

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

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## East Asia and the Pacific

### Australia

#### **Constitution and Laws**

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

#### **Persons with Disabilities**

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

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

Schools are required to comply with the Disability Discrimination Act, and children with disabilities generally attended school. The federal government's Better Start initiative provided up to A\$12,000 (\$11,160) in funding for early intervention services and treatment for eligible children with disabilities. The government's More Support for Students with Disabilities initiative allocated A\$300 million (\$279 million) in additional funding for 2012, 2013, and 2014. The government also cooperated with state and territorial governments that ran programs to assist students with disabilities.

The HRC's annual report stated that 793 complaints citing 1,843 alleged grounds of discrimination were filed under the Disability Discrimination Act from July 2012 to June. Of these, 33 percent related to employment, and 34 percent involved the provision of goods and services. The HRC resolved 961 complaints during the period, including 424 through conciliation.

In July the government launched a national disability insurance program, Disability Care Australia, and the federal budget allocated A\$14.3 billion (\$13.3 billion) over seven years to the program. It was estimated that 460,000 persons with disabilities would be eligible to benefit from the program by the time it is fully operational in 2019. The first stage of the implementation began in July and was estimated to benefit 26,000 persons with disabilities.

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In May the High Court upheld a December 2012 ruling by a lower court that found the Business Services Wage Assessment Tool – an instrument used by disability organizations to determine wages – discriminated against workers with intellectual disabilities. Subsequently, the government appealed to the HRC for a three-year exemption from the Disability Discrimination Act to continue using the instrument “while alternative wage setting arrangements are considered, devised, and/or established and implemented.” A decision remained pending as of November.

In July a senate inquiry into “involuntary coerced sterilization of people with disabilities in Australia” made 28 recommendations, including: independent representation for persons with disabilities, establishment of a commonwealth special medical procedures advisory committee, legislation prohibiting the performance or procurement of unauthorized sterilization procedures, and better medical workforce training.

## **Other Relevant References**

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

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

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

## **Brunei**

### **Constitution and Laws**

The law does not contain specific provisions prohibiting discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status.

### **Persons with Disabilities**

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

There were nine NGOs operating in the country representing persons with disabilities. They worked to supplement services provided by the three government agencies that support persons with disabilities. The NGOs received some funding from the government through the Ministry of Culture, Youth, and Sports, and the Yayasan Sultan Haji Hassanal Bolkiah Foundation, as well as through charitable events by

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local businesses. Public officials called for persons with disabilities to be included in everyday activities. Access to buildings, information, and communications for persons with disabilities was inconsistent.

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

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

## Burma

### **Constitution and Laws**

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

### **Persons with Disabilities**

According to a 2009 Department of Social Welfare national disability survey, 2.3 percent of the population had a disability. People likely did not report their disability due to stigma and lack of awareness, and the percentage was probably higher. The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training. There are no laws specifically prohibiting discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services; the government did not provide ample protections for these persons.

At the grassroots level, the government operated three schools for the blind, two for the deaf, two rehabilitation centers for adults with disabilities, and two for children with disabilities. (Mainstream schools did not offer adequate assistance technology for deaf and blind students.) The government, however, provided inadequate funds for its schools and programs for persons with disabilities. There were few official resources to assist persons with disabilities.

According to Myanmar Physical Handicap Association, a significant number of military, armed-group members, and civilians had a disability as a result of conflict, including as a result of torture and landmine incidents. The ICRC estimated there were 12,000 amputees in the country – two-thirds believed to be landmine survivors – and supported four physical rehabilitation centers throughout the country. Persons with disabilities reported stigma, discrimination, and abuse from civilian and government officials. Students with disabilities cited barriers to inclusive education as a significant disadvantage.

Officially, military veterans with disabilities received benefits on a priority basis, usually a civil service job at equivalent pay; however, both military and ethnic-minority survivors typically had neither livelihood opportunities nor access to affordable medical treatment in rural areas. During a visit to disabled military veterans in September, foreign diplomats observed that although the military provided some level of support, veterans struggled with livelihood opportunities and access to medical care. Official assistance to nonmilitary persons with disabilities in principle included two-thirds of pay for up to one year for a temporary disability and a tax-free stipend for permanent disability; however, the government

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did not provide job protection for private-sector workers who became disabled. In March the government enacted a law designed to assist the families of deceased and injured military troops.

## **Other Relevant References**

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

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

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

Burma has not signed the Convention.

## Cambodia

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination, neglect, exploitation, or abandonment of persons with disabilities. It includes persons with mental illnesses and intellectual impairments in the definition of persons with disabilities and requires that public buildings and government services, including education, be accessible to persons with disabilities. The law does not address accessibility with respect to air travel or other transportation. MOSAVY has overall responsibility for protecting the rights of persons with disabilities, although the law assigns specific tasks to other ministries, including the Ministries of Health, Education, Public Works and Transport, and National Defense. The government requested that all television channels adopt sign-language interpretation for programming. As of June, one major television station had sign-language interpretation, and the Ministry of Information was working with the other stations to develop such capabilities. The government continued efforts to implement the law, although the full period for compliance in some cases extends to 2015. The Council of Ministers approved four subdecrees to support the law.

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

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Children with some limited physical disabilities attended school. Children with more severe disabilities, such as blindness, deafness, or mental conditions, attended segregated schools sponsored by NGOs in Phnom Penh. According to an NGO, education for students with severe disabilities was not available outside of Phnom Penh.

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

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

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

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

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

According to Article 3 of the Law on the Protection of Disabled Persons, “disabled persons are entitled to enjoyment of equal rights as other citizens in political, economic, cultural and social fields, in family life and other aspects. The rights of disabled persons as citizens and their personal dignity are protected by law. Discrimination against, insult of, and infringement upon disabled persons is prohibited.”

