

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

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## **South and Central Asia**

### **Afghanistan**

#### **Constitution and Laws**

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

#### **Persons with Disabilities**

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

Updated and comprehensive data on persons with disabilities continued to be lacking. Handicap International carried out a National Disability Survey in 2005, which remained the most up-to-date source of information. The survey estimated that there were between 800,000 and 900,000 persons with disabilities in the country and that 20 percent of all households had at least one such person. MoLSAMD and NGOs, however, estimated that in 2013 there were two million persons with disabilities in the country, 61 percent of whom were women or children. Approximately 10 percent of persons with disabilities received financial support from the government.

Insecurity remained a challenge for disability programming. Insecurity in remote areas, where a disproportionate number of persons with disabilities lived, precluded delivery of assistance in some cases. The majority of buildings remained inaccessible to those with disabilities, prohibiting many from benefitting from education, health care, and other services.

Persons with disabilities faced challenges, such as limited access to educational opportunities; an inability to access government buildings, including Kabul International Airport; a lack of economic opportunities; and social exclusion. Persons with disabilities were mistreated in society and even by

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their own families as there was a common perception that persons had disabilities because they or their parents had “offended God.”

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

## **Other Relevant References**

The constitution provides for seats for women and minorities in both houses of parliament. Three women served in the cabinet, heading the women's affairs; public health; and labor, social affairs, martyrs, and disabled ministries. In the upper house, the president appoints one-third of the members, including two members with physical disabilities and two Kuchis.

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

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

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

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

## **Bangladesh**

### **Constitution and Laws**

The law specifically prohibits certain forms of discrimination against women, provides special procedures for persons accused of violence against women and children, calls for harsh penalties, provides compensation to victims, and requires action against investigating officers for negligence or willful failure of duty; however, enforcement was weak. Women, children, minority groups, persons with disabilities, indigenous people, and sexual minorities often confronted social and economic disadvantages.

### **Persons with Disabilities**

On October 3, parliament passed the Disability Rights and Protection Act, replacing the 2001 Disabled Persons Welfare Act. The amended law provides for equal treatment and freedom from discrimination for persons with disabilities; however, persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation, social protection, employment, transport accessibility, and advocacy.

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The law requires persons with disabilities to register for identity cards to track their enrollment in educational institutions and access to jobs. Giving unequal treatment for school, work, or inheritance based on disability is punishable with fines up to 500,000 taka (\$6,250) or three years' imprisonment. The law also created a 27-member National Coordination Committee charged with coordinating relevant activities among all government organizations and private bodies to fulfill the objectives of the law.

The NGO Action on Disability and Development estimated that there were 16 million persons with disabilities, or 10 percent of the population. The government estimated a lower figure of approximately 1.5 percent of the population.

According to the NGO Action against Disability, 90 percent of children with disabilities did not attend public school. The government trained teachers on inclusive education and recruited disability specialists at the district level. The government also allocated stipends for students with disabilities.

The law contains extensive accessibility requirements for new buildings. Authorities approved construction plans for new buildings without compliance with these requirements.

The law afforded persons with disabilities the same access to information rights as those without disabilities, but family and community dynamics often influenced whether or not these rights were exercised. The law contains provisions for information and communications technology to be accessible to persons with disabilities through video subtitling, sign language, screen readers, or text-to-speech systems in public and private media outlets. Some public television channels used sign language.

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

Government facilities for treating persons with mental disabilities were inadequate. The Ministry of Health established child development centers in all public medical colleges to assess neurological disabilities. Several private initiatives existed for medical and vocational rehabilitation as well as for employment of persons with disabilities. National and international NGOs provided services and advocated for persons with disabilities. The government established service centers for persons with disabilities in all 64 districts, where local authorities provided free rehabilitation services and assistive devices. The government also promoted autism research and awareness. Parliament passed the Neuro-Development Disability Protection Trust Act 2013 on November 4.

