

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

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## **Western Hemisphere**

### **Antigua and Barbuda**

#### **Constitution and Laws**

The constitution prohibits discrimination based on race, sex, creed, language, or social status, and the government generally respected these prohibitions in practice.

#### **Persons with Disabilities**

The constitution contains antidiscrimination provisions, but no specific laws prohibit discrimination against, or mandate accessibility for, persons with disabilities. There were anecdotal cases of children, because of disabilities, who were unable to take themselves to the restroom and thus were denied entry to school. Additionally, anecdotal evidence suggested that support for persons with mental disabilities was lacking. It was alleged that those affected were often left on the street, as there were few alternatives to the one overcrowded and poorly maintained mental health facility.

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

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

### **Argentina**

#### **Constitution and Laws**

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

#### **Persons with Disabilities**

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

According to the Ministry of Labor, Employment, and Social Security's Office for Disabled Persons, more than 12,000 persons with disabilities had obtained jobs through the ministry's programs in the city of Buenos Aires as of May 2011. The programs included various benefits for disabled workers, such as free job training programs.

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A pattern of inadequate facilities and poor conditions continued in some mental institutions. For example, the Jose T. Borda Psychiatric Hospital in Buenos Aires remained in poor condition and failed to provide basic necessities to patients, according to local human rights organizations and press reports.

In December nearly 30 NGOs filed formal complaints against the federal and Buenos Aires City education ministries for failure to make adequate provision for the inclusion of children with disabilities in schools.

The National Advisory Committee for the Integration of People with Disabilities under the National Council for Coordination of Social Policies has formal responsibility for actions to accommodate persons with disabilities. The government's actions to improve respect for the rights of persons with disabilities included a program started in September by Buenos Aires Province that establishes economic incentives for municipalities that hire persons with disabilities as civil servants. The program stipulated that municipalities participating in the program would receive a subsidy payment from the provincial Ministry of Labor.

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

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

## Bahamas, The

### **Constitution and Laws**

The constitution prohibits discrimination on the basis of race, place of origin, political opinion, or creed, and the government generally enforced these prohibitions. However, the constitution and the law contain provisions that discriminate against women.

The country consists of 700 islands and cays, 12 of which are significantly inhabited. Information in this report reflects the situation in the highly populated areas on New Providence and Grand Bahama. Limited information was available from other lesser populated islands.

### **Persons with Disabilities**

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

The Disability Division within the Ministry of Labor and Social Development reported providing the following services during the year: disability allowances to disabled persons; financial assistance to

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procure prosthetics, wheelchairs, hearing aids, and other assistive devices; regular prosthetic committee meetings; annual government grants to NGOs serving the disabled community; crisis intervention counseling; and Braille classes.

In June the chief disability affairs officer in the Department of Social Services noted the ministry was having some difficulty maintaining the national registry for disabled persons. He stated that the number of disabled persons was grossly underreported at approximately 2,600, while he estimated there were closer to 30,000 disabled citizens in need of assistance. In 2010 the government provided 1,090 persons with some form of disability assistance.

A mix of government and private residential and nonresidential institutions provided education, training, counseling, and job placement services for adults and children with both physical and mental disabilities. Independent human rights observers reported that access requests to the Sandilands Rehabilitation Center were not consistently accommodated by the government.

## **Other Relevant References**

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

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

The Bahamas has not signed the Convention.

## **Barbados**

### **Constitution and Laws**

The constitution provides for equal treatment regardless of race, origin, political opinion, color, creed, or sex, and the government effectively enforced these provisions.

### **Persons with Disabilities**

No laws specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services, other than constitutional provisions asserting equality for all. In practice persons with disabilities faced some discrimination. The Ministry of Social Care, Constituency Empowerment, and Community Development operated a Disabilities Unit to address the concerns of persons with disabilities, but parents complained of added fees and transport difficulties for children with disabilities at public schools. Although persons with disabilities continued to face social stigma preventing them from fully participating in society, attitudes were slowly evolving. Persons with disabilities generally experienced hiring discrimination as well as difficulty in achieving economic independence.

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

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

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

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

Barbados signed the Convention on 19/7/2007 and ratified the Convention on 27/2/2013.

## **Belize**

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

The special envoy for women and children continued advocacy campaigns on behalf of persons with disabilities and supported the efforts of NGO CARE-Belize to promote schools that made efforts to create inclusive environments for persons with disabilities. In June the special envoy joined with CARE-

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Belize to sponsor a telethon to raise funds for an “Inspiration Center” to offer basic medical care and therapies for children with special needs as well as assistance for at-risk youth.

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

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

## Bolivia

### **Constitution and Laws**

The constitution prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, but the government did not effectively enforce the law to protect all populations.

### **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 law requires wheelchair access to all public and private buildings, duty-free import of orthopedic devices, and a 50 percent reduction in public transportation fares for persons with disabilities. The constitution and law also require communication outlets and government agencies to offer services and publications in sign language and Braille. However, the government did not effectively enforce these provisions. In addition, societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society and restricting their right to participate in civic affairs. Vice Minister of Special and Alternative Education Noel Aguirre reported that only 7,000 children with known disabilities received specialized educational services. There were no reports of patterns of abuse in educational and mental health facilities.

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

On March 2, the president approved the General Law for Disabled People, which provides for access to government services. The new law also mandates that, beginning in 2013, persons with “serious and very serious” conditions are to receive an annual pension of 1,000 bolivianos (\$144). On July 14, the Ministry of Health launched the National Registry for People with Disabilities. The registry included 40,368 people, of whom 36 percent reported physical disabilities, 30 percent mental disabilities, and 20 percent multiple disabilities.

On February 23, police violently suppressed a protest by persons with disabilities (see section 2.b.).

