

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

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## **Western Hemisphere**

### **Antigua and Barbuda**

#### **Constitution and Laws**

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

#### **Persons with Disabilities**

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

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

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

### **Argentina**

#### **Constitution and Laws**

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

#### **Persons with Disabilities**

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

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

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

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A pattern of inadequate facilities and poor conditions continued in some mental institutions. For example, a press report from April addressed deficient infrastructure and human rights violations in Buen Pastor Psychiatric Hospital in Bell Ville, Cordoba Province. The report described prisoners living in “concentration camp” conditions with open sewers infested with insects and bats’ nests in kitchen facilities. Governor De la Sota committed to improving services through increased financial support and advocated to end confinement practices for patients with less severe disabilities.

In early February, following a 2012 request from more than 30 NGOs, the Buenos Aires City education ministry issued regulations to allow children with disabilities to attend schools with their therapists and health-care companions. The effort aimed to promote the inclusion of children with disabilities in schools that also admit children without disabilities. In October three NGOs submitted a report to the UN Committee on the Rights of Persons with Disabilities, sharing concern over discrepancies between domestic legislation and international conventions that guarantee rights to persons with disabilities. The NGOs also claimed Argentina was falling short of compliance with the UN committee’s 2012 recommendations to the country.

In August and October, official voting centers for primary and legislative mid-term elections provided special voting tables and braille ballot holders, making the voting process accessible to persons with disabilities.

The National Advisory Committee for the Integration of People with Disabilities under the National Council for Coordination of Social Policies has formal responsibility for actions to accommodate persons with disabilities. The government’s actions to improve respect for the rights of persons with disabilities included a program started in September 2012 by Buenos Aires Province that establishes economic incentives for municipalities that hire persons with disabilities as civil servants. The program stipulated that municipalities participating in the program would receive a subsidy payment from the provincial Ministry of Labor.

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

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

## Bahamas, The

### **Constitution and Laws**

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

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

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

## **Persons with Disabilities**

There is no specific law protecting persons with physical or mental disabilities from discrimination in employment, education, access to health care, or the provision of other state services. Provisions in other legislation address the rights of persons with disabilities, including a prohibition of discrimination on the basis of disability. Although the law mandates access for persons with physical disabilities in new public buildings, authorities rarely enforced this requirement, and very few buildings and public facilities were accessible to persons with disabilities. Advocates for persons with disabilities complained of widespread job discrimination and general apathy on the part of private employers and political leaders toward the need for training and equal opportunity. In one case authorities denied access to public educational facilities for a mentally sound child with only physical limitations confining him to a wheelchair. The Education Act affords equal access for students, but only as resources permit, with this decision made by individual schools. On family islands, children with special needs often sat in the back of classes because resources were not available.

The Disability Division within the Ministry of Labor and Social Development reported providing the following services during the year: disability allowances to persons with disabilities; financial assistance to procure prosthetics, wheelchairs, hearing aids, and other assistive devices; regular prosthetic committee meetings; annual government grants to NGOs serving the community of persons with disabilities; crisis intervention counseling; and Braille classes.

In November the Department of Social Services reported there were 10,138 persons with disabilities (5,250 males and 4,888 females).

A mix of government and private residential and nonresidential institutions provided education, training, counseling, and job placement services for adults and children with both physical and mental disabilities.

## **Other Relevant References**

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

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

The Bahamas has not signed the Convention.

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

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## Barbados

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

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

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

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

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

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

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## Belize

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law does not expressly prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air or other transportation, access to health care, or the provision of other state services. The constitution provides for the protection of all citizens from any type of discrimination. The law does not provide for accessibility to persons with disabilities and most public and private buildings and transportation were not accessible to them. There were no policies to encourage hiring of persons with disabilities in the private or public sectors.

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

The special envoy for women and children continued advocacy campaigns on behalf of persons with disabilities and supported the NGO CARE-Belize effort to promote schools that made efforts to create inclusive environments for persons with disabilities. She continued to raise funds for an Inspiration Center to offer basic medical care and therapies for children with special needs, as well as assistance for at-risk youth. In August UNICEF and local partners launched the Situational Analysis of Children with Disabilities and the Situational Analysis of Blind and Visually Impaired Children. The analysis showed that 36 percent of children between the ages of two and nine were at risk of having one or more disabilities, whether physical, auditory, visual or a learning disability. This represented a 10 percent increase since 2006.