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## **Other Relevant References**

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

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

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

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

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

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

## **Bhutan**

### **Constitution and Laws**

The constitution prohibits discrimination on the basis of race, sex, disability, language, religion, politics, or social status. The government generally respected these prohibitions in practice, though societal discrimination existed.

### **Persons with Disabilities**

The constitution specifically protects the rights of citizens with disabilities; other law directs the government to try to provide security in the "event of sickness and disability." The law stipulates that new buildings must be constructed to allow access for persons with disabilities, but the government did not enforce the law consistently. There were reports that hospitals were generally accessible, but residential and office buildings were not.

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

There were special education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates children with vision disabilities, and an education resource unit

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in Paro for persons with hearing disabilities. Children with disabilities often attended mainstream schools, although the resources needed to accommodate them varied among school districts. There were also special education facilities in Thimphu designed to meet the needs of children with physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to such persons. An NGO, the Disabled Persons' Association of Bhutan, was formed in 2011 to change the public perception of disability and assist persons with disabilities. In October in Thimphu, the government observed the UN International Day of Persons with Disabilities, which was attended by the queen and other high-level officials.

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

## **Other Relevant References**

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

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

Bhutan signed the Convention on 21/9/2010.

## India

### **Constitution and Laws**

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

### **Persons with Disabilities**

The constitution does not explicitly mention disability as a prohibited ground for discrimination. The Persons with Disabilities Act (PDA) provides equal rights for persons with a variety of disabilities, including blindness, low vision, those cured of Hansen's disease or "leprosy" (i.e., those cured of Hansen's disease but who still lacked sensation in their extremities or experienced weakness or other problems caused by the infection), hearing impairment, mobility disability, developmental disability, and mental illness. The law is weakened by a clause that links implementation of programs to the "economic capacity and development" of the government. The act encourages governmental authorities to promote access, but it includes no specific enforcement provisions, sanctions for authorities who fail to be proactive in fulfilling their obligations, and no mechanism outlining how authorities should implement the act's provisions.

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According to the Director of the National Center for Promotion of Employment for Disabled People (NCPEDP), Javed Abidi, the law regards persons with disabilities as requiring social protection and medical care, rather than as possessing inherent rights as persons with disabilities.

The government has more than 200 district disability rehabilitation centers that provide comprehensive rehabilitation services for medical problems as well as educational services, vocational training, and community awareness.

Barrier Break, an organization that assisted the Ministry of Social Justice and Empowerment to make its website accessible to persons with disabilities, reported that the states of Maharashtra and Kerala were working to make their websites similarly accessible without seeking central government funds. The Maharashtra state government drafted an e-governance policy requiring that all departments design accessible websites.

Discrimination against persons with disabilities in employment, education, and access to health care was more pervasive in rural areas. Despite legislation that all public buildings and transport be accessible to persons with disabilities, there was limited accessibility.

The Ministry of Health and Family Welfare estimated that 6 to 7 percent of the population experienced a mental or psychosocial disability. Of the individuals with mental disabilities, 25 percent were homeless, and many in rural areas did not have access to modern mental health-care facilities. Disability rights activists estimated that the country had 40 to 90 million persons with disabilities. The NGO CRY estimated that one in 10 children in the country had disabilities. There were three mental-health institutions run by the federal government and 40 state-operated mental hospitals nationwide.

Most of those with mental disabilities were dependent on public health-care facilities, and fewer than half of those who required treatment or community support services received such assistance.

An estimated 60 to 70 million persons with disabilities exercised their right to vote in special booths during the 2009 elections. NCPEDP Director Abidi stated that millions of ramps were constructed at polling booths across the country for easy access for wheelchairs and Braille markings on electronic voting machines aided the blind.

The law requires that 3 percent of public-sector jobs be reserved for persons with physical, hearing, or visual disabilities. NGOs reported that government annual reports have not provided any information on fulfillment of the quota. The government continued to allocate funds to programs and NGO partners to increase the number of jobs filled. Private-sector employment of persons with disabilities remained low, despite PDA benefits to private companies in which persons with disabilities constituted more than 5 percent of the workforce.