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

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

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

According to the CDPF, in 2010 more than 519,000 school-age children with disabilities received compulsory education, 68 percent of them in inclusive education, and 32 percent in 1,705 special schools and 2,775 special classes. NGOs claimed that, while the overall school enrollment rate was 99 percent, only 75 percent of children with disabilities were enrolled in school. Nationwide, an estimated 243,000 school-age children with disabilities did not attend school. In 2011 a total of 7,150 persons with disabilities were admitted to standard colleges and universities.

Nearly 100,000 organizations existed, mostly in urban areas, to serve those with disabilities and protect their legal rights. The government, at times in conjunction with NGOs, sponsored programs to integrate persons with disabilities into society.

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

In part as a result of discrimination, unemployment among adults with disabilities remained a serious problem. The law requires local governments to offer incentives to enterprises that hire persons with disabilities. Regulations in some parts of the country also require employers to pay into a national fund for persons with disabilities when the employees with disabilities do not make up the statutory minimum percentage of the total workforce.

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

The law forbids the marriage of persons with certain mental disabilities, such as schizophrenia. If doctors find that a couple is at risk of transmitting congenital disabilities to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The law stipulates that local governments must employ such practices to raise the percentage of births of children without disabilities.

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

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

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The law forbids the mistreatment or abandonment of children. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages were usually disabled or in poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into orphanages.

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

## **Persons with Disabilities (Tibet)**

No information in this sub-section. Please see the full country report for more.

## **Constitution and Laws (Hong Kong)**

The law provides that all permanent residents are equal, and the government enforced this. The EOC is responsible for enforcing the relevant laws.

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

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

The Disability Discrimination Ordinance states that children with special education needs must have equal opportunity in accessing education. It is against the law for a school to discriminate against a student with a disability. According to the government, students with severe or multiple disabilities are placed in special schools with parental consent, while students with less severe disabilities are enrolled in ordinary schools. There were occasional media reports about alleged abuses in education and mental health facilities; the most recent court case involving such abuses was in 2011.

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

The Social Welfare Department (SWD), directly or in coordination with NGOs and employers, provided training and vocational rehabilitation services to assist persons with disabilities. As of June a total of 16,938 persons were participating in these various programs. As of June the SWD offered 12,232 places for subsidized resident-care services for persons unable to live independently. As of June, the SWD provided 6,230 places for preschool services to children with disabilities with the goal of improving their opportunity to participate in regular schools and extracurricular activities.

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As of April the government employed 3,391 civil servants with disabilities. Persons with disabilities filled 2 percent of LegCo secretariat positions, 1 percent of judicial positions, and 2 percent of nonjudicial positions in the judiciary.

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

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

According to the EOC, the SAR lagged in providing equal opportunities for students with disabilities, despite having operated an integrated education policy since 1997.

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

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

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

## **Constitution and Laws (Macau)**

The law stipulates that residents shall be free from discrimination based on race, gender, disability, language, or social status, and many laws carry specific prohibitions against discrimination. The government effectively enforced the law. The law does not address discrimination based on sexual orientation or gender identity.

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

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

Highlighting a severe shortage in resources in mainstream schools to assist children with learning disabilities, parents called on the government to open an exclusive school for children with learning disabilities. Activists said the government failed to provide a "friendly environment" for persons with vision disabilities and petitioned the government to provide space for an education center that would provide job and living assistance. One activist with vision disabilities unsuccessfully ran for a seat in the Legislative Assembly in the September elections.

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

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

## Fiji

### **Constitution and Laws**

The new constitution prohibits discrimination based on race, culture, ethnic or social origin, color, place of origin, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status, or pregnancy. The government generally enforced these provisions effectively, although there were problems in some areas.

### **Persons with Disabilities**

Under the new constitution, all persons are considered equal under the law, and discrimination against persons with disabilities in employment, education, provision of housing and land, or provision of other state services is illegal. Existing statutes provide for the right of access to places and all modes of transport generally open to the public. The new constitution addresses specifically the right of persons with disabilities to reasonable access to all places, public transport, and information, as well as the right to use Braille or sign language and to reasonable access to materials and devices relating to the disability; the law does not further define "reasonable," however. Additionally, the constitution provides that these rights may be limited by law "as necessary." Public health regulations provide penalties for

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noncompliance, but there was very little enabling legislation on accessibility for persons with disabilities, and there was little or no enforcement of laws protecting them.

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

There were a number of special schools offering primary education for persons with physical, intellectual, and sensory disabilities; however, cost and location limited access. Some students attended mainstream primary schools and were monitored by the Early Intervention Center. Opportunities for a secondary school or higher education for those with disabilities were very limited.

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

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

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

Fiji signed the Convention on 2/6/2010.

## Indonesia

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or provision of other state services. The law does not contain specific requirements regarding access to air travel and other transportation, but it mandates accessibility to

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public facilities for persons with disabilities; however, the government did not enforce this provision (the Surabaya International Airport, for example, is not accessible to persons with disabilities). The government classifies persons with disabilities into three categories: physically disabled, intellectually disabled, and physically and intellectually disabled. These categories are further divided for schooling. The government restricts the rights of persons to vote or participate in civil affairs by not enforcing accessibility laws. The KPU estimated that only 50 percent of eligible voters with disabilities cast ballots in the 2009 election. In March the KPU signed a memorandum of agreement with several NGOs to cooperate to increase the participation of persons with disabilities in the 2014 national elections.

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

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

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

## Japan

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

On June 19, the Diet passed the Act on the Elimination of Disability Discrimination, banning direct discrimination, obligating the provision of reasonable accommodation, and laying the groundwork for a dispute settlement mechanism. Advocacy groups for individuals with disabilities were broadly supportive of the legislation.