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

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

## Bolivia

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

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provision of other state services. The law requires access for wheelchair users to all public and private buildings, duty-free import of orthopedic devices, and a 50 percent reduction in public transportation fares for persons with disabilities. The constitution and law also require communication outlets and government agencies to offer services and publications in sign language and Braille, but the government did not effectively enforce these provisions. In addition, societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society and restricting their right to participate in civic affairs. The Research Center for Socioeconomic Development reported that only an estimated 13,000 children with disabilities, or 6 percent of the population of youth with disabilities, had regular access to education. There was no information available regarding patterns of abuse in educational and mental health facilities.

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

The government provides an annual pension of 1,000 bolivianos (\$146) to persons with “serious or very serious” conditions. In July 2012 the Ministry of Health launched the National Registry for People with Disabilities. The registry included 40,368 people, of whom 36 percent reported physical disabilities, 30 percent mental disabilities, and 20 percent multiple disabilities.

## **Other Relevant References**

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

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

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

## **Brazil**

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, air travel and other transportation, education, and access to health care, and the federal government effectively enforced these provisions. An estimated 10 percent of the population had some form of disability. While federal and state laws mandate access to buildings for persons with disabilities, states did not enforce them effectively. A 1991 federal law requires private companies to hire disabled individuals at a minimum level of 2 percent of their workforce, but authorities did not effectively enforce this quota.

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

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The National Council for the Rights of Persons with Disabilities and the National Council for the Rights of the Elderly, both within the SDH, have primary responsibility for promoting the rights of persons with disabilities. According to the SDH, specific problems included the short supply of affordable and up-to-date orthotics and prosthetics, scarcity of affordable housing with special adaptations, and a need for greater accessibility to public transport. Children with disabilities attended school (primary, secondary, and higher education), but there existed a shortage of schools with facilities for such persons. The absence of accessible infrastructure and schools had a significant impact within the workforce, and only an estimated 6 percent of the population with disabilities participated in the workforce.

The city government of Teresina, the state capital of Piaui, also funded infrastructure investments to improve mobility and access for the disabled community; it allocated roughly 1.7 million reais (\$733,000) in public funds to improve city streets and sidewalks to make them more accessible for disabled persons.

The government improved access for persons with disabilities in its infrastructure development and in retrofitting public sports venues to prepare for the upcoming sporting events, including the 2016 Paralympics games.

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

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

## Canada

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, disability, language, social status, sexual orientation; provincial or territorial statutes in three provinces and one territory prohibit discrimination on the basis of gender identity. The government enforced these laws effectively.

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services, and the government effectively enforced these prohibitions. Although the government effectively implemented existing laws and programs mandating access to buildings, information, and communications for persons with disabilities, the absence of uniform standards across the country created disparities in standards of access between provinces.

Children with disabilities attended primary, secondary, and higher education, and the majority attended classes with nondisabled peers or a combination of nondisabled and special education classes with parental consent. Disparities in educational access for students with disabilities existed between provinces and among school boards within provinces. Policy differences included type of services,

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

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criteria to determine eligibility, allocation of resources, access to inclusive compared to segregated classes or facilities, and the number of teachers, teacher's aides and therapists. Ontario offered the greatest access, with 48.7 percent of children with disabilities ages five to 14 years in the province receiving some form of special education service and those in Prince Edward Island 21.8 percent, according to a 2006 study by the national statistical agency. The proportion of children receiving a special education service nationwide was 43.1 percent.

Disability rights NGOs reported that persons with disabilities experienced higher rates of unemployment, under-employment and lower rates of job retention than their non-disabled peers, and higher rates of poverty and economic marginalization.

Federal and provincial human rights commissions protected and promoted respect for the rights of persons with disabilities. The government provided services and monetary benefits, but disability groups noted a lack of coordination among services. Facilities existed to provide support for those with mental health disabilities, but mental health advocates asserted that the prison system was not sufficiently equipped or staffed to provide the care necessary for those in the criminal justice system, resulting in cases of segregation and self-harm.

A judicial inquest opened in August in the case of a man with disabilities who died in a Winnipeg emergency room of a treatable condition in 2008 after being ignored by hospital staff for 34 hours. The Winnipeg Health Authority acknowledged responsibility. Its response to the incident has been the subject of criticism by disability advocates and others. The inquest continued at the end of the year.

## **Other Relevant References**

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

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

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

## Chile

### **Constitution and Laws**

The constitution states the all persons are born free and are equal in terms of the law and dignity; however, it does not specifically identify groups protected from discrimination. The 2012 Anti-Discrimination Law provides civil legal remedies to victims of discrimination based on race, ethnicity, nationality, socioeconomic situation, language, ideology or political opinion, religion or belief, association or participation in union organizations or lack thereof, gender, sexual orientation, gender

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

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identification, marriage status, age, affiliation, personal appearance, and sickness or physical disability. The law also increases criminal penalties for acts of violence based on discrimination, but such discrimination continued to occur.