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The law also stipulates that 3 percent of all educational places be reserved for persons with disabilities, but, according to the Ministry of Social Justice and Empowerment, students with disabilities made up only an estimated 1 percent of all students. Some schools continued to segregate children with disabilities or deny them enrollment due to lack of infrastructure, equipment, and trained staff. UNICEF estimated that between 6 and 10 percent of all children in the country were born with disabilities. The Ministry of Social Justice and Empowerment continued to offer scholarships to persons with disabilities to pursue higher education. University enrollment of students with disabilities remained low for several reasons, including inaccessible infrastructure, limited resources, nonimplementation of the 3 percent job reservation, and harassment.

A girl with disabilities was denied admission to Class VI in a government school in Thoothukudi, Tamil Nadu, in June. According to the Tamil Nadu Differently-abled Federation, the school violated the Right to Education Act, which reserves 25 percent of places for underprivileged children, and the PDA, which reserves 3 percent of seats for children with disabilities.

According to the Tamil Nadu Differently-abled Federation, the Tamil Nadu government raised the number of modified gasoline two-wheelers to be given during the year to persons above age 18 with disabilities.

Under the Tamil Nadu chief minister's Comprehensive Health Insurance Scheme, 247 cochlear implant surgeries for persons with hearing disabilities were performed between January and July.

In February the Tamil Nadu government issued an order to make public places accessible for persons with disabilities. The order directed that existing buildings be made accessible within 180 days from its issuance.

## **Other Relevant References**

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

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

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

## Kazakhstan

### **Constitution and Laws**

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

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## **Persons with Disabilities**

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

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

The law requires companies to set aside 3 percent of their jobs for persons with disabilities. International and local observers noted some improvement regarding the rights of persons with disabilities. Nevertheless, there were reports that persons with disabilities faced difficulty integrating into society and finding employment. According to the Ministry of Labor and Social Protection, 3,400 persons with disabilities registered for employment in 2012, but only 1,762 were employed. The law mandates access to buildings for persons with disabilities. The vice minister of labor and social protection identified the two biggest problems facing persons with disabilities as poor infrastructure and lack of access to education. Persons with disabilities had difficulty accessing public transportation. The government did not make a concerted effort to address these problems.

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

There are no regulations regarding the rights of patients in mental hospitals. Human rights observers believed this led to widespread abuse of patients' rights. NGOs reported that patients often were drugged and isolated for minor infractions and experienced poor conditions and a complete lack of privacy. NGOs reported that orphanages for children with physical and mental disabilities were overcrowded and unsanitary, with insufficient staff to care adequately for children's needs.

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

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

## **Other Relevant References**

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

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

Children's rights are governed by the Law on the Rights of the Child, the Marriage, and Family, the Law on Prevention of Juvenile Delinquency, the Law on Social and Medical Support to Children with Disabilities, and related UN conventions to which the country is a party. In 2006 the government established a Committee on the Protection of Children's Rights within the Ministry of Education and Science.

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

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

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

## Kyrgyz Republic

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but such persons faced discrimination in employment, education, air travel and other transportation, access to health care, and the provision of other state services. The law mandates access to buildings for persons with disabilities, requires access to public transportation and parking, and authorizes subsidies to make mass media available to persons with hearing or visual disabilities and free

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plots of land for the construction of a home. The government generally did not ensure proper implementation of the law. In addition, persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population.

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

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

Authorities usually placed children with mental disabilities in psychiatric hospitals rather than integrating them with other children. Other residents were also committed involuntarily, including children without mental disabilities who were too old to remain in orphanages. The Youth Human Rights Group monitored the protection of children's rights in institutions for children with mental and physical disabilities. The group noted gross violations by staff at several institutions, including depriving young residents of sufficient nourishment and physically abusing them.

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

The country does not have centralized statistics on persons with disabilities, but authorities estimated their number at between 20,000 and 30,000 in a population of 5.5 million persons.

Several activists have noted that authorities have not implemented the 2008 law requiring employers to provide special hiring quotas (approximately 5 percent of work positions) for persons with disabilities.

