs, where mentally disabled children were held together with adults in unsanitary circumstances and without sufficient supervision to prevent their mistreatment by adults.

Principal human rights problems included [...] discrimination against persons with disabilities; discrimination against ethnic minorities, particularly Roma; intolerance based on sexual identity; and infringement on the rights of workers.

Inadequate treatment of children with mental disabilities at the Komanski Most institution for persons with disabilities continued to be a problem. Observers criticized authorities for inadequate efforts to deinstitutionalize children with mental disabilities.

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

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

## Netherlands

### **Constitution and Laws**

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

### **Persons with Disabilities**

There are antidiscrimination laws throughout the kingdom. In the Netherlands, discrimination against persons with physical, sensory, intellectual, and mental disabilities is illegal. The law requires equal access to employment, education, health care and other state services. The law also requires that persons with disabilities have access to public buildings, information, and communications, but, despite continued progress, public buildings and public transport were not always easily accessible in practice. Children with disabilities attended school (primary, secondary, and higher education) and were provided with specialized schools if needed. The law provides criminal penalties for discrimination and administrative sanctions for failure to provide access. Government enforcement of rules governing access was inadequate. The CGB processed some 136 cases during the year related to persons with disabilities, many of which dealt with workplace problems. Although CGB rulings are not binding, authorities usually implemented them.

In Sint Maarten and Aruba, a wide-ranging law prohibiting discrimination does not specifically mention, but is in practice applied to, persons with physical, sensory, intellectual, and mental disabilities in employment, education, health care, air travel and other transportation, and the provision of other state services. Children with disabilities attended primary, secondary, and university-level schools on all three islands.

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In Aruba, there were special schools for children up to age 12. "Foundations," subsidized by the government, were responsible providing free transportation to persons with disabilities.

Although discrimination was illegal in Curacao, human rights observers asserted there was a continuing need for more specific laws, since persons with disabilities had to rely on ad hoc measures by government and other employers to access buildings, parking spots, and information. Not all public buildings and public transport was easily accessible. The law does not make specific reference to access to air travel.

According to the Education Ministry in Sint Maarten, children with physical disabilities had access to public primary and secondary schools "if they are able to participate fully in their academic programs." However, not all schools were equipped for children of all degrees of physical disability.

## **Other Relevant References**

It is a crime to engage in public speech that incites hatred, discrimination, or violence against persons because of their race, religion, convictions, gender, sexual orientation, or disability.

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

Netherlands signed the Convention on 30/3/2007.

## Norway

### **Constitution and Laws**

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, or social status, and the government generally enforced this prohibition in practice, although there were reports of violence against women and children, some anti-Semitism, and stigmatizing statements against immigrants and Muslims.

### **Persons with Disabilities**

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

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

Norway signed the Convention on 30/3/2007 and ratified the Convention on 3/6/2013.

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## Poland

### **Constitution and Laws**

The constitution prohibits discrimination in political, social, and economic life “for any reason whatsoever.” The law prohibits discrimination on the grounds of race, ethnic origin, nationality, religion, belief, opinion, disability, age, or sexual orientation.

The law requires the human rights ombudsman to monitor implementation of the principle of equal treatment and to support victims of discrimination. On May 28, the ombudsman stated the law, which entered into force in January 2011, had not improved protection from unequal treatment. Moreover, she suggested that some of its provisions might be unconstitutional since it does not treat all groups equally, providing greater protection against discrimination on grounds of race, ethnicity, gender, and religion than disability, sexual orientation, and age. Domestic NGOs also criticized the law.

### **Persons with Disabilities**

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

The law states that buildings should be accessible for persons with disabilities, and at least three laws require retrofitting of existing buildings to provide accessibility. Many buildings remained inaccessible to persons with disabilities, however, because regulations do not specify what constitutes an accessible building. Public buildings and transportation generally were accessible although older trains and vehicles are often less accessible to persons with disabilities, and many train stations are not fully accessible for all types of disabilities. The law specifies that children with disabilities have the right to attend all levels and types of school. Where no school nearby is able to accommodate a child with disabilities, the child is provided with alternatives such as independent schooling by teachers at the child’s home.

The Ministry of Labor and Social Policy is responsible for disability-related matters. During the year the government plenipotentiary for persons with disabilities organized training sessions for central and local government officials to encourage them to hire persons with disabilities. The government fund for rehabilitation of persons with disabilities continued a nationwide campaign encouraging companies to employ them. The fund granted money to NGOs to organize media campaigns on the rights of persons with disabilities.