## **Persons with Disabilities**

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

The National Service for the Disabled (SENADIS) reported that children with disabilities attended school (primary and secondary) but noted that there were difficulties in ensuring these children received equal access to schooling at private institutions. SENADIS also reported that those with disabilities had fewer opportunities to continue with their education following secondary school. Persons with disabilities often faced discrimination in hiring; they constituted approximately 7.6 percent of the population but only 0.5 percent of the workforce. Although there is an active program, Sello Chile Inclusivo, to promote the integration of persons with disabilities into the workforce, its effectiveness was questioned due to reports of discrepancies in wages and benefits between those with and without disabilities in the same office and a lack of connections to small businesses.

SENADIS operates under the jurisdiction of the Ministry of Planning, has responsibility for protecting the rights of persons with disabilities, and advocates and promotes integration and protection policies throughout all government agencies. In preparation for the 2013 presidential and congressional elections, SENADIS published a guide outlining the rights when at the polls and voting for persons with disabilities. These rights include assistance gaining access to a ballot and in the polling booth, as needed. Persons with disabilities were provided assistance, as needed, at polling stations.

## **Other Relevant References**

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

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

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

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

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## Colombia

### **Constitution and Laws**

Although the 2011 antidiscrimination law specifically prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, many of these prohibitions were not enforced. For example, the manual of administrative procedures for blood banks issued by the Ministry of Health states that to protect the recipient of a transfusion from HIV/AIDS, it excludes those who have had "male homosexual relations in the past 15 years." In June 2012 the Constitutional Court asked the Ministry of Health to remove the selection criteria based on sexual orientation donors, but the regulation reportedly had not been changed at year's end.

On April 10, the Constitutional Court struck down a lawsuit disputing the constitutionality of the 2011 law.

### **Persons with Disabilities**

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

The constitution establishes education as a fundamental right. Although children with disabilities attend school at all levels, advocates noted that the vast majority of teachers and schools were neither trained nor equipped to successfully educate children with disabilities. Advocacy groups also stated that children with disabilities entered the education system later and dropped out at higher rates than children without disabilities. Advocates also noted that children with disabilities were more vulnerable to sexual and other forms of abuse and that citizens with disabilities were hampered in their ability to vote and participate in civic affairs due to lack of adequate transportation or adequate access to voting facilities in numerous locations throughout the country.

In November the State Council ordered all public offices to make facilities accessible to persons with disabilities and asked public officials to include requirements for accessibility when granting licenses for construction and occupancy. The State Council also asked every municipality to enforce rules that would make all public offices accessible to persons with disabilities "in a short amount of time."

### **Other Relevant References**

In 2004 the Constitutional Court initially found the government's response to displacement an "unconstitutional state of affairs" and ordered the government to reformulate its IDP programs and policies, including improving the IDP registration system. In following years, the court also ordered the government to implement specific protection and assistance programs for displaced indigenous people, Afro-Colombians, women and children, disabled persons, and IDP community leaders. In its July 1 report

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

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to the Constitutional Court, Accion Social cited improvements in institutional and territorial coordination, enhanced registration systems, involvement of IDP and community authorities and associations, increased IDP policy and program budget, and improved monitoring and evaluation of assistance and rights.

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

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

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

## Costa Rica

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

From January to June, the ombudsman's office reported receiving 66 complaints of discrimination against persons with disabilities, and the CNREE received 25 complaints for violations of the law regarding protection of equal opportunities for persons with disabilities. All 25 cases were opened, and 23 were under investigation as of August. For example, CNREE received a report from a deaf person to whom the road safety council did not give the opportunity to obtain a driver's license.

Although the law mandates access to buildings for persons with disabilities, the government did not enforce this provision, and many buildings remained inaccessible to persons with disabilities. Persons with disabilities did not have access to all public transportation.

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

Both the government policy on education and the national plan for higher education establish the right to education of students with special needs. The Ministry of Education operated a program for persons

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

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with disabilities that provided support services to students with special needs in both regular and special education systems. In 2012 there were 22 special education centers serving 4,286 students with disabilities. The government supported adults with disabilities through 28 attention centers.

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

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

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

## Cuba

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

The Special Education Division of the Ministry of Education is responsible for the education and training of children with disabilities. Children with disabilities attend school; there were no known patterns of abuse in educational facilities or in mental health facilities during the year. The Ministry of Labor and Social Security is in charge of the Employment Program for Persons with Disabilities, or Programa de Empleo por las Personas con Discapacidad (PROEMDIS).

