

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

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## **South and Central Asia**

### **Afghanistan**

#### **Constitution and Laws**

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

#### **Persons with Disabilities**

The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and ensure the active participation in society of persons with disabilities. The 2010 law on Rights and Benefits of Disabled Persons provides equal rights to, and the active participation of, disabled persons in society. The MoLSAMD continued to implement a five-year National Action Plan through signing a memorandum of understanding with the MOIC to implement public awareness programs on the rights of persons with disabilities through the national media, as well as by signing a memorandum of understanding with the Ministry of Higher Education to provide scholarships for students with disabilities.

The government and NGOs estimated that there were up to 900,000 mobility-impaired persons, of whom approximately 40,000 were limb amputees. The MoLSAMD stated that it provided financial support to 79,202 individuals with disabilities. The MoLSAMD accorded special treatment to families of those killed in war.

Updated and comprehensive data on persons with disabilities continued to be lacking. Handicap International carried out a National Disability Survey in 2005, which remains the most up-to-date source of information. Security remained a challenge for disability programming. Insecurity in remote areas, where a disproportionate number of persons with disabilities lived, in some cases precluded delivery of assistance. The majority of buildings remained inaccessible to those with disabilities, prohibiting many from benefitting from education, health services, and other services.

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

#### **Other Relevant References**

The constitution provides for seats for women and minorities in both houses of parliament. Three women served in the cabinet, heading the women's affairs; public health; and labor, social affairs,

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martyrs, and disabled ministries. In the upper house, the president appoints one-third of the members, including two members with physical disabilities and two Kuchis.

The labor law sets the minimum age for employment at 18 years old but permits children 15 years and older to do "light work." Children between the ages of 16 and 18 may work only 35 hours per week. Children 14 years old and older may work as apprentices. Children younger than age 13 are prohibited from work under any circumstances, although these laws were not observed in practice. Although the labor law prohibits the employment of children in work likely to threaten their health or cause disability, there is no defined list of hazardous jobs. There was no evidence that authorities in any part of the country enforced child labor laws.

Although it was against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common.

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

Afghanistan ratified the Convention and the Optional Protocol on 18/9/2012.

## Bangladesh

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation, employment, transport accessibility, and advocacy.

The law's effect was limited due to vague obligations, a weak implementation mechanism, and a sweeping indemnity clause. Most provisions create positive obligations, which were difficult to enforce. For example, the obligation on the government to provide persons with disabilities free education until the age of 18 has not been translated into tangible results. The law exempts all government employees from prosecution, limiting enforcement. The law provides inadequate safeguards against involuntary institutionalization and minimal oversight of guardians and caregivers.

The NGO Action against Disability estimated that there were 16 million persons with disabilities, or 10 percent of the population. The government estimated a lower figure of 1.5 to 2 percent of the population.

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The law excludes children with “mental deficiency” from compulsory public education. According to Action against Disability, 90 percent of children with disabilities are barred from attending public school. The government trained teachers on inclusive education and recruited disability specialists at the district level. The government also allocated stipends for 19,000 students with disabilities. Additionally, the government began a vocational skills training program for persons with disabilities.

In March the high court ruled that persons with disabilities could take the Bangladesh Civil Service examinations. Persons with disabilities had previously been barred from applying for civil or judicial service positions.

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

The law afforded persons with disabilities the same access to information rights as those without disabilities, but family and community dynamics often influenced whether or not these rights were exercised.

The law identifies persons with disabilities as a priority group for government-sponsored legal services. The Ministry of Social Welfare, Department of Social Services, and National Foundation for the Development of the Disabled are the government agencies responsible for protecting the rights of persons with disabilities. Due to inaccessibility and discrimination, persons with disabilities were sometimes excluded from mainstream government health, education, and social protective services. The government reduced taxes on several hundred items designed to assist persons with disabilities.