### **Other Relevant References**

On February 23, police violently repressed a group of persons with disabilities who were attempting to move their protest to the central government square. Police used tear gas, taser guns, and batons to confront the protesters, and several protesters and police officers were injured.

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

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

## Brazil

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

The National Council for the Rights of Persons with Disabilities and the National Council for the Rights of the Elderly, both within the SDH, have primary responsibility for promoting the rights of persons with disabilities. According to the SDH, specific problems included the short supply of affordable orthotics and prosthetics, scarcity of affordable housing with special adaptations, and a need for more accessibility to public transport. Children with disabilities attended school (primary, secondary, and higher education), but there existed a shortage of schools with facilities for persons with physical disabilities.

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

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

## Canada

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, disability, language, sexual orientation, and social status, and the government enforced these laws 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 state services, and the government effectively enforced these prohibitions. Although the government effectively implemented existing laws and programs mandating access to buildings, information, and communications for persons with disabilities, the absence of uniform standards across the country created disparities in standards of access between provinces. Children with disabilities attend primary, secondary, and higher education, and the majority attend classes with

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nondisabled peers or a combination of nondisabled and special education classes with parental consent. However, disparities in educational access for students with disabilities existed between provinces.

Facilities existed to provide support for those with mental health disabilities, but mental health advocates asserted that the prison system was not sufficiently equipped or staffed to provide the care necessary for those in the criminal justice system, resulting in cases of segregation and self-harm.

## **Other Relevant References**

The Charter of the French Language in Quebec makes French the official language of the province; requires the use of French in commerce, the workplace, education, and government; and protects minority language rights. The charter also restricts access to publicly funded English-language education to children who have received or are receiving elementary or secondary instruction in English and whose parents are citizens, and to students who are temporary residents in the province or have serious learning disabilities and who have obtained a waiver.

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

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

## Chile

### **Constitution and Laws**

On July 24, Congress approved the Anti-Discrimination Law, which gives civil legal remedies to victims of discrimination based on race, ethnicity, nationality, socioeconomic situation, language, ideology or political opinion, religion or belief, association or participation in union organizations or lack thereof, gender, sexual orientation, gender identification, marriage status, age, affiliation, personal appearance, and sickness or physical disability. The law also increases criminal penalties for acts of violence based on discrimination. However, such discrimination continued to occur.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services, and the government effectively enforced these provisions. However, persons with disabilities suffered forms of de facto discrimination. The law provides for universal and equal access to buildings, information, and communications. However, most public buildings did not comply with legal accessibility mandates. The public transportation system, particularly outside Santiago, did not adequately provide accessibility for persons with disabilities. During the year, however, TranSantiago, the main system of public transportation, instituted changes to comply with the law better, including new ramp systems and elevators at certain metro stations.

The National Service for the Disabled (SENADIS) reported that children with disabilities attended school (primary and secondary) but also noted that there were difficulties in ensuring these children received equal access to schooling at private institutions. SENADIS also reported that those with disabilities had

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fewer opportunities to continue with their education following secondary school. There were no reports of patterns of abuse in educational and mental health facilities.

SENADIS operates under the jurisdiction of the Ministry of Planning, has responsibility for protecting the rights of persons with disabilities, and advocates and promotes integration and protection policies throughout all government agencies. During the year the agency also further developed its “access to justice” program, which included mapping public and private institutions that can provide assistance to persons with disabilities and training to justice officials handling such cases. It also created an interagency group to address the rights of those with disabilities in prison.

## **Other Relevant References**

Prisoners with HIV/AIDS and mental disabilities failed to receive adequate medical attention in some prisons.

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

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

## Colombia

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to public buildings, air travel and other transportation, access to health care, or the provision of other state services. However, Somos Defensores and other NGO groups claimed these laws were seldom enforced in practice. No law mandates access to information and telecommunications for persons with disabilities. The Presidential Program for Human Rights is responsible for protecting the rights of persons with disabilities.

The constitution establishes education as a fundamental right. Although children with disabilities attend school at all levels, advocates noted that the vast majority of teachers and schools were neither trained nor equipped to successfully educate children with disabilities. Advocacy groups also said that children with disabilities entered the education system later and dropped out of it at higher rates than children without disabilities. The NGO Fundacion Saldarriaga Concha reported that 33 percent of children with disabilities between ages five and 14 and 58.3 percent between 15 and 19 did not attend school. Advocates also noted that children with disabilities were more vulnerable to sexual and other forms of abuse and that citizens with disabilities were hampered in their ability to vote and participate in civic

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affairs due to lack of adequate transportation or adequate access to voting facilities in numerous locations throughout the country.

## **Other Relevant References**

In 2004 the Constitutional Court initially found the government's response to displacement an "unconstitutional state of affairs" and ordered the government to reformulate its IDP programs and policies, including improving the IDP registration system. In following years, the court also ordered the government to implement specific protection and assistance programs for displaced indigenous people, Afro-Colombians, women and children, disabled persons, and IDP community leaders. In its July 1 report to the Constitutional Court, Accion Social cited improvements in institutional and territorial coordination, enhanced registration systems, involvement of IDP and community authorities and associations, increased IDP policy and program budget, and improved monitoring and evaluation of assistance and rights.

The National Institute for Legal Medicine and Forensic Science's report on Bogota indicated that between January and October, there were 3,343 new cases of sex crimes, which included 584 cases of rape, 460 for sexual assault and 293 committed against "persons unable to resist," such as children and people with disabilities. However, the institute indicated that many cases went unreported.

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

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

## Costa Rica

### **Constitution and Laws**

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively. With regard to gender identity, under the General Law on HIV/AIDS, Article 48 prohibits discrimination against sexual options (sexual orientation), and establishes misdemeanor sanctions for non-compliance.