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

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

## Dominica

### **Constitution and Laws**

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

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

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## **Persons with Disabilities**

Although the government has ratified the UN Convention on the Rights of Persons with Disabilities, it has not enacted provisions of the convention nor does the law specifically prohibit discrimination against persons with disabilities. There is no legal requirement mandating access to buildings for such persons. Although disabled persons share the right to vote, in practice polling stations were often inaccessible. There is no state agency specifically responsible for protecting the rights of persons with disabilities or an official number of persons with disabilities who were unemployed. Civil society stated that unemployment numbers were very high, in part, because employers refused to hire persons with disabilities.

The government funded two special schools for children with intellectual or mental disabilities. The school for hearing-impaired children closed during the year after 25 years of operation. According to both civil society and government sources, the closure occurred because preventive work in public health had reduced the population of students with hearing impairment. Both children with physical disabilities and those with hearing and vision impairments were integrated into mainstream schools. While one public school also had a program for autistic children, the education of children with disabilities remained a serious problem, as many of the children resided in rural areas and lacked transportation to the schools.

## **Other Relevant References**

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

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

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

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

## Dominican Republic

### **Constitution and Laws**

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

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

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## **Persons with Disabilities**

Although the law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, these individuals encountered discrimination in employment and in obtaining other services. The law provides for physical access for persons with disabilities to all new public and private buildings and access to basic services. It also specifies that each ministry should collaborate with the National Disability Council to implement these provisions. Authorities worked to enforce these provisions, but a gap in implementation persisted. On September 18, the Central Electoral Board president Roberto Rosario announced a plan to ensure that ramps and related infrastructure were completed at all voting polls by the May 2016 national elections.

In July the Ministry of Public Works and Communications constructed a curb and sidewalk along a major street, which received negative press coverage. The 10-inch-high, three-mile-long curb made it difficult for people with mobility disabilities to navigate and included only five wheelchair-accessible ramps, primarily intended for vehicle use. The ministry explained the curb's significant height was designed to prevent vehicles from parking on the sidewalk, with little consideration given to the individuals the project would affect. The National Disability Council demanded the construction of additional ramps accessible by all persons, but the ministry had not responded by October.

The Dominican Association for Rehabilitation received support from the Secretariat of Public Health and from the Presidency to provide rehabilitation assistance to persons with physical and learning disabilities. The association cited the lack of accessible public transportation for persons with disabilities as a major impediment.

The 2000 disability law states that the government should ensure that people with disabilities have access to the labor market as well as cultural, recreational, and religious activities, but it was not consistently enforced. Persons with disabilities attended school at all levels; however, resources to meet their specific needs were often not sufficient. First Lady Candida Montilla de Medina began the construction of several Centers for Integrated Care for Children with Disabilities and opened the first center in Santo Domingo on November 29.

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

Discrimination against persons with mental disabilities was common across all public and private sectors. Few resources were dedicated to those with mental disabilities.

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

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

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

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## Ecuador

### **Constitution and Laws**

The constitution prohibits discrimination based on race, gender, disability, language, or social status. The government did not fully enforce these prohibitions. Women, persons with disabilities, indigenous persons, Afro-Ecuadorians, and LGBT persons continued to face discrimination.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. The National Council on Disability Equality oversees government policies regarding persons with disabilities. Although the law mandates access to buildings and promotes equal access to health, education, social security, employment, transport, and communications for persons with disabilities, the government did not fully enforce it. The law requires that 4 percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities.

A 2012 law grants persons with disabilities the right to cost and fee reductions from several public and private entities, including utilities, transportation, and taxes. The law stipulates rights to health facilities and insurance coverage, increases access and inclusion in education, and creates a new program for scholarships and student loans for persons with disabilities. The law provides for special job security for those with disabilities or those who care for a person with disabilities, and it entitles employees who acquire a disability to rehabilitation and relocation. The law also creates a new national system intended to evaluate and register persons with disabilities. Many of the benefits in the law are transferable to a parent or primary caregiver. The law also gives the Human Rights Ombudsman's Office responsibility for following up on alleged violations of the rights of the disabled and lays out a series of fines and punishments for lack of compliance with the law. Disability rights observers pointed out that the government failed to implement required procedural regulations in a timely manner and expressed concern that this failure had led to a lack of full implementation of the law.

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

The law directs the electoral authorities to provide access to and facilitate voting for persons with disabilities, and international observers commended the government's accommodations for persons with disabilities in the 2013 national elections. During the year the CNE promoted disability access in the

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

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electoral process through public outreach and workshops to train disabled election observers. Additionally, the CNE reached agreements with transportation companies to ensure access for persons with disabilities to the 2013 elections and launched the small pilot program “Vote at Home” to allow in-home voting for those with severe disabilities.