Government facilities for treating persons with mental disabilities were inadequate. The Ministry of Health established child development centers in all public medical colleges to assess neurological disabilities. Several private initiatives existed for medical and vocational rehabilitation as well as for employment of persons with disabilities. National and international NGOs provided services and advocated for persons with disabilities. The government also promoted autism research and awareness.

## **Other Relevant References**

Discrimination against women, and violence against women and children remained serious problems, as did discrimination against persons with disabilities and against persons based on their sexual orientation.

Women, children, minority groups, and persons with disabilities were often confronted with social and economic disadvantages.

According to the Daily Jugantor, on May 17, a health worker raped a mentally disabled woman in the village of Aliyara in Comilla. The local community detained the perpetrator, but police freed him after he paid a 50,000 taka (\$725) fine.

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According to Odhikar, on October 18, three or four men raped a mentally disabled teenager from Bhuiyanbagh area in Narayanganj city, while she was on her way to her father's grocery shop. The men, including one named Rassel, raped her and videotaped the incident. After this assault, the criminals demanded 20,000 taka (\$666) from the victim's family.

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

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

## **Bhutan**

### **Constitution and Laws**

The constitution prohibits discrimination on the basis of race, sex, disability, language, religion, politics, or social status, but the government did not always respect these prohibitions in practice.

### **Persons with Disabilities**

Aside from the constitution, the law does not specifically protect the rights of citizens with disabilities, but it does direct the government to try to provide security in the “event of sickness and disability.” There was no evidence of official discrimination against persons with disabilities in matters of employment, education, access to health care, or the provision of other state services. The law stipulates that new buildings must be constructed to allow access for persons with disabilities, but the government did not enforce the law consistently. There were reports that hospitals were generally accessible, but that residential and office buildings were not.

Under the Disability Prevention and Rehabilitation Program, the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities in schools, and foster community awareness and social integration. The approximately 22,000 persons with physical disabilities (3.4 percent of the population, according to a 2005 estimate) lacked necessary infrastructure. There was no government agency specifically responsible for protecting the rights of persons with disabilities.

There were three special education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates visually impaired children, and an education resource unit for the hearing impaired in Paro. There were also special education facilities in Thimphu designed to meet the needs of children who have physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to such persons. An NGO, the Disabled Persons' Association of Bhutan, was formed in 2011 to change public perception of disability and assist persons with disabilities. In October the UN International Day of Persons with Disabilities was observed in Thimphu.

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According to the *Bhutan Observer*, in rural areas there was widespread discrimination against persons with disabilities, and some parents did not send children with disabilities to school.

## **Other Relevant References**

All citizens were entitled to free medical care. The government transported persons who could not receive adequate care in the country to other countries (usually India) for treatment. Workers were eligible for compensation in the case of partial or total disability, and in the event of death, their families were entitled to compensation.

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

Bhutan signed the Convention on 21/9/2010.

## India

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

On May 5, the Ministry of Social Justice and Empowerment (MSJE) informed parliament that the government established 215 District Disability Rehabilitation Centers and identified 100 more underserved districts for such centers. The centers provide comprehensive rehabilitation services, such as medical intervention and surgical correction, fitting of aids and prosthetics, therapeutic and educational services, vocational training, and community awareness.

In 2010 the MSJE operated the first government Web site to fulfill the accessibility norms for persons with disabilities. In May the MSJE reported that only three states requested funds to make Web sites accessible to persons with disabilities.

Discrimination against persons with physical and mental disabilities in employment, education, and access to health care was more pervasive in rural areas. Despite legislation that all public buildings and transport be accessible to the disabled, there was limited accessibility. On January 4, the National Institute for Visually Handicapped, Dehradun, launched an online Braille library, which allows books to be accessed in real time from any location.

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The Ministry of Health and Family Welfare estimated that 6 to 7 percent of the population suffered from a mental or psychosocial disability and that 25 percent of the mentally ill were homeless. Disabled rights activists estimated that the country had 40 to 90 million persons with disabilities. There were three mental health institutions run by the federal government and 40 state-operated mental hospitals across the country.