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Nonetheless, persons with disabilities faced limited access to public sector services. Moreover, the law regarding discrimination in work places extends only to public sector employment and does not specify penalties for noncompliance.

The law also mandates that the government and private companies hire minimum proportions of persons with disabilities (including mental disabilities). Companies with more than 200 employees that do not comply must pay a fine of 50,000 yen (\$510) per vacant position per month. Public employment of persons with disabilities exceeded minimum proportions, but according to Ministry of Health, Labor, and Welfare statistics, the private sector lagged despite increases over previous years.

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

Children with disabilities generally attended specialized schools.

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

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

Japan signed the Convention on 28/9/2007 and ratified the Convention on 20/1/14.

## **Kiribati**

### **Constitution and Laws**

The constitution prohibits discrimination on the basis of race, national origin, or color, and the government observed these prohibitions; however, only native I-Kiribati may own land. The law prohibits gender discrimination only with regard to employment, but due mainly to limited resources the government did not effectively enforce this provision during the year. There is no law prohibiting discrimination on the basis of disability, sexual orientation, gender identity, or social status.

### **Persons with Disabilities**

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

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Two main NGOs supported and advocated for persons with disabilities: Te Toa Matoa (Disabled Persons' Organization) and the School for the Disabled. The school offered special elementary education classes and programs for children with disabilities from age six to age 14. Aside from this school, children with disabilities generally did not have access to education. A small number of children with disabilities pursued schooling in Fiji. In 2012 three schools in the outer islands were refurbished with foreign government assistance and were made accessible for children with physical disabilities. The central hospital on Tarawa had a wing for persons with mental disabilities, and there was a psychiatrist working on Tarawa. Physiotherapy services also were offered at the hospital for persons with physical disabilities.

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

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

Kiribati ratified the Convention on 27/9/13.

## Korea, Democratic People's Republic of

### **Constitution and Laws**

The constitution grants equal rights to all citizens; however, the government reportedly did not actually grant its citizens most fundamental human rights, and it continued pervasive discrimination based on social status.

### **Persons with Disabilities**

On July 3, the country signed, but did not ratify, the Convention on the Rights of Persons with Disabilities. Before the country may ratify the convention, it must first modify its legal system. The 2013 KINU White Paper estimated persons with disabilities constituted 5.8 percent of the population.

A 2003 law mandates equal access to public services for persons with disabilities; however, implementing legislation had not been passed. Traditional social norms condone discrimination against persons with disabilities, including in the workplace. Although veterans with disabilities were treated well, other persons with physical and mental disabilities reportedly were sent from Pyongyang to internal exile, quarantined within camps, and forcibly sterilized. Persons with disabilities experienced discrimination in accessing public life.

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

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

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The Citizens' Alliance for North Korean Human Rights 2013 report on the Status of Women's Rights in the Context of Socio-Economic Changes in the DPRK found that the birth of a disabled baby--regardless of circumstances--was considered a "curse," and doctors were poorly trained to diagnose and treat persons with disabilities. The report said there were no welfare centers with specialized protection systems for those born with disabilities. Citizens' Alliance also cited reports that the country maintained a center (Hospital 8.3) for abandoned, disabled individuals, where residents were subjected to chemical and biological testing.

UNICEF noted that very high levels of malnutrition indicated serious problems for both the physical growth and psychosocial development of young children. Final results from the 2012 National Nutrition Survey (conducted by the Central Bureau of Statistics, with technical assistance from the World Food Program, UNICEF, and the World Health Organization) released in March estimated 475,868 children (28 percent) were stunted and 68,225 children (4 percent) acutely malnourished. The report concluded that the acute nutritional status of children had improved moderately since 2009 when the last nationwide survey including nutrition indicators was carried out.

## **Other Relevant References**

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

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

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

The Democratic People's Republic of Korea signed the Convention on 3/7/13.

## Korea, Republic of

### **Constitution and Laws**

There is no comprehensive antidiscrimination law. In October 2012, following the recommendation of the UN Human Rights Council Universal Periodic Review, the Ministry of Justice submitted comprehensive antidiscrimination legislation, but the legislation was withdrawn due to aggressive lobbying primarily from religious groups opposed to efforts to provide protection to gays and pregnant women.

There is a human rights law that forbids discrimination based on race, gender, disability, sexual orientation, and social status, but not discrimination based on language or gender identity. There is no mechanism for punishment under that law, however, and there is no protection for migrant workers against racial discrimination, pregnant women against employment discrimination, or pregnant school-aged girls being denied an education.

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## **Persons with Disabilities**

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

In 2012 the organization National Solidarity for Enacting and Amending Ordinances for the Disabled looked at 96,224 regulations and found 1,727 with discriminatory content. The group formally requested that all the discriminatory regulations be removed. As of late 2012, 491 (28 percent) had been changed, according to a Hankyoreh report. The most common type of local government ordinance restricting access for persons with disabilities limits access to libraries and museums by people with mental disabilities. In addition the city councils in Busan, Wonju, and Taebaek stated that people with mental illnesses were not allowed to attend council meetings.

Any business with 50 or more full-time employees is required to meet an employment quota for persons with disabilities (3 percent for government agencies, 2.3 percent to 3 percent for public organizations, and 2.3 percent for private companies). Foreign companies operating in the export-processing zones (EPZs) are exempt from this requirement. Any private company or public organization with 30 to 100 full-time workers (expanded from 100 or more full-time workers in 2012) that has not yet met its quota is subject to a monthly penalty amounting to 530,000 won (\$500) for each available qualified person with a disability whom it fails to hire. An additional penalty may be imposed if the employment rate of workers with disabilities does not reach 50 percent of the required quota. (In 2012, a total of 7,277 companies were assessed penalties amounting to 330 billion won (\$311 million).) During the year authorities charged establishments that failed to employ any persons with disabilities based on the minimum wage (940,000 won per month or \$885). A person with disabilities working for any company with 50 full-time employees can request a reasonable accommodation, such as adjusted working hours, and the denial of such a request could constitute discrimination.