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

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

## El Salvador

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

Only 5 percent of businesses and no government agency fulfilled the legal requirement of hiring one person with disabilities for every 25 hires.

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

CONAIPD reported that persons frequently were fired after becoming disabled, persons with disabilities were not considered for work for which they qualified, and some schools would not accept children with

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

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disabilities due to lack of facilities and resources. There is no formal system for filing a complaint with the government.

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

On June 19, the SIS secretary announced the launch of an education inclusion policy, a joint initiative of the SIS and the University of El Salvador that aims to eliminate discrimination against disabled persons in the academic and labor sectors.

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

## **Other Relevant References**

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

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

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

## Grenada

### **Constitution and Laws**

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

### **Persons with Disabilities**

The constitution and law do not protect job seekers with disabilities from discrimination in employment or in the provision of other state services. Although the law does not mandate access to public buildings or services, building owners increasingly incorporated accessibility features into new construction and premises renovation. The government provided for special education throughout the school system; however, for practical reasons, most parents chose to send their children to three special education schools operating in the country. The government and nongovernmental organizations (NGOs) continued to provide training and work opportunities for such persons. The Ministry of Social Development includes an office responsible for looking after persons with disabilities, as well as a council for the disabled, which reviews disability-related issues.

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

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

Grenada signed the Convention on 12/7/2010.

## Guatemala

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

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

The National Hospital for Mental Health, the principal health provider for persons with mental illness, lacked basic supplies, equipment, hygienic living conditions, and adequate professional staffing. In October 2012 Disability Rights International filed a complaint with the Inter-American Commission on Human Rights and documented mistreatment of mentally ill patients. Later in 2012 the commission found the charges credible and ordered preventive measures aimed at protecting all patients, particularly women and children, from physical, psychological and sexual violence by other inmates, guards, and hospital staff. In October the government agreed to initiate a series of reforms and implement new legal protections for mentally ill persons and those with disabilities.

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

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

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

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## Guyana

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

In June the NCD held a sensitization workshop on the Disability Act of 2010. Attendees included Home Affairs Minister Clement Rohee, members of the Guyana Police Force, and the National Road Safety Council. The workshop focused on the provision of equal services to persons with disabilities in the transportation sector.

### **Other Relevant References**

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

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

Guyana signed the Convention on 11/4/2007.

## Haiti

### **Constitution and Laws**

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

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

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## **Persons with Disabilities**

The 2010 earthquake substantially increased the size of the community of persons with disabilities and focused international attention on the need to bolster support mechanisms for this group. Because of widespread and chronic poverty, a shortage of public services, and limited educational opportunities, persons with disabilities remained disadvantaged. Additionally, individuals with disabilities faced significant social stigma because of their condition. As a group, people with mental or developmental disabilities were consistently marginalized, neglected, and abused in society. While information about the number of persons with disabilities was scarce at the national level, the Office of the Secretary of State for the Integration of Handicapped Persons (BSEIPH), which falls under the labor ministry, estimated that 10 percent of citizens had disabilities. International and local NGOs continued to provide most direct services to persons with disabilities. Access to quality medical care posed a significant challenge for persons with disabilities. Hospitals and clinics in Port-au-Prince did not have sufficient space, human resources, or public funds to treat such individuals. Where facilities existed to treat and rehabilitate them, the conditions were below international standards.

In spite of these challenges, the government continued to develop a legal framework for the protection and social integration of persons with disabilities. The 1987 constitution stipulates for persons with disabilities the means to provide for their autonomy, education, and independence. The country is also a party to the UN and Inter-American conventions on rights for persons with disabilities. A 2012 law provides a legal mandate for BSEIPH's work, prohibits any discrimination in employment practices against persons with disabilities, requires the government to integrate such persons into the state's public services, and imposes a 2 percent quota for persons with disabilities in the workforces of private sector companies. There was no information available on the extent of government enforcement of these legal protection mechanisms. Government officials also took steps to include protections for persons with disabilities to vote.

The BSEIPH is the lead government agency responsible for providing assistance to persons with disabilities and ensuring their civil, political, and social inclusion. During the year BSEIPH prioritized five areas for engagement: 1) reinforcing the office's – and local disabled people's organizations advocacy NGOs' – institutional capacity; 2) increasing opportunities for educational access and professional training for persons with disabilities; 3) expanding access to social support, employment, and entrepreneurship for persons with disabilities; 4) rendering government buildings more accessible; and 5) reinforcing the country's legislative and judicial framework for persons with disabilities.