Most of those with mental disabilities were dependent on public health-care facilities, and fewer than half of those who required treatment or community support services received such assistance. There was a severe shortage of trained staff; on May 4, the health ministry reported that the country had 7,048 mental health professionals and 47,702 vacancies.

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

The law also stipulates that 3 percent of all educational places be reserved for persons with disabilities, but according to the MSJE, students with disabilities made up only an estimated 1 percent of all students. Some schools continued to segregate children with disabilities or deny their enrollment due to lack of infrastructure, equipment, and trained staff. UNICEF estimated that between 6 and 10 percent of all children in the country were born with disabilities. In August 2011 the MHRD informed parliament that 183 students with disabilities were enrolled in central education institutions in 2010-11. The MSJE continued to offer scholarships to persons with disabilities to pursue higher education. University enrollment of students with disabilities remained low for several reasons, including inaccessible infrastructure, limited resources, nonimplementation of the 3 percent job reservation, and harassment.

On September 29, the Delhi High Court served a four-month deadline to the state government of Delhi to complete the recruitment of special educators for children with disabilities. The court's order was in response to a public interest litigation in which the NGO Social Jurist claimed that 2,039 private schools without special educator aids and 258 aided schools lacked basic physical and academic infrastructure, including special educators for those suffering from blindness, hearing impairment, and mental handicaps. In October Delhi's Social Welfare and Education Minister Kiran Walia stated that several schools had special educators on staff to serve children with special needs and disabilities, and the government had begun recruitment of 900 such permanent teachers through the Delhi Subordinate Services Selection Board.

On July 11, the body of 32-year-old Guriya was found buried at Dulal Smriti Samsad (DSS), a state-funded home for the mentally disabled; an investigation found several other bodies. On July 19, police

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arrested Shamal Ghosh and charged him with murder and criminal conspiracy. Investigators believe Ghosh was instrumental in Guriya's death and the burial of her body. Interrogation revealed that Ghosh was smuggling food items from the home to sell on the local market. Due to his relationship with DSS secretary Uday Chand Kumar, Ghosh enjoyed unhindered access to the facility. A police investigation revealed that Ghosh exploited his access and sexually abused inmates and was responsible for killing several inmates who were then buried on the banks of the Damodar River at Jamalpur. Ten persons were arrested, including Kumar, cook Najiya Khatun, and guard Mathur Patra. Tarumal Das and Prafulla Mallick, who buried Guriya, were also in police custody. The government of West Bengal canceled the home's license and relocated the inmates to other homes.

## **Other Relevant References**

Newspapers reported that more than 100,000 disabled students lacked inclusive education due to the lack of primary or upper primary schools in 122 villages in Punjab.

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

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

## Kazakhstan

### **Constitution and Laws**

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

### **Persons with Disabilities**

According to the Ministry of Labor and Social Protection, in 2011 there were 506,000 persons with disabilities (3 percent of the total population) in the country, although analysts argued that the real number was higher. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and in the provision of other state services or other areas, but significant discrimination existed in the areas of employment, education, and access to government services.

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

The law requires companies to set aside 3 percent of their jobs for persons with disabilities. International and local observers noted some improvement regarding the rights of persons with

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disabilities. Nevertheless, there were reports that persons with disabilities faced difficulty integrating into society and finding employment. According to Ministry of Labor and Social Protection, 3,400 persons with disabilities registered for employment, but only 1,762 were employed. The law mandates access to buildings for persons with disabilities. Vice Minister of Labor and Social Protection Assel Nusupova identified the two biggest problems facing persons with disabilities as poor infrastructure and lack of access to education. Persons with disabilities had difficulty accessing public transportation. The government did not make a concerted effort to address these problems.