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, health-care access, or other state services. There were reports of discriminatory practices in accessibility to education, work, information, public buildings, and transportation. The National Rehabilitation and Special Education Council (CNREE) is the government body responsible for protecting the rights of persons with disabilities and for coordinating interagency efforts.

From January to August, the Ombudsman's Office reported receiving 77 complaints of discrimination against persons with disabilities, and the CNREE received 24 complaints for violations of the law regarding protection of equal opportunities for persons with disabilities. All 24 cases were opened, and 11 were under investigation at year's end. For example, CNREE received a report from a person with disabilities whose service dog was excluded from entering a health care facility.

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Although the law mandates access to buildings for persons with disabilities, the government did not enforce this provision in practice, and many buildings remained inaccessible to persons with disabilities.

The CNREE also reported that the education system required a comprehensive reform, especially in rural areas, to improve statistics, physical access to facilities, technical assistance and training, interagency coordination, and support services in secondary schools.

Both the government policy on education and the national plan for higher education establish the right to education of students with special needs. The Ministry of Education operated a program for persons with disabilities that provided support services to students with special needs in both regular and special education systems. In 2010 there were 22 special education centers serving 5,165 students with disabilities. Adults with disabilities were also supported through 28 attention centers.

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

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

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

## Cuba

### **Constitution and Laws**

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

### **Persons with Disabilities**

There was no known law prohibiting official discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. A Ministry of Labor and Social Security resolution, however, gives persons with disabilities the right to equal employment opportunities and equal pay for equal work. There are laws recommending that buildings, communications facilities, air travel, and other transportation services accommodate persons with disabilities, but in practice these facilities and services were rarely accessible to persons with disabilities, and information for persons with disabilities was limited.

The Special Education Division of the Ministry of Education is responsible for the education and training of children with disabilities. Children with disabilities attend school; there were no known patterns of abuse in educational facilities or in mental health facilities during the year. The Ministry of Labor and Social Security is in charge of the Job Program for the Handicapped.

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

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

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## Dominica

### **Constitution and Laws**

The law specifically prohibits discrimination based on race, gender, place of origin, color, and creed, and the government generally enforced it.

### **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with disabilities, and there is no legal requirement mandating access to buildings for such persons. Many employers refused to hire persons with disabilities, and unemployment among such persons was very high.

The government funded a special school for the hearing impaired and partially assisted two other schools for vision impaired and mentally challenged children. One of the public schools also had a program for autistic children. However, the education of children with disabilities remained a serious challenge, as many of the children were in rural areas.

### **Other Relevant References**

Labor laws provide that the labor commissioner may authorize the employment of a person with disabilities at a wage lower than the minimum rate to enable that person to be employed gainfully. In practice such persons were generally paid more than the minimum, and the labor commissioner had not authorized subminimum wages for the last few years.

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

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

Dominica signed the Convention on 30/3/2007 and ratified the Convention and Optional Protocol on 1/10/2012.

## Dominican Republic

### **Constitution and Laws**

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

### **Persons with Disabilities**

Although the law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, these individuals encountered discrimination in employment and in obtaining other services. The law provides for physical access for persons with disabilities to all new public and private buildings, but authorities did not enforce this provision. The Dominican Association for Rehabilitation

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received support from the Secretariat of Public Health and from the Presidency to provide rehabilitation assistance to persons with physical and learning disabilities. The association cited the lack of accessible public transportation for persons with disabilities as a major impediment. The 2000 disability law states that the government should ensure that people with disabilities have access to the labor market as well as cultural, recreational, and religious activities. Persons with disabilities attended school at all levels; however, resources to meet their special needs were often not sufficient.

The National Council on Disability also promoted the rights of persons living with disabilities. For example, the council signed an agreement with the National Botanic Gardens to ensure access to the park for disabled visitors.

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

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

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

## Ecuador

### **Constitution and Laws**

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

### **Persons with Disabilities**

The constitution and laws 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 state services. The interagency National Council on Disabilities oversees government policies regarding persons with disabilities. Although the law mandates access to buildings and promotes equal access to health, education, social security, employment, transport, and communications for persons with disabilities, the government did not fully enforce it. The law requires that 4 percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities.

In August the National Assembly approved a law granting persons with disabilities the right to cost and fee reductions from several public and private entities, including utilities, transportation, and taxes. The law stipulates rights to health facilities and insurance coverage, increased access and inclusion in education, and to a new program for scholarships and student loans for persons with disabilities. The law provides for special job security for those with disabilities or those who care for a person with

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disabilities, and entitles employees who acquire a disability to rehabilitation and relocation. The law also creates a new national subsystem, intended to evaluate and register persons with disabilities. Many of the benefits in the law are transferable to a parent or primary caregiver. The law also gives the Ombudsman's Office responsibility for following up on alleged violations of the rights of the disabled and lays out a series of fines and punishments for lack of compliance with the law. Some in the disabled community criticized the reregistration and evaluation process--including a national identification card, identifying the type and percentage of the disability that an individual has--as unnecessary and impossible to achieve under the timeframe given in the law.

The government continued its Ecuador without Barriers campaign, led by Vice President Lenin Moreno, which created jobs for persons with disabilities, provided funding to municipalities to improve access to public buildings, and opened training and rehabilitation centers. The initiative also monitored the degree of compliance by companies that hire persons with disabilities. The caregivers of persons with severe disabilities received a government monthly subsidy of \$240. The government reported in its Universal Periodic Review (UPR) that it had created 10,000 new jobs for persons with disabilities and their families between 2008 and 2011.

The law directs the electoral authorities to provide access and facilitate voting to persons with disabilities, and international observers commended the government's accommodations for persons with disabilities in the 2011 national referendum. During the year the CNE promoted disability access in the electoral process through public outreach and workshops to train disabled election observers. Additionally, the CNE reached agreements with transportation companies to ensure that persons with disabilities were provided access to the 2013 elections.