Another part of enforcement involved disclosing in the media and the official gazette the names of businesses that failed to meet the employment quotas, which the Ministry of Employment and Labor did twice during the year.

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

The NHRC did not provide information on the number of complaints of disability-related discrimination.

Children with disabilities qualified as special education beneficiaries and attended special schools that were free for persons between ages 3 and 17. Children with severe disabilities may receive hospitalized education. All public and private schools, childcare centers, educational facilities, and training institutions must provide equipment and other resources to accommodate students with disabilities. As an example, a private kindergarten must now assign assistant teachers to ensure that children with disabilities can participate in outdoor activities.

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

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

## Laos

### **Constitution and Laws**

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

### **Persons with Disabilities**

The Ministry of Labor and Social Welfare has primary responsibility for protecting the rights of persons with disabilities. The Ministry of Health is also involved in addressing health-related needs of persons with disabilities. Although constitutional protections against discrimination do not specifically apply to persons with any type of disability, regulations promulgated by the Ministry of Labor and Social Welfare and the Lao National Commission for the Disabled sought to protect such persons against discrimination on a general basis. The Prime Minister's Decree on the Rights of People with Disabilities covers discrimination in employment, education, air travel and other transportation, access to health care, and provision of state services. Nonetheless, these regulations were rarely enforced.

Because of the large number of disabilities resulting from traffic accidents and unexploded ordnance accidents, the Ministry of Health continued to work extensively on the problem, especially in coordination with international NGOs. The ministry also operated the Cooperative Orthotic and

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Prosthetic Enterprise that supplies prosthetic limbs, corrects clubfeet, and provides education to persons with hearing and vision disabilities.

According to the Ministry of Public Works and Transport, the law requires that construction projects begun after 2009 provide accessibility for persons with disabilities and elderly individuals, particularly in the construction of buildings, roads, and public places. The law does not mandate accessibility to buildings built before its enactment or government services for persons with disabilities, but Ministry of Labor and Social Welfare regulations from 2011 resulted in the construction of additional sidewalk ramps in Vientiane during the year. While there was some progress made on accessibility, a lack of resources for infrastructure slowed the retrofitting of most buildings, and limited government staffing prevented effective implementation.

The government continued to implement its strategic plan to protect the rights of children with disabilities and enable them to study alongside other children in schools countrywide. The Lao Disabled People's Association noted that in many cases students with disabilities did not have access to special education.

Little information was available regarding discrimination in the workplace, although persons with disabilities stated it was sometimes difficult to access basic services and obtain employment.

## **Other Relevant References**

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

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

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

## **Malaysia**

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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The Persons with Disabilities Act of 2008 states that persons with disabilities should be treated equally with access to public services and facilities and that the government and other providers should make improvements to ensure the availability of services. The government, however, did not mandate accessibility to transportation for persons with disabilities, and few older public facilities were adapted for such persons. Recognizing public transportation was not “disabled-friendly,” the government maintained its 50 percent reduction of the excise duty on locally made cars and motorcycles adapted for persons with disabilities. The Ministry of Women, Family, and Community and Development was responsible for safeguarding the rights of persons with disabilities.

A public sector regulation reserves 1 percent of all public sector jobs for persons with disabilities. New government buildings were generally outfitted with a full range of facilities for persons with disabilities.

In November disability rights activist Bathmavathi Krishnan was sworn in as the country’s second-ever senator with a disability.

A code of practice serves as a guideline for all government agencies, employers, employee associations, employees, and others to place persons with disabilities in private sector jobs. Special education schools existed but were not sufficient to meet the needs of persons with disabilities. Students with disabilities were allowed to attend mainstream schools but accessibility remained a serious problem.

In 2012 SUHAKAM initiated a task force to develop a system to monitor public facilities and policies for persons with disabilities. The SUHAKAM director stated the task force would specifically look into public transport services, facilities in buildings, health care, and education. SUHAKAM also pointed out that the Persons with Disabilities Act of 2008 was not fully enforced; for example, persons with disabilities could not access much of the public transportation system or navigate through cities on the sidewalk. Employers were also reluctant to hire persons with disabilities.

Disability NGOs commented that while the Persons with Disabilities Act contained adequate accommodations, the act was not enforced and therefore was not effective. They lamented that the general public saw persons with disabilities as a burden on society instead of a group of active, contributing members of society, and that this perception was amplified by the way in which they were portrayed by the government as welfare cases.

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

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

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## Marshall Islands

### **Constitution and Laws**

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

### **Persons with Disabilities**

The constitution states that no person may be treated in a discriminatory manner under law or by public officials, but it does not include disability in its listing of specific prohibited grounds of discrimination. In practical terms persons with physical, sensory, intellectual, and mental disabilities faced difficulties in obtaining employment and accessing health care and other state services. There were no laws or policies designed to ensure access for individuals with disabilities to buildings, education, communications, or information, although some government offices and private businesses have taken the initiative to remove barriers to access. Hospitals and two major grocery stores had ramps for persons with disabilities. The Ministry of Education began to incorporate awareness programs for students with disabilities, in particular the deaf community. During the year the courthouse completed a ground level courtroom to address concerns about accessibility.

The government provided minimal support for persons with mental disabilities. There were no psychiatric facilities in the country or community-based supports for persons with mental disabilities. Police held persons police deemed as exhibiting psychotic behavior in a standard detention cell until a healthcare worker could see them.