## **Other Relevant References**

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

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

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

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

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

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

## Maldives

### **Constitution and Laws**

The constitution provides for the equality of all citizens, but the law requires citizens to be Sunni Muslims. Women have been historically disadvantaged, particularly in the application of Islamic law in matters such as divorce, education, inheritance, and testimony in legal proceedings. In May 2012 the administration re-established the Ministry of Gender, Family, and Human Rights, which in November was renamed the Ministry of Health and Gender (MHG).

### **Persons with Disabilities**

The constitution and law provide for the rights and freedom from discrimination of persons with disabilities. The purpose of the 2010 Disabilities Act is to protect the rights of persons with disabilities and to provide financial assistance. A National Registry of People with Disabilities was established in 2011. Since its establishment, 4,541 people have been registered, with 4,498 active members as of the end of July. The act mandates the state to provide a monthly financial benefit of not less than Maldivian Rufiyaa (MVR) 2,300 (\$150) to each registered individual.

The MHG published regulations on October 30 detailing the standards to be maintained at facilities serving persons with disabilities. The regulations cover health service providers (hospitals, health centers, health posts, public and private clinics and pharmacies); public and private institutions providing education, training, and therapy for persons with disabilities; institutions for children; and other care facilities. These institutions have been given until July 2014 to implement the standards, while institutions established after the implementation date must be built to the standards.

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

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

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The government integrated students with physical disabilities into mainstream educational programs. Nevertheless, a report in 2010 by the HRCM and the UN Development Program found that most schools accepted only children with very limited to moderate disabilities and not those with more serious disabilities. Children with disabilities had virtually no access or transition to secondary-level education. Only three psychiatrists, two of them foreign, worked in the country, and they primarily worked on drug rehabilitation. No mental health care was available in Male. There also was a lack of quality residential care. At year's end four persons with disabilities waited for a place at the Home for People with Special Needs.

The government did not fund any awareness and empowerment programs, although the MHG appointed a director from the NGO Care Society as a deputy minister to enhance focus on disability issues. A disability unit was planned for the ministry, but due to funding constraints it had not been established by year's end.

Families usually cared for persons with disabilities. When family care was unavailable, individuals with disabilities lived in the MHG's Home for People with Special Needs, which during the year housed 160. The home accepted elderly persons as well. The government also provided assistance devices, such as wheelchairs, crutches, spectacles, hearing aids, and special seats for children with cerebral palsy.

## **Other Relevant References**

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

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

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

## Nepal

### **Constitution and Laws**

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

### **Persons with Disabilities**

The interim constitution addresses the rights of persons with disabilities, but government efforts to enforce existing laws and regulations to improve rights and benefits for persons with disabilities were not effective. In 2012 the Supreme Court ordered the government to do more for persons with physical

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and mental disabilities, such as providing a monthly stipend, building shelters, and appointing one social welfare worker in each district, but progress was minimal.

According to the NHRC, persons with mental disabilities were the most stigmatized, discriminated against, and misunderstood. Access to mental health services was available only in the larger cities. The Ministry of Women, Children, and Social Welfare was responsible for the protection of persons with disabilities, the Ministry of Education provided scholarships for 67,800 children with disabilities to attend public or private schools, and the Ministry of Local Development allocated 5 percent of the budget of local development agencies for disability programs. Some NGOs working with persons with disabilities received funding from the government, but most individuals with physical or mental disabilities relied almost exclusively on family members for assistance.

## **Other Relevant References**

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

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

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

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

## Pakistan

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

In the provinces social welfare departments worked for the welfare and education of persons with disabilities. In Sindh the minister for bonded labor and special education is mandated to address the educational needs of persons with disabilities. At the higher-education level, special departments provided special education at Allama Iqbal Open University, the University of the Punjab, and Karachi

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University. According to the Leonard Cheshire Foundation, most children with disabilities did not attend school; at the primary level, 50 percent of girls and 28 percent of boys were out of school.