The BSEIPH opened several departmental offices outside the capital, and continued to refine a strategic development plan to guide the institution's efforts. The BSEIPH also offered scholarships and grants to students with disabilities, and initiated a program to help fund the study of disabilities-related issues at the Haitian State University. In partnership with international donors, BSEIPH also launched a project to renovate seven schools and universities in Jacmel, Hinche, Les Cayes, Port-au-Prince, Mirebalais, and other areas to render them more accessible for persons with disabilities. The government continued to

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

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hold public awareness campaigns to change the societal norms of weakness associated with being physically or mentally disabled.

The government took several steps to continue strengthening and expanding local understanding of the existing legal framework for its citizens with disabilities. Following up on the recent publishing of the state's anti-discrimination law for persons with disabilities, the BSEIPH translated and disseminated the 2012 law in Creole and Braille, and similarly disseminated French and Creole-language audio versions of the law. With international and local partners, the government also conducted training sessions to educate 411 judges and other public servants on the key elements of the 2012 anti-discrimination law. Prime Minister Lamothe pressed public officials to apply the 2012 law's provisions requiring the hiring of persons with disabilities in public administration and other government agencies, though it is unclear what effect this advocacy had in enforcing that law's quota.

State Secretary Oriol also took steps to ensure that existing efforts to craft or reform legislation took into account the needs of persons with disabilities. His office provided technical assistance to governmental efforts to reform the labor code, domestic adoptions framework, and building code (in partnership with representatives from the labor ministry, IBESR, and the Ministry of Public Works, Transport, and Communications). Similarly, the BSEIPH worked with international NGO Handicap International and the Ministry of Public Health to develop standardized training protocols for the country's physical therapists and other health practitioners.

Following a 2012 high-level government-private sector business forum designed to push private industry to embrace hiring disabled persons, the government, with support from NGOs and international donors, held the country's first job fair for persons with disabilities in September. The event provided persons with disabilities searching for employment with the opportunity to establish relationships with businesses that positively responded to the government's call for increased engagement.

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

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

## Honduras

### **Constitution and Laws**

The law prohibits discrimination based on race, gender, disability, language, or social status. In February the National Congress reformed the penal code to include sexual orientation and gender identity as classes protected from discrimination. Authorities did not effectively enforce the law.

### **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. Although enforcement in employment is the responsibility of the Secretariat of State of Labor and Social Security (STSS), enforcement was not effective due to the

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

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secretariat's focus on workplace safety and pay problems. Enforcement of the laws in other areas is the responsibility of the Public Ministry. The law requires access to buildings for persons with disabilities, but few buildings were accessible, and the national government did not effectively implement laws or programs to provide access.

Some students with disabilities attended school (primary, secondary, and higher education). In 2012 the National Congress passed an education reform law that includes provisions for inclusive education for students with special needs. As of August the government trained 976 teachers in special education for students with disabilities. There were patterns of abuse reported in mental health facilities, including degrading treatment, arbitrary commitment, abuse of physical restraints, unhygienic conditions, inadequate or dangerous medical care, and sexual or other violence.

A lack of accessibility to polling stations and many government buildings restricted the right of persons with disabilities to vote and participate in civic affairs. The Supreme Elections Tribunal deployed volunteer facilitators to polling stations throughout the country to assist persons with disabilities in accessing polling stations.

Authorities held prisoners with mental disabilities with the general prison population.

The government had a disabilities unit in the Secretariat of State of Social Development and a special commissioner for disabilities in the Secretariat of State of the Presidency. In July the Council of Ministers approved a public policy to eliminate discrimination against and provide increased opportunities for persons with disabilities. In November the central bank issued a limited number of new bills incorporating Braille.

## **Other Relevant References**

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

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

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

## Jamaica

### **Constitution and Laws**

The 2011 Charter of Rights amendment to the constitution prohibits discrimination based on race, gender, place of origin, political opinion, color, or creed. The government generally enforced these prohibitions, although there continued to be widespread discrimination based on party affiliation in the

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

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distribution of scarce governmental benefits, including employment, particularly in the poor inner city communities.

## **Persons with Disabilities**

There are no laws prohibiting discrimination against persons with disabilities or mandating accessibility for persons with disabilities. Persons with disabilities encountered discrimination in employment and access to schools. In May Senator Floyd Morris was sworn in as the first blind president of the senate; he staunchly promoted rights of persons with disabilities, and he began advocating with local businesses and organizations to help fund projects to improve access to sidewalks and buildings by persons with disabilities. Discrimination in access to education was particularly pronounced at the primary level due to insufficient facilities and access for persons with disabilities. The deficiencies were due primarily to lack of funding. There were fewer reports of problems in secondary schools, and tertiary institutions, including community colleges, increasingly drafted policies to promote full inclusion of persons with disabilities. Health care reportedly was universally available.