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

There are no regulations regarding the rights of patients in mental hospitals. Human rights observers believed this led to mass abuse of patients' rights. NGOs reported that patients often were drugged and isolated for minor infractions and that they experienced poor conditions and a complete lack of privacy. In 2011 prosecutors disclosed violations of mental patients' rights ranging from illegal institutionalization to restricting access to information and unlawful extension of patients' stays. Prosecutors punished some officials as a result of the investigation. NGOs reported that orphanages for children with physical and mental disabilities were overcrowded and unsanitary, with insufficient staff to care adequately for children's needs.

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

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

## **Other Relevant References**

The law states that the government must provide an attorney for an indigent suspect or defendant when the suspect is a minor, has physical or mental disabilities, or faces serious criminal charges. In practice public defenders often lacked the necessary experience and training to assist defendants.

Defendants in criminal cases have the right to counsel and to a government-provided attorney if they cannot afford counsel. Under the criminal procedure code a defendant must be represented by an attorney when the defendant is a minor, has mental or physical disabilities, does not speak the language of the court, or faces 10 or more years of imprisonment. In practice defense attorneys reportedly participated in only half of all criminal cases, in part because the government did not provide sufficient funds to pay them.

Children's rights are governed by the Law on the Rights of the Child, the Marriage, and Family, the Law on Prevention of Juvenile Delinquency, the Law on Social and Medical Support to Children with

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Disabilities, and related UN conventions to which the country is a party. In 2006 the government established a Committee on the Protection of Children's Rights within the Ministry of Education and Science.

In June 2009 the courts convicted D. Seytkhanov, a teacher at the Zyrianovsk boarding school for children with mental disabilities, for "inappropriate performance of duties in the education of underage persons related to abusive treatment." The court sentenced Seytkhanov to one year of restricted freedom of movement and a two-year prohibition from teaching.

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

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

## Kyrgyz Republic

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

Serious problems continued within psychiatric hospitals. The government did not provide basic needs such as food, water, clothing, heating, and health care, and facilities were often overcrowded. Inadequate funding played a critical factor.

Authorities usually placed children with mental disabilities in psychiatric hospitals rather than integrating them with other children. Other patients were also committed involuntarily, including

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children without mental disabilities who were too old to remain in orphanages. The Youth Human Rights Group monitored the protection of children's rights in institutions for children with mental and physical disabilities. The group noted gross violations by staff at several institutions, including depriving young patients of sufficient nourishment and physically abusing them.

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

The country does not have centralized statistics on persons with disabilities, but authorities estimated their number at between 20,000 and 30,000.

Dastan Bekeshev, a blind member of parliament, stated that Kyrgyz society discriminated heavily against persons with disabilities. He noted the lack of implementation of the 2008 law requiring employers to provide special hiring quotas (approximately 5 percent of work positions) for persons with disabilities.

## **Other Relevant References**

The following human rights problems were reported [...] discrimination against women, persons with disabilities, ethnic and religious minorities, and other persons based on sexual orientation or gender identity.

Children who are 14 or 15 years old may work up to five hours a day; children who are 16 to 18 may work up to seven hours a day. These laws also apply to children with disabilities.

The government continued to fund two programs that provide school supplies and textbooks to low-income children and children with mental or physical disabilities.

Dastan Bekeshev, a blind member of parliament, stated that Kyrgyz society discriminated heavily against persons with disabilities. He noted the lack of implementation of the 2008 law requiring employers to provide special hiring quotas (approximately 5 percent of work positions) for persons with disabilities.

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

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

## **Maldives**

### **Constitution and Laws**

The constitution provides for the equality of all citizens, but these provisions do not include nondiscrimination based on religious beliefs. Women traditionally were disadvantaged, particularly in the application of Islamic law in matters such as divorce, education, inheritance, and testimony in legal proceedings. On May 7, the administration raised human rights to the cabinet level by reestablishing the

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Ministry of Gender, Family, and Human Rights (MGFHR). Previously, the empowerment of women was incorporated into government policy initiatives, activities, and planning and was not the purview of a dedicated ministry.