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

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

## El Salvador

### **Constitution and Laws**

Although the constitution and the law provide that all persons are equal before the law and prohibit discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, the government did not effectively enforce these prohibitions. There was discrimination against women, persons with disabilities, LGBT persons, and indigenous people. The Secretariat of Social Inclusion (SIS), headed by First Lady Vanda Pignato, made efforts to overcome traditional bias in all these areas.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, 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 state services. According to the National Council for Comprehensive Attention to Persons with Disability (CONAIPD), the government did not allocate sufficient resources to enforce these prohibitions effectively, particularly in education, employment, and transportation. The government did not effectively enforce legal requirements for access to buildings, information, and communications for persons with disabilities. There were almost no access ramps or provisions for the mobility of persons with disabilities. In general children with disabilities attended school; however, at higher levels attendance was more dependent on their parents' financial resources.

Only 5 percent of businesses and no government agency fulfilled the legal requirement of hiring one person with disabilities for every 25 hires. Following a July 2 agreement signed by local and international organizations, the Salvadoran Association of Industries and the Ministry of Labor conducted training on hiring persons with disabilities.

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

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

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

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

In February the TSE developed an awareness campaign to teach blind persons how to vote. In the year's elections, for the first time blind persons could vote using Braille. On August 20, in San Salvador the minister of public works inaugurated the construction of the first recreational and cultural center for blind and disabled persons.

Several public and private organizations promoted the rights of persons with disabilities, including the Telethon Foundation for Disabled Rehabilitation and the National Institute Comprehensive Rehabilitation (ISRI). The Rehabilitation Foundation, in cooperation with ISRI, continued to operate a treatment center for persons with disabilities. However, CONAIPD reported that the government provided minimal funding for ISRI.

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## **Other Relevant References**

The penalty for rape is six to 10 years' imprisonment, but the law provides for a maximum sentence of 20 years for rape of certain classes of victims, including children and persons with disabilities.

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

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

## Grenada

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or gender, and the government generally upheld these prohibitions.

### **Persons with Disabilities**

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

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

Grenada signed the Convention on 12/7/2010.

## Guatemala

### **Constitution and Laws**

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. However, the government frequently did not enforce these provisions, and there was no protection related to sexual orientation and gender identity discrimination.

### **Persons with Disabilities**

The constitution contains no specific prohibitions against discrimination based on physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The law, however, mandates equal access to public facilities and provides some other legal protections. In many cases persons with physical and mental disabilities did not enjoy these rights, and the government devoted few resources to addressing the problem. The law does not

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mandate that persons with disabilities have access to information or communications. Accessible public transportation was minimal.

The National Council for Persons with Disabilities reported that few persons with disabilities attended educational institutions or held jobs. The council, composed of representatives of relevant government ministries and agencies, is the principal government entity responsible for protecting the rights of persons with disabilities. It met regularly to discuss initiatives and had a budget of 10.6 million quetzales (\$1.34 million). There were no reports on what, if any, effect the council had on meeting the needs of persons with disabilities.

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

The National Hospital for Mental Health, the principal health provider for persons with mental illness, lacked basic supplies, equipment, hygienic living conditions, and adequate professional staffing. Disability Rights International and other NGOs raised concern regarding treatment and conditions at Federico Mora Hospital in Guatemala City. Reports presented to the OAS indicated that both children and adults faced abuse and neglect, lacked necessary medical care, and were subject to sex trafficking by guards from the national police and gang members from the adjacent prison.

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

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

## Guyana

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, disability, language, social status, religion, or national origin.

### **Persons with Disabilities**

The constitution mandates the state to “take legislative and other measures” designed to protect disadvantaged persons and persons with disabilities. The law provides for equal protection and for a National Commission on Disabilities (NCD) to advise the government, coordinate actions on issues affecting persons with disabilities, and implement and monitor the law. The NCD focused its attention on sensitizing the public about the law and on compliance, as well as performing sensitization workshops with the Ministries of Labor, Human Services and Social Security, Education and Health. At least one private commercial bank participated in a sensitization workshop. The commission also embarked on a

15-week radio and television program, “the NCD and you,” funded by members of the private sector, to raise the commission’s public profile.

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There were specialized schools for the blind and special schools for persons with disabilities in regions four and six, the most populous regions of the country. Lack of appropriate infrastructure to provide access to both public and private facilities made it difficult for persons with disabilities to be employed outside their homes. The NCD received very few complaints from persons who experienced discrimination--one such report highlighted landlord-tenant discrimination where rental was denied because one of the occupants had a disability.

## **Other Relevant References**

On May 24, the president signed into law a Sexual Offenses Bill that broadened the definition of rape to include spousal rape, coercion, new child-sex offenses, and the creation of offenses for vulnerable adults with a learning disability or mental disorder.

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

Guyana signed the Convention on 11/4/2007.

## Haiti

### **Constitution and Laws**

The law does not specifically prohibit discrimination on the grounds of race, gender, language, sexual orientation or gender identity, or social status, but the preamble to the constitution specifically reiterates the importance of adhering to the Universal Declaration of Human Rights, which prohibits all forms of discrimination. However, no effective governmental mechanism administered or enforced such provisions.

### **Persons with Disabilities**

The 2010 earthquake substantially increased the size of the community of persons with disabilities and focused international attention on the need to bolster support mechanisms for this group. However, in May Prime Minister Lamothe underlined the inclusion of persons with disabilities one of his government's three priorities for the social sector. The Office of the Secretary of State for the Integration of Handicapped Persons (BSEIPH) is the lead government agency responsible for providing assistance to persons with disabilities and ensuring their civil, political, and social inclusion. The government took significant steps to strengthen the legal framework for its disabled citizens. In May the government enacted the Law on the Integration of Persons with Disabilities, designed to provide a legal mandate for the BSEIPH to foster effective integration policies for persons with disabilities. The law prohibits any discrimination in employment practices against persons with disabilities and requires the government to integrate such persons into the state's public services. Additionally, the law imposes a 2 percent quota for persons with disabilities in the workforces of private sector companies.