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## **Other Relevant References**

A government ombudsman for children's rights issued periodic reports on problems affecting children, such as pedophilia on the Internet, improving access to public schools for children with disabilities, and providing better medical care for children with chronic diseases.

In its November 2009 report, the UN Committee on Economic, Social, and Cultural Rights expressed concern that, despite the existence of a ministerial-level position for equal treatment within the Prime Minister's Chancellery, discrimination continued against women and minorities, including ethnic minorities, persons with disabilities, and LGBT persons.

Romani organizations and the Ministry of Education reported that authorities continued to send many Romani children, particularly in southern provinces, to schools for children with mental disabilities unnecessarily.

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

Poland signed the Convention on 30/3/2007 and ratified the Convention on 25/9/2012.

## Portugal

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

The Ministry of Solidarity and Social Security oversees the National Bureau for the Rehabilitation and Integration of Persons with Disabilities, which is responsible for the protection, professional training, rehabilitation, and social integration of persons with disabilities as well as for the enforcement of related legislation. Children with disabilities attended all levels of schooling (primary, secondary, and higher education). The Lisbon municipal government was carrying out a project to eliminate barriers that cause difficulty of movement to persons with physical disabilities.

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

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

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## Romania

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation (without specifying air travel), access to health care, and the provision of other services. However, the government did not fully implement the law, and discrimination against persons with disabilities remained a problem.

The law mandates accessibility for persons with disabilities to buildings and public transportation. In practice the country had few facilities specifically designed to accommodate persons with disabilities, and persons with disabilities could have extreme difficulty navigating city streets or gaining access to public buildings. However, the number of buildings with facilities for persons with disabilities increased during the year. In addition, the National Library was the first public institution to receive a disability access certificate in December.

The Directorate General for the Protection of Handicapped People in the Ministry of Labor, Family, and Social Protection coordinates at the central level the activities of special protection and advocacy for the rights of persons with disabilities, drafts policies, strategies, and standards in field of rights of persons with disabilities, and follows the implementation of regulations.

There were no restrictions on the right of persons with disabilities to vote or participate in civic affairs.

According to the Ministry of Labor, Family, and Social Protection, 692,390 persons with disabilities were registered at the end of September, of whom only 28,310 were employed. According to an EU-funded survey, published in March by the government in partnership with several NGOs, 87 percent of respondents viewed discrimination as one of the major problems faced by people with disabilities.

At the end of June there were 71,851 children with disabilities registered with the DPC. Of them 20,396 attended mainstream education schools, 10,667 special education schools, 3,913 integrated special education schools, and 934 attended other forms of education programs.

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

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According to a report drafted by the EU's Agency for Fundamental Rights (FRA), publicized in June, only 1 percent of the persons with mental disabilities had employment.

In many cases persons with disabilities faced institutional and societal discrimination. The FRA report also indicated that persons with mental disabilities in institutional settings, in particular children, were subject to various forms of bullying, harassment, and abuse.

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

An FRA report on involuntary placement and treatment of persons with mental disabilities revealed that, despite the provisions of the law, most respondents stated that their opinion was not taken into consideration, and they were not asked to give their consent for admission and did not receive information about the procedure. The medical staff did not "distinguish between consent to admission and consent to drug treatment," and they were not informed of their "right to request a second medical opinion."

## **Other Relevant References**

Government agencies provided inadequate assistance to persons with disabilities and neglected persons with disabilities who were institutionalized.

There were also reports that some personnel in state institutions mistreated abandoned children with physical disabilities and subjected children in state orphanages to lengthy incarceration as punishment for misbehavior.

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

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

## Russia

### **Constitution and Laws**

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

### **Persons with Disabilities**

Several laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation, access to health care, and the provision of state services. However, the government generally did not enforce these laws.

There are no laws to prohibit discrimination in air travel. Citizens with disabilities continued to face discrimination and denial of equal access to education, employment, and social institutions. According

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to information provided by the NGO Perspektiva, persons with mental disabilities were severely discriminated against in both education and employment. In addition the conditions of guardianship imposed by courts deprived them of practically all personal rights.