## **Persons with Disabilities**

The constitution and law provide for the rights and freedom from discrimination of persons with disabilities. The purpose of the act is to protect the rights of persons with disabilities and to provide financial assistance. As mandated in the act, anyone with disabilities is entitled to Rf 2,000 (\$156) every month. The National Social Protection Agency (NSPA) under the Ministry of Health maintained a list of persons with disabilities. By December the NSPA received 6,183 applications, of which 4,407 were deemed eligible and began receiving the allowance. Additionally, the president created the Council to Protect the Rights of People with Disabilities.

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

Multiple NGOs, including Hand in Hand, Handicap International, and the Care Society, worked to increase awareness and improve support for persons with disabilities.

A report in 2010 by the HRCM and the UN Development Program found that most schools took children only with very limited to moderate disabilities and not those with more severe disabilities. There was virtually no access or transition to secondary-level education for children with disabilities. Additionally, no mental health care was available in Male; only two psychiatrists, who dealt mostly with drug rehabilitation, worked in the country. There also was a lack of quality residential care. At year's end four persons with disabilities waited for a place at the Home for People with Special Needs.

The government did not fund any awareness and empowerment programs during the year. However, during the year three additional staff were hired specifically for disability problems, and the ministry also received a 10-percent increase in the 2013 budget for outreach programs. The government integrated students with physical disabilities into mainstream educational programs. Families usually cared for persons with disabilities. When family care was unavailable, persons with disabilities lived in the MGFHR's Home for People with Special Needs, which during the year housed 160 persons. The home accepted elderly persons as well. The government also provided assistive devices, such as wheelchairs, crutches, spectacles, hearing aids, and special seats for children with cerebral palsy.

## **Other Relevant References**

During the year the NPM visited five police custodial centers: Maafushi Prison; the temporary jail that was opened in Gan that has now been closed; a drug rehabilitation center in Himmafushi; a drug rehabilitation center in Villingili; and two centers for persons with disabilities.

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

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

## Nepal

### **Constitution and Laws**

The law prohibits discrimination based on race, caste, gender, disability, language, or social status. However, the government did not effectively enforce these prohibitions. Even though the Caste Discrimination and Untouchability Act was passed in May 2011, a rigid caste system continued to operate throughout the country in many areas of religious, professional, and daily life. Societal discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas. Transnational and internal sex and labor trafficking persisted.

### **Persons with Disabilities**

The interim constitution addresses the rights of persons with disabilities, but government efforts to enforce existing laws and regulations to improve rights and benefits for persons with disabilities were not effective. On August 14, the Supreme Court ordered the government to do more for persons with physical and mental disabilities, such as providing a monthly stipend, building shelters, and appointing one social welfare worker in each district.

According to the NHRC, persons with mental disabilities were the most stigmatized, discriminated against, and misunderstood; access to mental health services was available only in the larger cities. The Ministry of Women, Children, and Social Welfare was responsible for the protection of persons with disabilities, the Ministry of Education provided scholarships for 73,161 children with disabilities, and the Ministry of Local Development allocated 5 percent of the budget of local development agencies for disability programs. Some NGOs working with persons with disabilities received funding from the government. However, most persons with physical or mental disabilities relied almost exclusively on family members for assistance.

### **Other Relevant References**

Societal discrimination against women, persons of lower castes, some ethnic groups, and persons with disabilities remained a problem.

Under the civil code, sentencing provisions for rape vary between five and 12 years, depending on the female victim's age. The sentencing provisions also mandate five years' additional imprisonment in the case of gang rape or rape of pregnant women or women with disabilities.

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

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

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## Pakistan

### **Constitution and Laws**

The constitution provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on each of these factors.