Because of widespread and chronic poverty, a shortage of public services, and limited educational opportunities, persons with disabilities remained disadvantaged. Additionally, individuals with disabilities faced significant social stigma because of their condition. As a group, people with mental illness or developmental disabilities were consistently marginalized, neglected, and abused in society.

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While information about the number of persons with disabilities was scarce at the national level, an estimated 10 percent of citizens had disabilities.

The BSEIPH hosted numerous training sessions and workshops for public officials seeking to engage disabled communities, and it launched public awareness campaigns to change the societal norms of weakness associated with being physically handicapped or mentally disabled. According to government statistics, 64 organizations working to better conditions for persons with disabilities received between 25,000 HTG (\$625) and 500,000 HTG (\$12,500) after the office was founded in late 2011. The BSEIPH also provided educational subsidies for 140 disabled students during the academic year, but no data were available regarding school attendance by children with disabilities.

In April the BSEIPH, in partnership with the National Institute of Research and Training for the Education of Handicapped Youth, launched an initiative to create a national educational model for children with special needs, to be integrated within the country's primary education system.

The government convened a business forum in September with 40 major companies to synchronize private sector approaches to hiring disabled persons. In October the OAS facilitated an interministerial roundtable to draft and sign a public declaration requiring ministerial heads to promote the inclusion of disabled persons in hiring and in policy discussions. At the October forum, Minister of Social Affairs and Labor Josepha Gauthier announced the planned construction of a center for handicapped professionals in Ganthier. The OAS also helped the government create new building codes that would provide for universal accessibility.

While the BSEIPH began to take more of a coordinating role during the year, NGOs continued to provide most direct services for disabled populations. Access to quality medical care (physical and mental) posed a significant challenge for persons with disabilities. Hospitals and clinics in Port-au-Prince did not have sufficient space, human resources, or public funds to treat such individuals. Where facilities existed to treat and rehabilitate them, the conditions were below international standards.

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

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

## **Honduras**

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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provision of other state services. Enforcement in employment is the responsibility of the Secretariat of State of Labor and Social Security (STSS); however, enforcement was not effective due to the secretariat's focus on workplace safety and pay issues. Enforcement of the laws in other areas is the responsibility of the Public Ministry. The law requires access to buildings for persons with disabilities, but few buildings were accessible, and the federal government did not effectively implement laws or programs to provide access.

Children with disabilities attended school (primary, secondary, and higher education). During the year the government trained 50 teachers in special education for students with disabilities. There were patterns of abuse reported in mental health facilities, including degrading treatment, arbitrary commitment, abuse of physical restraints, unhygienic conditions, inadequate or dangerous medical care, and sexual or other violence.

The right of persons with disabilities to vote and participate in civic affairs was restricted by a lack of accessibility to polling stations and many government buildings.

Prisoners with mental illnesses were held with the general prison population.

The government has a disabilities unit in the Secretariat of State of Social Development and a special commissioner for disabilities in the Secretariat of State of the Presidency.

## **Other Relevant References**

The Ministry of Labor did not investigate alleged violations of occupational health and safety laws and other labor rights problems relating to the approximately 3,000 lobster divers, many from the Misquito indigenous and other ethnic minority groups in Gracias a Dios Department. Since 2003 approximately 365 lobster divers have died and at least 2,000 became disabled due to the dangerous nature of their work.

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

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

## Jamaica

### **Constitution and Laws**

In 2011 the Charter of Rights amended the constitution to strengthen fundamental rights and freedoms. The law prohibits discrimination based on race, gender, place of origin, political opinion, color, or creed. The government generally enforced these prohibitions in practice, although there continued to be widespread discrimination on the basis of party affiliation in the distribution of scarce governmental benefits, including employment, particularly in the poor inner city communities.

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## **Persons with Disabilities**

There are no laws prohibiting discrimination against persons with disabilities or mandating accessibility for persons with disabilities. Persons with disabilities encountered discrimination in employment and denial of access to schools. Discrimination in access to education was particularly pronounced at the primary level. There were fewer reports of problems in secondary schools, and tertiary institutions--including community colleges--increasingly drafted policies to promote full inclusion of persons with disabilities. Health care reportedly was universally available.

Prior to the December 2011 elections, Human Rights Watch pointed out that many polling stations were inaccessible to persons with disabilities, but the government responded that it would be impractical to make changes to ensure accessibility so close to the elections. Nonetheless, election officials made efforts to accommodate voters with accessibility issues, by recruiting other voters to carry a wheelchair up a flight of steps or moving and carrying the prefabricated cardboard voting booth to the voter.

The Ministry of Labor has responsibility for the Jamaica Council for Persons with Disabilities, which had a budget of J\$48 million (\$540,000) in 2011-12. The council distributes economic empowerment grants of up to J\$50,000 (\$562) to persons with disabilities to help them embark on small entrepreneurial ventures, such as vending or furniture making, or to provide them with assistive aids, such as prosthetics or hearing aids. Smaller rehabilitation grants of up to J\$15,000 (\$168) are available for similar purposes. The Ministry of Labor also has responsibility for the Early Stimulation Project, an education program for children with disabilities, as well as the Abilities Foundation, a vocational program for older persons with disabilities.