The Assistant Secretary for Internal Affairs serves as the focal point for disability issues. There is also a disability coordinator's office authorized by the cabinet to advise the government. The Ministry of Health is charged with addressing the needs of mental and physical disabilities, and the Ministry of Education is responsible for supporting special education for children with disabilities. Special education classes were provided in the public school system. There is also a small foreign-funded class providing three months of instruction for persons with hearing disabilities at Ebeye on Kwajalein Atoll and in Majuro. The attorney general is responsible for handling court cases involving complaints of discrimination against persons with disabilities, but there were no such cases during the year.

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

Marshall Islands has not signed the Convention.

## Micronesia, Federated States of

### **Constitution and Laws**

The constitution and law provide explicit protection against discrimination based on race, gender, or language, but societal discrimination against women remained a problem. There are no laws against family violence. During the year all four state governments passed laws to combat trafficking in persons.

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These laws were designed to help implement the national antitrafficking legislation passed in 2012. There are no specific legal protections regarding social status, sexual orientation, or gender identity. There are some protections for persons with disabilities, but they are limited in scope.

## **Persons with Disabilities**

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

By law children with disabilities have the right to special education and training up to age 21. There were no special education schools. The government provided children with disabilities, including learning disabilities, the right to special education in mainstream schools, and instruction at home if necessary and if foreign funding was available. Such funding was available during the year, but special education programs had some difficulties serving all eligible children, with transportation problems cited as one factor impeding participation.

Due to a lack of facilities and community-based support services for treating persons with mental disabilities, the government housed some individuals with mental disabilities but no criminal background in jails. Authorities provided separate rooms in jails for persons with mental disabilities, and state health departments provided medication as part of their programs to provide free treatment to all residents with mental disabilities.

The national health services department is responsible for protecting the rights of persons with disabilities but does not provide significant services.

## **Other Relevant References**

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

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

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

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## Mongolia

### **Constitution and Laws**

The law states that no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status and that men and women shall be equal politically, economically, socially, culturally, and within the family. The government generally enforced these provisions. The Law on the Social Welfare of Disabled Persons protects persons with disabilities from discrimination in all social relations, and the labor law prohibits discrimination on the basis of disability in employment. These rights were not always enforced. The law does not address sexual orientation or gender identity.

### **Persons with Disabilities**

The labor law prohibits discrimination in employment and education against persons with disabilities. The law defines the types of disabilities as including those concerning physical, sensory, and mental but not intellectual attributes. The Law on Social Protection of the Disabled gives provincial governors and the Ulaanbaatar governor the responsibility to implement measures to protect the rights of persons with disabilities. NGOs reported some improvements during the year, including growing public awareness of the rights of persons with disabilities, greater accommodations to allow persons with disabilities to participate in the June elections, and increasing efforts on the part of government and companies to provide employment opportunities for persons with disabilities. The government did little to execute such measures, and most persons with disabilities faced significant barriers to employment, education, and participation in public life.

In 2010 a law took effect that mandates standards of physical access for persons with disabilities to newly constructed public buildings; however, three years later most new buildings had not complied with the law. Government buildings and public transportation remained largely inaccessible to persons with disabilities. Despite a law introducing standards for road construction, the persistence of open manholes, protruding obstacles, and unheeded crosswalks prevented many persons with disabilities from moving freely. Persons with sight and hearing disabilities had difficulty remaining informed about public affairs due to a lack of accessible broadcast media.

Although the government increased efforts to accommodate persons with disabilities in the June presidential election, such persons continued to face barriers to participation in the political process. Voters with identified disabilities were able to cast their ballots in advance of election day with mobile teams that visited their homes. Although required by law, the OSCE observer mission reported that over half of the polling stations observed were not readily accessible to persons with disabilities and the layout of 26 percent of the polling stations observed was not suitable for voters with disabilities. The Mongolian National Federation of the Blind stated that this was the first year Braille ballots were available, allowing persons with vision disabilities to vote directly; however, election observers noted that Braille ballot covers were often not available. NGOs reported greater awareness of the rights of voters with disabilities among officials and the public.

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The Division of Disabled Persons' Development within the Ministry of Population Development and Social Welfare is responsible for developing and implementing policies and projects designed to improve the quality of life of persons with disabilities. The government has various policies to provide benefits and promote respect for persons with disabilities. It provided tax benefits to enterprises that hired persons with disabilities. Additionally, the law requires workplaces with over 25 employees to employ a minimum 4 percent of persons with disabilities or pay a fine. NGOs reported growing interest among companies in hiring persons with disabilities, although reluctance to hire persisted and many companies preferred to pay the fine. Furthermore, the government itself failed to employ persons with disabilities in the ratio required of other employers. The Mongolian Federation of Disabled Persons stated that three employment agencies were established to find jobs for persons with disabilities; however, these agencies were underutilized because most persons with disabilities were unaware of them.

There were several specialized schools for youth with disabilities, although students with disabilities could by law also attend regular schools. Nevertheless, children with disabilities faced significant barriers to education. Both the NHRC and NGOs dedicated to promoting rights for persons with disabilities reported that schools lacked teachers trained to work with children with disabilities. Further, the NHRC reported inadequate textbooks and other training materials, with some teachers simply using lower-level textbooks designed for regular schools or developing their own materials with the available resources. The NHRC's report stated that most schools did not have appropriate facilities (including school buses) to make them accessible to children with disabilities and that the government allocated insufficient resources for such renovations. Furthermore, while schools generally had classes dedicated to students with disabilities, they did not separate students based on disability type.

According to NGOs, there was not a common understanding regarding what constituted a disability. Government studies were often broadly inclusive, counting those with illnesses or mild vision problems as persons with disabilities, while educational institutions frequently failed to identify mental and developmental disabilities.