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

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

While public transport has historically been inaccessible to passengers with disabilities, a newly built metro station in Moscow, Novokosino, includes an elevator to the train platform and an audible warning system for train departure and arrival. However, underground travel for wheelchair users remained limited since only 16 of 186 stations--none of which were in the city center--had elevators. The St. Petersburg metro had two stations with elevators, but usage had to be coordinated with staff ahead of time. The Sapsan (speed train) between Moscow and St. Petersburg offered one wheelchair space on just one car. In Ekaterinburg newer stations had lifts. In Vladivostok city authorities purchased new wheelchair-accessible buses. However, sidewalk repairs in the downtown area resulted in higher curbs that were inaccessible to those in wheelchairs.

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

Because only 3 percent of schools accommodated children with special needs, most children with disabilities could not study in the communities where they lived and were isolated from other community members.

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

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There appeared to be no legal mechanism by which individuals could contest their assignment to a facility for persons with disabilities. The classification of children with mental disabilities by categories of disability often followed them through their lives. The designations “imbecile” and “idiot,” assigned by a commission that assesses children with developmental problems at the age of three, signify that a child is uneducable and were almost always irrevocable. The designation “debil” (slightly retarded) followed an individual on official documents, creating barriers to employment and housing after graduation from state institutions.

Election laws contain no special provisions concerning the accessibility of polling places, and the majority of poll stations were not accessible to persons with disabilities. However, mobile ballot boxes were generally brought to the homes of the disabled to allow them to vote. In the months leading up to the 2012 presidential elections, commercials on television instructed disabled citizens on their rights and voting procedures.

In 2011 the government adopted the State Program on Accessible Environment for 2011-15 with a total budget of 47 billion rubles (\$1.5 billion). The goal of the pilot program was to provide access to services in health care, culture, transport, information and communications, education, social protection, sports, and housing facilities for persons with disabilities. During the year the program continued under supervision of the newly formed Ministry of Labor and Social Development.

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

During the year the Constitutional Court declared unconstitutional the civil code provisions on plenary guardianship as the only measure of protection of persons with mental disabilities.

## **Other Relevant References**

There were several dozen large NGO umbrella organizations, as well as thousands of small grassroots NGOs. In the regions, NGO coalitions continued to focus their advocacy on such causes as the rights of the disabled [...].

In March 2007 the government implemented its flagship child welfare program, Children of Russia. During the year this program continued the construction and renovation of orphanages and centers for disabled children and detention centers for juvenile offenders. The program also focused on the comprehensive rehabilitation and social integration of disabled children in a family environment and supplied children’s rehabilitation centers with equipment.

There continued to be some governmental and widespread social discrimination against persons with disabilities, ethnic minorities, and dark-skinned immigrants.

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Human rights organizations expressed concern that a number of schools segregated Romani students or placed them in classes designed for children with learning disabilities because of their ethnicity.

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

Russia signed the Convention on 24/9/2008 and ratified the Convention on 25/9/2012.

## San Marino

### **Constitution and Laws**

The law prohibits discrimination based on race, gender, disability, language, religion, sexual orientation, or social status. The government effectively enforced antidiscrimination laws.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, air travel and other transportation, education, access to health care, and in the provision of other state services. The government effectively enforced these provisions. There were no reports of societal discrimination against persons with disabilities. Children with disabilities attended school at all levels; assistant teachers offered them special help. The Ministry for Territory has not fully implemented a law that mandates easier access to public buildings by persons with disabilities, and many buildings were inaccessible.

### **Other Relevant References**

The minimum age of consent is 18 years, and the penalty for sexual acts with a minor is imprisonment from six months to three years. The penalty increases to two to six years if the act involves a child under 14 years of age or a child under 18 with physical or mental disabilities.

The law punishes anyone distributing information aimed at enticing or sexually exploiting children under the age of 18. The penalty for this type of crime is imprisonment from two to six years, which is increased to four to 10 years if the act involves sexual intercourse or if it has been committed to the detriment of a child under 14 years of age or a child under 18 with physical or mental disabilities.

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

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

## Serbia

### **Constitution and Laws**

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

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## **Persons with Disabilities**

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

The law prohibits physical, emotional, and verbal abuse in all schools, and there were no reports of abuse in special education facilities. However, according to the commissioner for equality, persons with disabilities were among the groups facing the greatest levels of discrimination. Unemployment and discrimination in hiring remained a serious problem for persons with disabilities. A lack of workplace accommodations combined with discrimination and overall high unemployment made it difficult for persons with disabilities to obtain work.

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

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

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

## Slovakia

### **Constitution and Laws**

The constitution and the law prohibit discrimination based on race, gender, disability, language, sexual orientation and/or gender identity, or social status; the government made efforts to enforce these prohibitions in practice.