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

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

## Mexico

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other services. However, the government did not effectively enforce the law. In May 2011 a new Law for the Inclusion of People with Disabilities entered into force and replaced the previous Federal Law for Persons with Disabilities. On November 30, the government published regulations, which outline the responsibilities for different agencies. The new law proposes to bring the country into

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compliance with the Convention on the Rights of Persons with Disabilities; however, Disability Rights International (DRI) said that the new law fails to establish new opportunities for community integration. DRI noted that under the new law, the Ministry of Health is required to promote the creation of long-term institutions for people with disabilities in distress and the Ministry of Social Development must establish specialized institutions to care for, protect, and house people with disabilities in poverty, neglect, or marginalization. As such, DRI noted that the new law does not recognize the right of person with disabilities to live in the community.

Public buildings and facilities continued to be in noncompliance with the law requiring access for persons with disabilities. The education system provided special education for students with disabilities nationwide. However, children with disabilities attended at a lower rate than those without disabilities. For example, on September 3, a nine-year-old girl in Chilpancingo, Guerrero, was prevented from enrolling in school when the school claimed it could not accommodate her wheelchair. Her mother submitted a complaint to the local human rights commission for discrimination against the minor child based on her physical condition. CONAPRED reported that through October, it had received 124 complaints of discrimination based on disability against individuals and 39 complaints of discrimination based on disability against federal public servants. Only 4 percent of the overall population with disabilities had finished university.

According to CONAPRED, 60 percent of all persons with disabilities reported insufficient access to health services. The CNDH received 216 complaints of human rights violations against persons with physical disabilities and nine complaints of human rights violations against persons with mental disabilities during the year.

In its 2010 study and March 23 presentation to the OAS, DRI documented widespread human rights abuses in mental health institutions and care facilities across the country, including those for children. Abuses against persons with disabilities included lack of access to justice, the use of physical and chemical restraints, lobotomies on patients without consent, physical and sexual abuse, disappearances, and trafficking of children. Persons with disabilities often lacked adequate privacy and clothing and often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting the person's identity and origin was lacking, and there were instances of disappearances.

DRI reported in 2010 that at the Samuel Ramirez Moreno Psychiatric Hospital in Mexico City, a man was restrained with a helmet and arm restraints during the day and bed restraints at night. In October DRI visited the institution again and interviewed nurses from the Samuel Ramirez Hospital, who said that the man was still at the hospital, which continued to use arm and bed restraints and the helmet to control him.

On March 20, the CDHDF issued a recommendation on the living conditions of persons with disabilities institutionalized in the Assistance and Social Integration Centers (CAIS) shelters under the jurisdiction of

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the Mexico City government. The CDHDF found a lack of adequate medical treatment, qualified staff, and basic medications, as well as unhygienic and degrading conditions. The CDHDF also reported that patients did not receive any rehabilitation with the purpose of reintegrating them into society. The CDHDF concluded that the CAIS shelters were violating the right to health; the right not to be subjected to cruel, inhuman, and degrading treatment; and the right to live in the community.

Persons with disabilities have the right to vote and participate in civic affairs. Voting centers for federal elections are generally accessible for persons with disabilities, and ballots are available with a Braille overlay for federal elections. In Mexico City, voting centers were also reportedly accessible for local elections and Braille overlays were available; however, in local elections elsewhere in the country, the accessibility for voting centers and the availability of Braille ballots or overlays was inconsistent.

## **Other Relevant References**

On March 23, the NGO Disability Rights International reported to the Organization of American States (OAS) on grave human rights violations of rights of mentally and physically disabled children in orphanages and care facilities.

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

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

## Nicaragua

### **Constitution and Laws**

The law prohibits discrimination on the basis of race, gender, sexual orientation, disability, language, or social status. However, the government did not regularly enforce these legal prohibitions. Those subject to such practices filed few discrimination suits or formal complaints due to a belief that their complaints would not be addressed and could lead to negative outcomes for those filing.

### **Persons with Disabilities**

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

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Persons with disabilities faced severe problems accessing schools, public health facilities, and other public institutions. Complaints continued regarding the lack of a handicap-accessible public transportation system in Managua. While some buses were accessible to persons with disabilities, reports continued that drivers of these equipped buses either refused to stop to allow persons with disabilities to board or intentionally broke lift and ramp equipment on their buses. The press reported that the Managua Mayor's Office sponsored relevant training for bus drivers through transportation cooperatives. The PDDH special prosecutor for disabled rights was active throughout the year. Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care was generally poor.

The 2011 World Health Organization world report on disability estimated that only 0.40 percent of persons with disabilities attended compulsory elementary education.

During the November municipal elections, the CSE accredited more than 200 volunteers to aid persons with disabilities in voting centers, along with maintaining the legal provision that allows the assistance of a family member in the voting process.

## **Other Relevant References**

Trials are public, and the law provides that defendants can choose a jury trial. Defendants have the right to legal counsel and are presumed innocent until proven guilty. Defendants also have the right of access to all information and evidence registered with the government, as well as the right to know why and how it was obtained, but only during the discovery and trial phases, not during the pretrial period. The law provides public defenders to represent indigent defendants. Defendants can confront and question witnesses who testify against them and also have the right to appeal a conviction. The law extends these rights to all citizens regardless of gender, ethnicity, disability, or other status.

On August 9, a 12-year-old girl with mental disabilities was allegedly kidnapped at gunpoint and repeatedly raped by five NNP officers and a private security guard, all part of President Ortega's personal security team. Although four of the five officers were expelled from the NNP, by year's end the courts had not issued a final ruling on the case, and two of the five had not been formally charged.

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

Nicaragua signed the Convention on 30/3/2007 and Optional Protocol on 21/10/2008. Nicaragua ratified the Convention on 7/12/2007 and the Optional Protocol on 2/2/2010.