The law requires the government to provide benefits according to the nature and extent of the disability. Although the government generally provided benefits, the amount of financial assistance was low and it did not reach all persons with disabilities due to the absence of any system of distribution and care for such persons.

## **Other Relevant References**

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

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

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

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## Nauru

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with disabilities. No legislation mandates services for persons with disabilities or access to public buildings. Although the government has installed mobility ramps in some public buildings, many buildings in the country were not accessible. The government provides a welfare benefit to persons with disabilities. As part of aiding the participation in society of persons with disabilities, Department of Education teachers provided rudimentary classes for a small group of students with disabilities.

There is no government agency with specific responsibility for protecting the rights of persons with disabilities. There are no formal mechanisms to protect persons with mental disabilities. There were no reports of discrimination against persons with disabilities with regard to employment, but it is likely social stigma led to decreased opportunities for decent work.

In June 2012 the government ratified the Convention on the Rights of Persons with Disabilities. On December 2, the government commemorated the UN's International Day of Persons with Disabilities as a national holiday for the first time.

### **Other Relevant References**

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

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

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

Nauru ratified the Convention on 27/6/2012.

## New Zealand

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities in employment; education; access to places and facilities, including air travel and other transport; and the provision of goods, services,

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housing, and accommodation. The government is prohibited from discriminating on the basis of physical, sensory, intellectual, or mental disability, unless such discrimination can be “demonstrably justified.” There are laws and programs designed to ensure access to communications and information for persons with disabilities. The government effectively enforced applicable laws. Most school-age children with disabilities attended school.

From July 2012 to June 2013, the HRC received 398 disability-related complaints, which represented 28 percent of the total complaints received. The government’s Office for Disability Issues worked to protect and promote the rights of persons with disabilities. Additionally, both the HRC and the Mental Health Commission continued to address mental health problems in their antidiscrimination efforts.

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

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

## Palau

### **Constitution and Laws**

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

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical or mental disabilities. The Disabled Persons’ Antidiscrimination Act and the Programs and Services for Handicapped Children Act cover persons with mental disabilities and persons with physical disabilities, and the government enforced the provisions of these acts. The government provides a monthly stipend of \$50 for persons with disabilities. The law includes a provision for limited access to government buildings for persons with disabilities, and the government generally enforced this provision. There is no legislation providing access to transportation, communication, or government buildings for persons with disabilities. Mainstream public schools had special education programs to address problems encountered by persons with disabilities.

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

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

## Papua New Guinea

### **Constitution and Laws**

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

### **Persons with Disabilities**

Although the constitution prohibits discrimination against persons with physical or mental disabilities, there are no antidiscrimination laws. Persons with physical, sensory, intellectual, and mental disabilities

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

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

## **Other Relevant References**

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

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

Papua New Guinea signed the Convention on 2/6/2011 and ratified the Convention on 26/9/13.

## Philippines

### **Constitution and Laws**

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

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and other social services, but the government did not effectively enforce these provisions. The law provides for equal physical access for persons with both physical and mental disabilities to all public buildings and establishments, but many barriers remained.

The National Council for the Welfare of Disabled Persons formulated policies and coordinated the activities of all government agencies for the rehabilitation, self-development, and self-reliance of persons with disabilities and their integration into the mainstream of society. DOLE's Bureau of Local Employment maintained registers of persons with disabilities that indicate their skills and abilities, monitored private and public places of employment for violations of labor standards regarding persons with disabilities, and promoted the establishment of cooperatives and self-employment projects for persons with disabilities. One NGO reported that the government continued to have limited means to

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assist persons with disabilities in finding employment, and such persons had limited recourse when prospective employers violated their rights, because of the financial barriers to filing a lawsuit.

The DSWD operated two assisted-living centers in the Manila area and five community-based vocational centers for persons with disabilities nationwide. From January to September, the DSWD provided services to 1,898 persons with disabilities. Persons with disabilities frequently solicited donations in the streets, an indicator of the limited options available for livelihood.

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

Some children with disabilities attended primary, secondary, and higher-education schools in mainstream or inclusive education settings. However, children living in poverty with a disability were unlikely to have access to education. The Philippine Coalition on the UN Convention on the Rights of Persons with Disabilities reported that the Education Department's 400 special education centers were inaccessible or too expensive for the average family, and a majority of these special education programs and schools were located in urban areas, further limiting access for rural students with disabilities.

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

The constitution provides for the right of persons with physical disabilities to vote, with the assistance of other persons if necessary. The Commission on Elections (COMELEC) determines the capacity of persons with mental disabilities to vote during the registration process, and exclusions and inclusions may be appealed in court. A federal act authorizes COMELEC to establish accessible voting centers exclusively for persons with disabilities and senior citizens. Many persons with disabilities did not vote in the mid-term elections, however, because of the lack of accessible voting facilities. The NGO Legal Network for Truthful Elections (Lente) reported that only 82,000 of 365,000 registered persons with disabilities were able to vote during the May elections, a turnout far below that of the general population. Media reports confirmed the turnout of some persons with disabilities and the elderly in regular precincts, noting that their participation was facilitated by the implementation of express lanes and the provision of poll assistance. During the October village council elections, COMELEC designated pilot polling precincts in four malls in Luzon, Visayas, Mindanao, and the national capital region for the elderly and persons with disabilities. COMELEC reported high voting turnout in these special voting centers.

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

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

## Samoa

### **Constitution and Laws**

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these provisions in practice. The constitution does not address sexual orientation or gender identity. The society publicly recognizes the transgender Fa'afafine community, although members of the community reported instances of social discrimination. Sodomy, and therefore male same-sex sexual activity, is illegal. Politics and culture generally reflected a heritage of matai privilege and power, and members of certain families of high traditional status possessed some advantages.