### **Persons with Disabilities**

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

NGOs reported limited resources for psychiatric care outside of Bratislava, a lack of community-based psychiatric care, and an absence of mechanisms to monitor human rights violations against persons with

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such disabilities. Psychiatric institutions and hospitals, which fall under the purview of the Ministry of Health, continued to use cage beds to restrain patients. The law prohibits both physical and nonphysical restraints in social care homes managed by the Ministry of Labor, Social Affairs, and Family. Several NGOs conducted public education campaigns on mental illness and worked cooperatively with the Health Ministry.

No broadcaster implemented legislation requiring television stations to provide voiceover for blind viewers. While the law defines mandatory standards for access to buildings, NGOs noted they were not fully implemented, although access to privately owned buildings improved more rapidly than access to state buildings.

The government's Council on Human Rights, National Minorities, and Gender Equality operated a committee for persons with disabilities. The council served as a governmental advisory body and included representation from NGOs working on disability problems.

## **Other Relevant References**

[Amnesty International (AI)] also found that Romani parents were offered cultural and financial incentives regardless of the presence of a mental disability to send their children to what was locally known as the "gypsy" school. AI's investigation found that authorities lacked proper assessment procedures for enrolling students in special schools.

A number of children's foundations operated programs for abused or disabled children (or both).

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

Although Romani children comprised only 15 percent of the total number of children under the age of 16, they were disproportionately enrolled in "special" schools for children with mental disabilities, despite diagnostic scores that were often within the average range of intellectual capacity.

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

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

## Slovenia

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, disability, language, sexual orientation and/or gender identity, or social status, and the government usually enforced these prohibitions effectively.

### **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

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provision of other government services, and the government generally enforced these provisions in practice. The law mandates access to buildings for persons with disabilities, but modification of public and private structures to improve access continued at a slow pace, and many buildings were not accessible in practice. The government continued to implement laws and programs to provide persons with disabilities with access to buildings, information, and communications. The Ministry of Labor, Family, and Social Affairs has primary responsibility for protecting the rights of persons with disabilities.

In the first half of the year, there were six reported criminal acts of sexual abuse of persons with disabilities.

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

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

## Spain

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits, with fines of up to one million euros (\$1.3 million), discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, access to air travel and other transportation, access to information technology and communication, including social media, and the provision of other state services. The government generally enforced these provisions effectively. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions; however, levels of assistance and accessibility differed between regions. The Ministry of Employment and Social Security is responsible for protecting the rights of persons with disabilities. On February 15, the minister of health, social services, and equality required companies with more than 50 workers to reserve 2 percent of their jobs for persons with some kind of disability. Children with disabilities attended school, and there were no patterns of abuse in educational or mental health facilities.

### **Other Relevant References**

Penalties for recruiting children or persons with disabilities into prostitution is imprisonment from one to five years (previously it was one to four years); if the child is under the age of 13, the term of imprisonment is four to six years.

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

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

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## Sweden

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

During the year the number of reports of governmental discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services decreased to 459. Observers reported cases of insufficient access to privately owned buildings used by the public, such as apartments, restaurants, and bars. Those involved handled many complaints through mediation procedures rather than formal court hearings.

### **Other Relevant References**

At the national level, the country has seven ombudsmen: [...] disabilities. On September 30, after the government amended the country's antidiscrimination laws, the European Commission ended legal proceedings against the country for incorrectly implementing EU rules on equal treatment in employment on the basis of [...] disability [...]. The new law against discrimination merges a scattered number of discrimination laws into one. It also establishes new grounds for financial compensation.

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

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

## Switzerland

### **Constitution and Laws**

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

### **Persons with Disabilities**

The constitution and federal law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of

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other state services, including air travel and other transportation, and the government generally enforced the prohibition. The law mandates access to public buildings and government services for persons with disabilities, and the government generally enforced these provisions in practice.

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

In October 2011 the Disabled Persons Federation criticized plans for new double-decker trains (scheduled to start operations on interurban rail lines in 2013) for lack of handicap accessibility. The federation complained that entering the trains in a wheelchair was difficult, and the special cars for handicapped persons alienated them. According to the federation, the trains did not meet the standards as defined by the disabilities act. The federation appealed to the federal administrative court, where the case was pending at year's end.

Children with disabilities can attend schools. In most cantons handicapped children were well integrated into the school system. Special need schools were available for severely disabled children.

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

Switzerland has not signed the Convention.