The Ministry of Labor has responsibility for the Jamaica Council for Persons with Disabilities. The council distributes economic empowerment grants of up to J\$50,000 (\$481) to persons with disabilities to help them embark on small entrepreneurial ventures, such as vending or furniture making, or to provide them with assistive aids, such as prosthetics or hearing aids. Smaller rehabilitation grants of up to J\$15,000 (\$144) were available for similar purposes. The Ministry of Labor also has responsibility for the Early Stimulation Project, an education program for children with disabilities, as well as the Abilities Foundation, a vocational program for older persons with disabilities.

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

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

## Mexico

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other services. The government did not effectively enforce the law. The Law for the Inclusion of People with Disabilities brings the country into compliance with the Convention on the Rights of Persons with Disabilities; however, DRI claimed that the law fails to establish new opportunities for community integration. DRI noted that under the law, the Ministry of Health is required to promote the creation of long-term institutions for people with disabilities in distress, and

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

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the Ministry of Social Development must establish specialized institutions to care for, protect, and house people with disabilities in poverty, neglect, or marginalization. As such, DRI noted that the law does not recognize the right of person with disabilities to live in the community.

On January 16, the government published a decree amending and expanding various mental health provisions of the General Health Law. The revisions establish that mental health care be “provided with a focus on community and psychosocial rehabilitation as well as strict respect for human rights.” Among others, the changes require mental health care treatment to include “the reintegration of the person through the creation of social and welfare programs such as protected homes and workshops for the proper care of these patients.” DRI noted that the changes represented positive signs that the country’s mental health services were moving from an institution-based to a community-based mental health system. Also, for the first time in law, there is a provision for independent monitoring of health establishments, in which independent experts monitor human rights conditions for people with mental and behavioral disorders that are treated in health facilities. According to DRI, as of September there had been no changes in the mental health system to create community services, nor had there been any efforts by the authorities to have independent experts monitor human rights violations in psychiatric institutions.

Public buildings and facilities continued to be in noncompliance with the law requiring access for persons with disabilities. The education system provided special education for students with disabilities nationwide. Children with disabilities attended at a lower rate than those without disabilities.

According to data from the Federal District’s Secretariat of Health, only 9 percent of the 244 hospitals in the district were wheelchair accessible, and only 9 percent had wheelchair accessible restrooms.

As of August 31, the CNDH had received 116 complaints of human rights violations against persons with physical disabilities and 17 complaints of human rights violations against persons with mental disabilities.

Widespread human rights abuses in mental health institutions and care facilities across the country, including those for children, continued to be a problem. Abuses against persons with disabilities included lack of access to justice, the use of physical and chemical restraints, physical and sexual abuse, disappearances, and illegal adoption of institutionalized children. Institutionalized persons with disabilities often lacked adequate privacy and clothing and often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting the person’s identity and origin was lacking, and there were instances of disappearances.

In July DRI, the CDHDF, and other human rights organizations submitted an amicus curiae to the Supreme Court in the case of Ricardo Adair, a 24-year-old youth with Asperger Syndrome. Adair had

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

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lived under the legal tutorship of his parents since 2007, when a judicial review ruled he was unable to make decisions on his own. As a result he was unable to make fundamental choices about his own life. In the amicus curiae, DRI and its counterparts urged the court to recognize the right of persons with psychosocial disabilities to make decisions for their care and life. At year's end the court had not issued a ruling.

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

## **Other Relevant References**

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

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

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

## Nicaragua

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

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

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

The 2011 World Health Organization world report on disability estimated that only 0.4 percent of persons with disabilities attended compulsory elementary education.

During the 2012 municipal elections, the CSE accredited more than 200 volunteers to aid persons with disabilities in voting centers, along with maintaining the legal provision that allows the assistance of a family member in the voting process.

## **Other Relevant References**

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

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

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

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

## Panama

### **Constitution and Laws**

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

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

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## **Persons with Disabilities**

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

In 2012 President Martinelli signed a law establishing the Guardian Angel program, which provides a subsidy of 80 balboas (\$80) per month for children with significant physical disabilities. To qualify, the parents or guardian of a child must be living in poverty and must submit medical certification as to the degree of the disability and the child's dependency on another person. The government issued the first disbursement of funds from this program in August. A total of 1,657 persons with disabilities received a check for 160 balboas (\$160).