### **Persons with Disabilities**

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

In December 2012 the death of a man with mental disabilities in Tafaigata Prison raised concerns about the treatment of persons with mental disabilities while in police custody. The man initially was transported to the National Hospital for treatment but was subsequently transferred to police custody because of his erratic and violent behavior and held in a jail cell, where he was later found dead. The investigation into the cause of his death continued at year's end.

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

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

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

Samoa has not signed the Convention.

## Singapore

### **Constitution and Laws**

The constitution states that all persons are equal before the law and entitled to the equal protection of the law, and the government generally respected these provisions; there is no explicit provision granting equal rights to women and minorities. Mindful of the country's history of intercommunal tension, the

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government took numerous measures to provide for racial, ethnic, religious, and cultural nondiscrimination. Social, economic, and cultural benefits and facilities were available to all citizens regardless of race, religion, or gender.

## **Persons with Disabilities**

The Ministry of Social and Family Development is responsible for protecting the rights of persons with disabilities. There was no comprehensive legislation addressing equal opportunities for persons with disabilities in education or employment. Ministry of Social and Family Development's enabling master plan for 2012-2016 outlined a five-year policy roadmap for the programs and services in the disability sector.

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

The government maintained a comprehensive code on barrier-free accessibility; it established standards for facilities for persons with physical disabilities in all new buildings and mandated the progressive upgrading of older structures. The National Council of Social Services, in conjunction with various voluntary associations, provided an extensive job training and placement program for persons with disabilities. A tax deduction of up to S\$100,000 (\$80,000) was available to employers to defray the expense of building modifications to accommodate employees with disabilities. The government also provides a tax deduction of up to S\$11,000 (\$8,800) for families caring for a sibling, spouse, or child with a disability. The country allows guide dogs for the blind (but not for other service animals) into public places and on trains, but the laws do not cover buses and taxis. Public trains were 100 percent wheelchair accessible as were 65.3 percent of public buses.

Informal provisions permit university matriculation for those with visual or hearing impairments or other physical disabilities. Approximately 12,000 children with disabilities attended mainstream schools in 2012. There were 20 special education schools that enrolled 5,195 students. All primary and secondary schools were equipped with basic accessibility facilities, such as accessible toilets and first-level wheelchair ramps. Approximately 27 percent of all primary and 19 percent of secondary schools were equipped with facilities to address access for persons with disabilities.

The government provided funds for two distinct types of early education programs for children with disabilities. The Early Intervention Program for Infants and Children (EIPIC) provided educational and therapy services for children up to age six who have disabilities. There were 1,104 children enrolled in childcare centers fully or partially funded by the government.

## **Other Relevant References**

The Children and Young Persons Act created a juvenile court system and established protective services for children orphaned, abused, "troubled," or with disabilities. The Ministry of Community Development, Youth, and Sports (MCYS) worked closely with the National Council for Social Services to

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oversee children's welfare cases. Voluntary organizations operated most of the homes for children, while the government funded a substantial portion of living expenses and overhead, as well as expenses for special schooling, health care, and supervisory needs.

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

Singapore signed the Convention on 30/11/2012 and ratified the Convention on 18/7/13.

## Solomon Islands

### **Constitution and Laws**

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

Unemployment remained high, and there were limited job opportunities for persons with disabilities.

### **Persons with Disabilities**

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

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

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

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

## Taiwan

### **Constitution and Laws**

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

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## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation services, access to health care, or the provision of other state services. According to the Eden Social Welfare Foundation and the United Way of Taiwan, the unemployment rate of persons with disabilities was triple the rate of individuals without disabilities. If an employment discrimination complaint were filed, the local labor affairs bureau would intervene and investigate the case. The fine for employment discrimination is from NT\$300,000 (\$10,300) to NT\$1.5 million (\$51,500). The law sets minimum fines for violations, and authorities enforced the law effectively. The authorities enacted and effectively implemented laws and programs to ensure access to buildings, information, and communications. Primary and secondary schools and higher education were available for children with disabilities. There were occasional reports of sexual assaults in educational and mental health facilities. Persons with disabilities have the right to vote and participate in civic affairs. NGO groups alleged that the lack of barrier-free spaces and accessible transportation systems continued to place limits on civic engagement by citizens with disabilities.

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

During the year the legislature passed amendments to the Special Education Act to benefit further 115,000 students with disabilities by authorizing schools to establish special units to offer individual support for students with different types of disabilities. Disability rights groups raised the issue of older facilities not catering to the needs of disabled students and claimed that 50 percent of primary and secondary schools were not barrier-free. Children with disabilities attended school, and officials noted no patterns of abuse during the year. Students with disabilities mostly attended mainstream schools. NGOs claimed that services for students with disabilities remain largely inadequate, and disabled students at mainstream schools often relied on the assistance of maids, parents, or grandparents to attend schools and use school facilities due to a lack of barrier-free facilities or adequate alternative facilities.

The law stipulates that new public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and this requirement was generally met. In addition the Ministry of Transportation and Communications subsidized procurement of disabled-friendly taxis for drivers.

In September 2012 a foundation filed a lawsuit against 32 public servants for neglecting sexual assaults alleged to have occurred in a school for children with disabilities in 2011. During the year nine Ministry

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of Education employees were disciplined as a result of a prosecutorial investigation. A total of 23 teachers and staff of the school received demerits or warnings, 16 of whom were eventually demoted after a Control Yuan (inspector general) probe into the incidents.

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

Taiwan has not signed the Convention.