## Turkey

### **Constitution and Laws**

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

### **Persons with Disabilities**

The constitution permits positive discrimination for persons with disabilities and the law prohibits discrimination against persons with disabilities in employment, education, air travel and other transportation, access to health care, and in the provision of other state services. The government did not enforce the law effectively.

The law requires all governmental institutions and businesses to make necessary arrangements for access for persons with disabilities in public areas and on public transportation by July 2011, but the government made little progress implementing the law. Access in most cities was extremely limited, and there was no clear system of fines or other punishment for noncompliance. The Disabled and Senior Citizens Directorate General, under the Family and Social Policies Ministry, is responsible for protecting

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persons with disabilities, although human rights associations, including domestic advocacy organization Solidarity Association for the Physically Disabled, claimed the directorate was underfunded. Through August 31, the government's domestic violence hotline received 45,761 calls from individuals with disabilities and 2,186 from elderly persons.

Under the law, in companies with more than 50 workers, at least 3 percent of the workforce are required to be persons with disabilities; in the public sector, the requirement is 4 percent. According to the Labor Ministry, at the beginning of the year, the state employed 20,829 persons with disabilities.

The law provides that all public schools must accommodate disabled students, although activists reported instances of students with disabilities being refused admission or encouraged to drop out of school. According to the July report of the UN Committee on the Rights of the Child, a large number of school-age children with disabilities did not receive adequate access to an education. During the 2011-12 school year, the Ministry of Education's Directorate General for Special Education and Counseling spent 70 million lira (approximately \$40 million) and provided special accommodation and transportation to school for 41,000 students with disabilities. In addition 245,000 students with disabilities received eight hours of individual education and four hours of group education per month.

As reported by the Lantos Foundation for Human Rights and Justice, when boarding a Turkish Airlines flight from Istanbul to Amsterdam, airline staff refused Kersen DeJong a seat that would accommodate his two artificial legs, forcing him to separate them from his upper body, and then drag himself to his seat with his hands. Airline staff stored his artificial limbs in an overhead compartment away from his assigned seat. All of this occurred while the flight crew and passengers looked on.

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

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

## Ukraine

### **Constitution and Laws**

The law and constitution prohibit discrimination based on race, gender, disability, language, social status, and ethnic and social origin. However, both governmental and societal discrimination persisted, and the government did not effectively enforce the prohibitions.

On June 8, President Yanukovich signed a resolution of the National Security and Defense Council implementing additional measures to suppress terrorism in the country by banning distribution of materials that incite ethnic, racial or religious hatred, intolerance, and discrimination. According to the resolution, the main causes of terrorism are radicalism, extremism, attempts to politicize interethnic and interreligious relations, and the negative influence of religious extremist groups.

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On September 6, parliament adopted a new law to prevent and counteract discrimination. It covers discrimination based on race; political, religious, or other beliefs; sex; age; disability; ethnic or social origin; family and property status; place of residence; language; and other characteristics. Experts generally described the law as well intentioned but noted that the definition of discrimination was too narrow because it omitted explicit reference to sexual orientation and gender identity. In addition experts expressed concern that the law lacked meaningful enforcement mechanisms. In response, the ombudsman's office began to work with human rights groups and other government agencies to prepare amendments to introduce more effective discrimination protection mechanisms.

## **Persons with Disabilities**

On January 13, the president signed into effect amendments to several laws on the rights of persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to essential services, and such activities as employment, education, health care, and air and other forms of transportation.

The changes expressly forbid discrimination on the basis of disability and require that the government ensure access to public venues for persons with disabilities and support their involvement in public, educational, cultural, or sporting activities. The new measures also require employers to ensure safe workspaces that account for individual needs of employees with disabilities. In addition, disabled-rights NGOs would also participate in municipal planning processes to ensure government facilities meet legal requirements for accessibility. Heretofore, the government generally did not enforce these laws.

Advocacy groups maintained that despite the legal requirements, most public buildings remained inaccessible to persons with disabilities. Access to essential services and activities such as employment, education, health care, transportation, and financial services remained difficult. The law provided for assistance for homebound voters and voters with disabilities. Limited access to public buildings restricted the ability of persons with disabilities to participate in public affairs.

NGOs complained that the government did not allocate adequate resources to help those with disabilities.