## Panama

### **Constitution and Laws**

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

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## **Persons with Disabilities**

The law prohibits discrimination based on physical, sensory, intellectual, or mental disability, but the constitution permits the denial of naturalization to persons with mental or physical disabilities. The law mandates access to new or remodeled public buildings for persons with disabilities and requires that schools integrate children with special needs. In practice persons with disabilities experienced substantial discrimination in access to transportation, employment, education, access to health care, and the provision of other state services. The fleet of new buses was initially wheelchair accessible when first introduced in 2011, but the subsequent installation of turnstiles made access difficult for passengers in wheel chairs. Most businesses had wheelchair ramps and handicapped parking spaces as required by law, but in many cases, they were not up to government specifications as to size. Some public schools admitted children with mental and physical disabilities, but most did not have adequate facilities for children with special needs. The government installed ramps in some schools and mainstreamed some children with disabilities. Few private schools admitted children with special needs.

In June President Martinelli signed a law establishing the Guardian Angel program, which provides a subsidy of 80 balboas (\$80) per month for children with severe physical disabilities. The program has an annual budget of 14 million balboas (\$14 million). To qualify, the parents or guardian of a child must be living in poverty and must submit medical certification as to the severity of the disability and the child's dependency on another person. In September the National Assembly approved a law creating the Ann Sullivan Center for children with autism.

In June 2011 a group of persons with disabilities challenged Law 35 before the Supreme Court on grounds of discrimination and the protection of private information. The law, passed in 2010, mandates that the National Electoral Tribunal include a person's disabilities as well as blood type and allergies on their national identification card in case of emergency. The law also requires the National Transportation Authority to include the same information on a state-issued driver's license. As of November there was no ruling from the court.

The National Secretariat for the Social Integration of Persons with Disabilities (SENADIS) is the government agency responsible for protecting the rights of persons with disabilities. The Ministry of Education and MIDES share responsibilities for educating and training minors with disabilities. SENADIS also distributes subsidies to NGOs dealing with disabilities issues. In August the government approved 86,000 balboas (\$86,000) to support SENADIS' "Agora-Panama" project in Panama and Colon Provinces that trained 1,500 blind persons on how to enter the job market. In September SENADIS distributed 100,000 balboas (\$100,000) in subsidies to 661 persons with disabilities in the poorest communities in the country. The funds were intended for medicines and food. Also in September SENADIS conducted training at public elementary schools to educate students how to interact with classmates with disabilities.

The law stipulates a 2 percent quota for persons with disabilities within the workforce. The Ministry of Labor and Labor Development (MITRADEL) is responsible for referring workers with disabilities to

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employers for suitable jobs; however, in practice successful hiring by private sector employers remained difficult. The Ombudsman's Office received 15 complaints of governmental violations involving the labor rights of persons with disabilities.

The government continued to operate the Family Businesses Project, which assisted low-income families with disabled members to open microbusinesses. The government provided them with 50 balboas (\$50) per month and donated rehabilitation equipment to low-income persons with disabilities. The government also provided five vehicles to state-run hospitals and physical rehabilitation centers to allow for the proper transfer of patients in wheelchairs.

## **Other Relevant References**

Human rights problems included [...] substantial discrimination against individuals with disabilities [...].

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

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

## Paraguay

### **Constitution and Laws**

The constitution prohibits discrimination based on race, gender, disability, language, or social status, but it was not effectively enforced. Women, LGBT persons, indigenous persons, and persons of African ancestry also faced discrimination in practice. The country has no comprehensive law against discrimination, which undermined enforcement of the constitutional clause against discrimination and the protection and restitution for victims of discrimination and societal abuses.

### **Persons with Disabilities**

The law nominally prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, public transportation, access to health care, or the provision of other state services. The law generally does not mandate accessibility for persons with disabilities, and most of the country's buildings remained inaccessible. In February 2011 the municipality of Asuncion approved an ordinance establishing architectural requirements for accessibility to buildings and on sidewalks, as well as fines for lack of compliance. Since then Asuncion, San Lorenzo, and the National University of Asuncion have started to improve accessibility in public sidewalks and in public buildings. In July the National Directorate for Public Procurement modified its bidding terms to include clauses to ensure accessibility in the future building of public construction projects.

Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The law mandates allocation of 5 percent of all available public employee positions to persons with disabilities. As of December 2011, government employees with disabilities constituted less than 1 percent of public-sector employees.

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The Ministry of Education estimated that at least half of all children with disabilities did not attend school because public buses could not accommodate them. No laws provide for access to information and communications. The DGEEC 2012 National Census's preliminary results found that 12 percent of the population had some form of disability, a significant increase from 1 percent in previous censuses.

The National Institute for the Protection of Exceptional People (INPRO) is responsible for legally confirming disability status. In October the executive branch signed a decree transforming INPRO into the National Secretariat for the Rights of Persons with Disabilities. The law gives the entity ministerial rank and allows it to manage its own budget and have more autonomy.

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

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

## Peru

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

In June Congress passed a new General Law on Persons with Disabilities. The law stipulates that businesses whose workforces include more than 30 percent of employees with disabilities are to have greater access to credit and be given preference in government bidding processes. The law provides for the creation of a National System for the Integration of Persons with Disabilities to enable compliance with the new law. The law also established employment quotas for persons with disabilities: for private businesses with more than 50 employees, the quota is 3 percent; for public-sector organizations, it is 5 percent. The employment quota caused strong objection from the private business community.

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

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

A December 2011 ombudsman report stated that many children with disabilities were unable to attend public schools due to lack of physical access. Nearly half of the country's public schools had no entrance ramps, and 88 percent lacked restrooms usable by persons with disabilities. Relatively few teachers (39 percent) had received any training in inclusive education.

## **Other Relevant References**

There was also some discrimination against racial- and ethnic-minority individuals; indigenous persons, lesbian, gay, bisexual, and transgender (LGBT) persons; individuals with disabilities; and persons with HIV/AIDS as well as a lack of labor-law enforcement and the exploitation of child labor, particularly in the informal sector.