## Thailand

### **Constitution and Laws**

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

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, air travel and other transportation, access to health care, or the provision of other state services. Although the government modified many public accommodations and buildings to accommodate persons with disabilities, government enforcement was not consistently effective. The law also mandates that persons with disabilities have access to information, communications, and newly constructed buildings, but these provisions were not uniformly enforced. The law does not require government entities to install wheelchair-accessible street curbs when they repaired or constructed streets or roads.

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

The Community Based Rehabilitation Program and the Community Learning Center for People with Disabilities project operated in all provinces. Each province contained two centers, while Bangkok had 10 centers. The government observed National People with Disabilities Day annually on November 14.

The government maintained 44 special schools for students with disabilities, 77 centers offering special education programs for preschool-age children, and 77 educational centers for persons with disabilities. The law requires all state schools nationwide--approximately 31,000--to accept students with disabilities, and about two-thirds taught such students during the year. There were some reports of schools turning away students with disabilities, although the government claimed that such incidents occurred because schools did not have appropriate facilities to accommodate them. The government reported that it did not receive any complaints during the year. There also were nine government-operated and at least 23 NGO-operated training centers for persons with disabilities, including both full-time and part-time or seasonal centers. The government operated 13 state shelters specifically for

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persons with disabilities, including two day-care centers for autistic children. In addition, there were private associations providing occasional training for persons with disabilities.

Some employers subjected persons with disabilities to wage discrimination. Government regulations require private firms either to hire one person with a disability for every 100 other workers or contribute to a fund that benefits persons with disabilities, but this provision continued not to be uniformly enforced. Government officials estimated that 56 percent of firms complied with the law, while the chair of the Council of Disabled People of Thailand believed the number to be 25 to 30 percent, which he attributed primarily to inadequate government follow-up with companies. Many private firms preferred to contribute to the fund rather than hire a person with a disability because they believed it was less costly.

## **Other Relevant References**

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

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

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

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

## Timor-Leste

### **Constitution and Laws**

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

### **Persons with Disabilities**

Parliament has not enacted specific legislation regarding persons with disabilities. Nonetheless, the government has taken steps to fulfill its constitutional obligation to protect the rights of persons with disabilities. In 2011 the government established a high-level working group to develop a National

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

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Disability Policy. According to the 2010 government census, there are 48,243 persons with disabilities in the country. Persons with disabilities benefited from government social assistance and Bolsa Da Mae, a scholarship program provided by the government under the Ministry of Social Solidarity. The government has not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Electoral regulations made accommodations for persons with disabilities, and permitted them to request assistance with voting. In many districts children with disabilities were unable to attend school due to accessibility problems. There are no known provisions with regard to access to air travel or other forms of transportation.

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

## **Other Relevant References**

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

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

Timor-Leste has not signed the Convention.

## Tonga

### **Constitution and Laws**

The constitution prohibits general discrimination, but the government did not effectively enforce this provision, and the law confirms the special status of members of the royal family and the nobility. While social, cultural, and economic facilities were available to all citizens regardless of race and religion, members of the hereditary nobility had substantial advantages, including control over most land and a generally privileged status.

The law provides for the unequal treatment of women.

### **Persons with Disabilities**

No laws specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities, and there are no legally mandated provisions for services for them. There were no programs to ensure access to buildings for persons with disabilities, and most buildings were not accessible. There also were no programs to ensure access to communications and information for persons with

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disabilities. The Tonga Red Cross Society (TRCS) operated a school for children with disabilities and conducted occasional home visits. A program of the Ministry of Education, Women, and Culture to assimilate children with disabilities into primary schools continued during the year. Many school buildings, however, were not accessible to students with physical disabilities, and attendance rates of children with disabilities at all educational levels were lower than those of students without disabilities. It was possible for some children with disabilities to attend regular schools, depending on the nature and degree of the child's disability, but children with more severe disabilities generally attended the TRCS-run school.

An NGO advocated on behalf of persons with disabilities, but there was no specific government agency with responsibility for protecting the rights of persons with disabilities. The Asian Development Bank funded a pilot program implemented by Ma'a Fafine mo e Famili (For Women and Family) to provide caregiving services for children and senior citizens with disabilities.

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

Tonga signed the Convention on 15/11/2007.

## Tuvalu

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities, including in employment, education, air travel and other transport, or the provision of other state services. Supplementary state services to address the special needs of persons with disabilities were very limited. There are no mandated building accessibility provisions for persons with disabilities. The one multistory government building had nonoperational elevators, and there were no elevators in other multistory buildings. Persons with disabilities had limited access to information and communications. The Fusi Alofa Association (Tuvalu National Disabled Persons Organization) and the Tuvalu Red Cross undertook regular home visits to persons with disabilities and conducted educational programs to raise community awareness of the rights of persons with disabilities and advocate for such persons.

Children with disabilities reportedly had lower school-attendance rates at all levels than other children. Some students with disabilities attended government-run public primary schools both in Funafuti and in several outer islands. Most students with disabilities in Funafuti attended basic education classes run by the Fusi Alofa Association. Parents make the decision concerning which school a child with disabilities attends, after consultation with a Fusi Alofa Association advisor.

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

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

Tuvalu ratified the Convention on 18/12/13.

## Vanuatu

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

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

## Vietnam

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

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

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

The law provides preferential treatment for companies that recruit persons with disabilities and fines on those that fail to meet minimum quotas that reserve 2 to 3 percent of the positions in the firm for workers with disabilities, but the government enforced these provisions unevenly. Companies with a workforce that is composed of at least 51 percent employees with disabilities may qualify for special government-subsidized loans.

The government assisted persons with disabilities to vote in 2011 by bringing ballot boxes to the homes of individuals unable to go to a polling station. There is no legal restriction on the right to vote for persons with disabilities, although many polling stations are not accessible, especially to persons with mobility disabilities.

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

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

Vietnam signed the Convention on 22/10/2007.