According to Semen Gluzman of the Ukrainian Psychiatric Association (UPA), patients in mental health facilities remained at risk of abuse, and many psychiatric hospitals continued to use outdated methods and medicines. According to UPA, insufficient funding, patients' lack of access to legal counsel, and poor enforcement of legal protections deprived patients with disabilities of their right to adequate medical care. On November 26, the human rights ombudsman published a report on monitoring visits to 11 psychiatric facilities, in which representatives found insufficient funding for patients' food and medicine, patients confined for extended periods when they were not acutely ill, understaffing, overcrowding, poor ventilation, unsanitary bathrooms, and other harsh conditions.

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By law employers must allocate 4 percent of employment opportunities to persons with disabilities. NGOs noted that many of those employed to fill these positions received a nominal salary to meet the requirement but did not actually work at their companies. During the first nine months of the year, 8,760 persons with disabilities received jobs through government employment-placement services, according to the Ministry of Social Policy.

NGOs expressed concern over the lack of programs to promote the integration of students with disabilities into the general student population and noted that the lack of needs-assessment programs by state-funded employment centers led to the placement of graduates with disabilities in inappropriate jobs.

## **Other Relevant References**

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

In April, Andriy Fedosov reported that an investigation by his group, Uzer (Ukrainian Organization of Users of Psychiatric Care), had uncovered poor living conditions and physical abuse in psychiatric hospitals in Crimea. Some women with small children and persons with disabilities were trafficked abroad for begging.

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

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

## United Kingdom

### **Constitution and Laws**

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

In March the UK government published *Challenge it, Report it, Stop it*, a new strategy to combat hate crime through more effective prevention, reporting, and response. The strategy commits departments across government to specific actions, including funding 2.1 million pounds (\$3.4 million dollars) over three years to organizations supporting hate crime victims, more robust training for police, and working with local authorities and communities to raise awareness of hate crime.

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In Northern Ireland in March, the Policing Board published *Human Rights Thematic Review: Policing with and for Lesbian, Gay, Bisexual, and Transgender Individuals*. The report acknowledged that hate crime in Northern Ireland was underreported and included 18 specific recommendations to the PSNI. Hate incidents recorded by the PSNI from April 1, 2010, to March 31, 2012 (the most recent figures available) numbered 2,571 incidents. Of these, the PSNI considered 1,437 sectarian incidents, 842 based on racism, 211 on homophobia, 38 on disability, 22 on transphobia, and 21 incidents on faith or religion.

## **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 this in practice.

The law requires that all public service providers (except in the transportation sector) make “reasonable adjustments” to ensure their services are available to persons with disabilities. The law forbids employers from harassing or discriminating against job applicants or employees with disabilities. It is against the law for schools to discriminate against students with disabilities: either directly, for example, refusing admission, or indirectly. In October courts found 11 caregivers guilty of abusing special needs residents at a care home in England and sentenced the ringleader to two years in prison.

Bermudian law protects the rights of persons with disabilities in the workplace; the act requires employers to “modify the circumstances of employment” to accommodate persons with disabilities, so long as there is no “unreasonable hardship” on the employer.

From March 2011 to March 2012, police in England and Wales recorded 1,744 hate crimes connected to disability.

The mandate of the EHRC included work on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The EHRC provided legal advice and support for individuals, a hotline for persons with disabilities and employers, and policy advice to the government. It may also conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination. In July the government accepted many of the recommendations made in the EHRC’s 2011 report on disability-related harassment in the UK; however, a follow-up report on disability released by the EHRC in October stated the government needed to take further steps to address harassment of persons with disabilities.

The London Organizing Committee for the year’s Olympic and Paralympic Games had a special workforce recruitment program for persons with disabilities and an expert panel of disability representatives to ensure the Olympic facilities were fully accessible. The committee implemented a program called Access Now, which guaranteed an employment interview for jobs at the games to any person with disabilities that met the minimum criteria for the job. As a result of the committee’s

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approach, more than 2,000 persons with disabilities worked at the games in paid and volunteer positions.

During the Paralympic Games, there were public protests against the games' sponsor Atos, a company contracted by the government to assess disability claims. Protesters alleged that Atos's Work Capability Assessments repeatedly failed to assess disability properly, resulting in the loss of government benefits by persons unable to work.

## **Other Relevant References**

The law requires that all public service providers (except in the transportation sector) make "reasonable adjustments" to ensure their services are available to persons with disabilities. The law forbids employers from harassing or discriminating against job applicants or employees with disabilities.

Northern Ireland in March published a report acknowledging that hate crime in Northern Ireland was underreported , with 38 on disability hate incidents recorded by the Police Service of Northern Ireland.

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

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