### **Persons with Disabilities**

The law provides for equality of the rights of persons with disabilities, but the provisions were not always implemented in practice. After dissolution of the former Ministry of Social Welfare and Special Education in April 2011, its affiliated departments, including the Directorate General for Special Education, National Council for the Rehabilitation of the Disabled, and National Trust for the Disabled, were handed over to the Capital Administration and Development Division. The special education and social welfare offices were devolved to the provinces and are responsible for protecting the rights of persons with disabilities.

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

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

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

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## **Other Relevant References**

The HRCP invited the government to develop a template for protection and assistance of IDPs. In its report, *Internal Displacement in Pakistan: Contemporary Challenges*, the commission recommended proactive measures for averting displacement, mainly by early identification of threats, close and continued assessment and monitoring of risks, and adoption of appropriate responses. The report noted that "provisions must be made for individuals who face additional vulnerabilities on account of their age, gender, religious beliefs, health condition and physical and mental disabilities."

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

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

## Sri Lanka

### **Constitution and Law**

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

### **Persons with Disabilities**

The law forbids discrimination against any person with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other public transportation, and access to health care; however, in practice discrimination occurred in employment, education, and provision of state services, including in public transportation. There were regulations on accessibility, but accommodation for access to buildings for persons with disabilities was rare. The government supported participation by persons with disabilities in civic affairs. Those with disabilities also had full voting rights.

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

According to independent aid organizations, persons with disabilities were affected by government restrictions on implementing aid projects, particularly in the north. They also reported a lack of inclusion of persons with disabilities in mainstream development initiatives and a lack of coordination between disability rights and general human rights.

## **Other Relevant References**

Discrimination against persons with disabilities [...] continued, and a disproportionate number of victims of human rights violations were Tamils.

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

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

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## Tajikistan

### **Constitution and Law**

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

### **Persons with Disabilities**

The law on social protection of persons with disabilities applies to individuals having either physical or mental disabilities. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not have the resources to provide legal safeguards. The law requires government buildings, schools, hospitals, and transportation, including air travel to be accessible to persons with disabilities, but the government did not enforce these provisions. To attend school, children must be deemed “medically fit” by doctors. Many children with disabilities were not able to attend school because doctors considered them not “medically fit.” Children found to be medically unfit had the chance to attend special state-run schools tasked with dealing with persons with physical and mental disabilities. The capacity of these institutions probably did not meet demand. Up to 10 percent of families keep children with disabilities at home and provide home education or tutors.

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

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

Tajikistan has not signed the Convention.

## Turkmenistan

### **Constitution and Law**

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

### **Persons with Disabilities**

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

The government provided subsidies and pensions for persons with disabilities, although the assistance was inadequate to meet basic needs. The government considered persons with disabilities who received

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

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subsidies as being employed and therefore ineligible to compete for jobs in the government, the country's largest employer.

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

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

## **Other Relevant References**

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

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

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

## **Uzbekistan**

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

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

On September 18, the president signed into law amendments to a number of legislative acts that would require courts to approve the placement of individuals in medical or psychiatric facilities. There were no reports during the year of persons being held at psychiatric hospitals despite showing no signs of mental illness.

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

The labor law states that all citizens enjoy equal employment rights, but disability rights activists reported that discrimination occurred in practice. There were no government programs to ensure access to buildings, information, and communications, and activists reported particular difficulties with access. According to disability rights activists, of an estimated 96,000 children with disabilities, only 26 attended public schools while approximately 1,000 attended specialized schools. There were no government statistics available to confirm or refute these figures.

## **Other Relevant References**

On August 28, the senate issued an amnesty decree. According to its terms, women, minors, men over 60 years old, foreign citizens, disabled individuals, and those who had developed serious illnesses in prison could apply for amnesty. Some first-time offenders were also eligible. Amnesty actions included full exemption from further incarceration, transfer to a prison with less severe conditions, or conclusion of a criminal case at the pretrial or trial stage. The government reported that as of October 25, 84 women and 1,101 men were released from their prison sentences as a result of the amnesty decree.

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

Uzbekistan signed the Convention on 27/2/2009.