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

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

## **Other Relevant References**

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

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

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

## Sri Lanka

### **Constitution and Law**

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

### **Persons with Disabilities**

The law forbids discrimination against any person with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other public transportation, and access to health care. In practical terms, however, discrimination occurred in employment, education, and provision of state services, including public transportation. Children with disabilities were generally permitted to

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attend mainstream schools, but due to societal stigma against persons with disabilities, many parents of children with disabilities chose to keep their children out of school. There were regulations on accessibility, but accommodation for access to buildings and public transportation for persons with disabilities was rare. The government supported participation by persons with disabilities in civic affairs.

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

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

## **Other Relevant References**

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

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

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

## Tajikistan

### **Constitution and Law**

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

### **Persons with Disabilities**

The law on social protection of persons with disabilities applies to individuals having either physical or mental disabilities. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not commit resources to implement the laws. The law requires government buildings, schools, hospitals, and transportation, including air travel, to be accessible to persons with disabilities, but the government did not enforce these provisions.

To attend school children must be deemed “medically fit” by doctors. Many children with disabilities were not able to attend school because doctors considered them not “medically fit.” Children found to be medically unfit had the chance to attend special state-run schools specifically for persons with physical and mental disabilities. Observers noted that the capacity of these institutions probably did not meet demand. Up to 10 percent of families kept children with disabilities at home and provided home education or tutors.

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

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

Tajikistan has not signed the Convention.

## Turkmenistan

### **Constitution and Law**

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

### **Persons with Disabilities**

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

The government provided subsidies and pensions for persons with disabilities, although the assistance was inadequate to meet basic needs. The government considered persons with disabilities who received subsidies as being employed and therefore ineligible to compete for jobs in the government, the country's largest employer.

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

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

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persons with disabilities. The law provides for the right to vote for all, including for persons with disabilities.

## **Other Relevant References**

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

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

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

## Uzbekistan

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

According to official statistics, there were 750,000 persons with disabilities, but activists suggest that there may be as many as three million. The government continued its efforts to confirm the disability levels of citizens who received government disability benefits. Officially, authorities conducted the confirmations to ensure the legitimacy of disability payments, but unconfirmed reports suggested that authorities unfairly reduced benefits to some persons with disabilities in the process.

The law allows for fines if buildings, including private shops and restaurants, are not accessible, and the Ministry of Labor and Social Protection reported that there were approximately 3,000 cases during the year when individuals or organizations were fined. The president signed into law in October changes that reduce the fine for failing to create the necessary conditions for persons with disabilities from 6.4-9.2 million soum (\$3,090-\$4,450) to 915,000-1.4 million soum (\$440-\$675). Disability activists reported that accessibility remained inadequate, noting, for example, that many of the high schools constructed in recent years had exterior ramps but no interior modifications to facilitate access by wheelchair users.

There were no reports during the year of persons being held at psychiatric hospitals despite showing no signs of mental disability.

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

The labor law states that all citizens enjoy equal employment rights, but disability rights activists reported that discrimination occurred. Disability rights activists estimated that 90 percent of the country's disabled population was unemployed. The government indicated there were 17,000 jobs set aside for persons with disabilities. There were no government programs to ensure access to buildings, information, and communications, and activists reported particular difficulties with access. The only Braille signage newspaper, *In One Line*, reduced publications from once per month to two to four times a year due to financial difficulties. Activists reported that there were instances in which persons with disabilities were not provided sign language interpreters during police investigation and court hearings. Students studied Braille books published during Soviet times, and there were computers adapted for the vision-impaired population.

According to disability rights activists, of an estimated 96,000 children with disabilities, only 26 attended public schools while approximately 1,000 attended specialized schools. As of July the government stipulated that 18,460 children attended 89 specialized schools with an additional 9,095 children enrolled in preschools. In September the government adopted a decision adding the Tashkent and Samarkand Specialized Industrial Professional Colleges to the list of institutions able to provide secondary special and professional education to persons with disabilities.

## **Other Relevant References**

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

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

Uzbekistan signed the Convention on 27/2/2009.