Congressional committees included the Justice and Human Rights Committee and a committee for health, population, family, and persons with disabilities. They made no reports and had limited policy impact; credible NGOs did not consider them valuable beyond their legislative functions.

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

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

## **Saint Kitts and Nevis**

### **Constitution and Laws**

The constitution prohibits discrimination based on race, place of origin, birth out of wedlock, political opinion or affiliation, color, gender, or creed, and the government generally respected these prohibitions in practice.

### **Persons with Disabilities**

While the law prohibits discrimination, it does not specifically cite discrimination against persons with disabilities. The building code mandates access to buildings for persons with disabilities, but this code was not always followed or enforced. Children with disabilities attended school. There were also separate schools for children whose vision and hearing were impaired.

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Authorities can declare persons with mental disabilities who commit crimes a menace to society and incarcerate them for life; there were 20 such persons in the prison. Ministry of Health nurses in the various district health centers deal with persons with mental illness, and the General Hospital has a wing dedicated to caring for patients with mental illness.

## **Other Relevant References**

Under police brutality, a police officer was under investigation for shooting a man with mental disabilities while in pursuit of armed robbers.

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

Saint Kitts and Nevis has not signed the Convention.

## Saint Lucia

### **Constitution and Laws**

The constitution prohibits discrimination on the basis of sex, race, place of origin, political opinions, color, or creed, but no specific legislation addresses discrimination based on disability, language, sexual orientation or gender identity, or social status.

### **Persons with Disabilities**

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

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

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

## Saint Vincent and the Grenadines

### **Constitution and Laws**

The law provides for equal treatment regardless of race or gender, and the government generally enforced this provision in practice. The constitution does not address equal treatment regarding disability, language, or sexual orientation.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, access to health care, and the provision of other state services, and the government generally observed these prohibitions in practice. The law does not mandate access to buildings for persons with

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disabilities, and access for such persons generally was difficult. The law prohibiting discrimination against disabled persons does not mention travel and transportation specifically; however, persons with disabilities traveled freely. Communications were available for persons with disabilities, but the government did not have programs to facilitate communication through technology. There were no restrictions on voting or other civic participation. Education was provided until age 21 for persons with disabilities, and the government partially supported a school for persons with disabilities. A separate rehabilitation center treated approximately five persons daily. The Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, and Persons with Disabilities is responsible for assisting persons with disabilities.

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

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

## Suriname

### **Constitution and Laws**

The law prohibits discrimination based on race, ethnicity, sexual orientation, and gender identity but does not address discrimination based on disability, language, or social status. Various sectors of the population--such as women, Maroons, Amerindians, persons with HIV/AIDS, and lesbian, gay, bisexual, and transgender (LGBT) persons--suffered forms of discrimination.

### **Persons with Disabilities**

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

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

Suriname signed the Convention on 30/3/2007.

## Trinidad and Tobago

### **Constitution and Laws**

The government generally respected in practice the constitutional provisions for fundamental human rights and freedoms for all without discrimination based on race, origin, color, religion, social status, or gender.

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## **Persons with Disabilities**

The law neither prohibits discrimination on the basis of disability nor mandates equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, or other citizen services.

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

Transportation was a particular concern. A special on-call transportation service operated only two buses accessible by persons with disabilities. The Public Transportation Services Corporation reportedly acquired 24 buses during the year that would be equipped to transport persons with disabilities. A majority of bus stops were located on high sidewalks without ramps. Most government buildings and public places were not accessible. There were no restrictions on access to information, communications, voting, or participation in civic affairs.

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

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

## Uruguay

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services; however, the government did not monitor compliance and did not effectively enforce these provisions or promote programs to ensure access to buildings, information, and communications. Most public buses did not have provisions for passengers with disabilities, although airports and ports offered accessibility accommodations. Persons with disabilities reported discrimination in employment despite government efforts to assist in individual cases. A recent report indicated that only 14 percent of persons with disabilities in the economically active population were employed. While it did not discriminate against persons with disabilities, the government did not provide sufficient services such as accessible transportation.

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

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Children with disabilities attended school, including higher education. The Uruguayan Institute for Educational Psychology reported that school-age children with disabilities, such as blindness or Down syndrome, received specially adapted laptops under the country's One Laptop per Child program.

The National Disabilities Honorary Commission of the Ministry of Social Development oversees implementation of a law on the rights of persons with disabilities. The law mandating accessibility for persons with disabilities to new buildings or public services was not consistently enforced. The law reserves 4 percent of public-sector jobs for persons with physical and mental disabilities, but the quota went unfilled. The law also provides for tax benefits to private-sector companies and grants priority benefits to small and medium-sized companies owned by persons with disabilities.

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

Uruguay signed the Convention on 3/4/2007. Uruguay ratified the Convention on 11/2/2009 and ratified the Optional Protocol on 28/10/2011.

## Venezuela

### **Constitution and Laws**

The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status; however, discrimination against women, persons with disabilities, and indigenous persons and discrimination based on sexual orientation were problems.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, air travel and other transportation, and the provision of other state services, but the government did not make a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access, but persons with disabilities had minimal access to public transportation, and ramps were practically nonexistent. Online resources and access to information were generally available to persons with disabilities.

The National Commission for Persons with Disabilities (Conapdis), an independent agency affiliated with the Ministry for Participation and Social Development, and the Mission Jose Gregorio Hernandez advocate for the rights of persons with disabilities and provide medical, legal, occupational, and cultural programs. On March 14, the national director of the mission reported that since the mission's inception in 2009, the program had assisted a total of 336,270 persons with disabilities. He reported that, in its four years, the program had distributed, without charge, 1,000 prosthetic devices and 22,000 hearing aids. The Mission for the Children of Venezuela provides monthly subsidies of Bs 600 (\$140) to heads of households for each disabled child or adult they support.

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

Venezuela has not signed the Convention.