During the year the First Lady's Office continued to promote awareness on autism. In addition to participating in various conferences, the First Lady's Office sponsored the first national survey for people with autism, which assessed 686 individuals.

As of October there was no ruling from the Supreme Court regarding a challenge to Law 35 on grounds of discrimination and the protection of private information. The 2010 law mandates that the National Electoral Tribunal include a person's disabilities as well as blood type and allergies on his or her national identification card in case of emergency. The law also requires the National Transportation Authority to include the same information on a state-issued driver's license. Neither the Electoral Tribunal nor the National Transportation Authority enforced this law.

The National Secretariat for the Social Integration of Persons with Disabilities (SENADIS) is the government agency responsible for protecting the rights of persons with disabilities. The Ministry of Education and MIDES share responsibilities for educating and training minors with disabilities.

In July SENADIS made public that it would not be able to conduct the nationwide "certification" process for persons with disabilities due to lack of resources and trained personnel, precluding the country from fulfilling the World Health Organization's mandated Disability Assessment.

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

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The law stipulates a 2 percent quota for persons with disabilities within the workforce. The Ministry of Labor and Labor Development (MITRADEL) is responsible for referring workers with disabilities to employers for suitable jobs; however, successful hiring by private sector employers remained poor. In August SENADIS and MITRADEL sponsored a career fair with 50 local companies to offer jobs to people with disabilities. The Ombudsman's Office received complaints of governmental violations involving the labor rights of persons with disabilities.

SENADIS continued to operate the Family Businesses Project, which assisted low-income families with disabled members to open microbusinesses. The government provided 50 balboas (\$50) per month and donated rehabilitation equipment to low-income persons with disabilities. SENADIS, together with the Small Business Authority and the National Institute for Technical Education, held one-week training courses in the provinces of Chiriqui and Bocas del Toro for persons with disabilities interested in opening a small business.

SENADIS trained Electoral Tribunal staff nationwide on how to assist persons with disabilities in preparation for the 2014 elections. The training raised awareness to make voting centers and voting rooms as accessible as possible. The Electoral Tribunal held a media campaign encouraging persons with disabilities to call a hotline so that their names would be listed in accessible voting rooms.

In October the Ombudsman's Office trained 20 employees on sign language to assist deaf citizens with potential complaints.

## **Other Relevant References**

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

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

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

## Paraguay

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law nominally prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, public transportation, access to health care, or the provision of other state services. The law generally does not mandate accessibility for persons with

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

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disabilities, and most of the country's buildings remained inaccessible. In 2011 the municipality of Asuncion approved an ordinance establishing architectural requirements for accessibility to buildings and on sidewalks, as well as fines for lack of compliance. Subsequently, Asuncion, San Lorenzo, and the National University of Asuncion began to improve accessibility in public sidewalks and in public buildings. In July 2012 the National Directorate for Public Procurement modified its bidding terms to include clauses to ensure accessibility in the future building of public construction projects.

Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The law mandates allocation of 5 percent of all available public employee positions, approximately 10,000 positions, to persons with disabilities. As of October government employees with disabilities constituted less than 1 percent of public sector employees, or approximately 1,000 employees. On August 22, Congress approved and the president signed into law a tax incentive for private companies that hire persons with disabilities.

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

The National Secretariat for the Rights of Persons with Disabilities is responsible for legally confirming disability status.

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

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

## Peru

### **Constitution and Laws**

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement lagged and discrimination persisted. The law does not specifically protect individuals from discrimination based on sexual orientation or gender identity.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transport, access to health care, and provisions of state services, and it establishes infractions and sanctions for noncompliance with specified norms. The law provides for the protection, care, rehabilitation, security, and social inclusion of persons with disabilities; mandates that public spaces be free of barriers and accessible to persons with disabilities; and provides for the appointment of a disability rights specialist in the Ombudsman's Office. In addition the law mandates that internet sites maintained by governmental, institutional, and other service providers be accessible to persons with disabilities and requires accessibility through the

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

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inclusion of sign language or subtitles in all educational and cultural programs on public television and in media alternatives in all public libraries. The law establishes employment quotas for persons with disabilities: for private businesses with more than 50 employees, the quota is 3 percent; for public-sector organizations, it is 5 percent. Congress included several individuals with disabilities, including three in wheelchairs and one individual with two prosthetic arms.

The National Council for the Integration of Persons with Disabilities oversees compliance with the law. The council supported 14 regional workshops with both public and private-sector participants, three national workshops with persons with disabilities, and technical multisectoral meetings to develop strategies and activities to implement the law. MIMP coordinated with the National Assembly of University Rectors to raise awareness of the need for universities to provide reasonable accommodation to support matriculation and graduation of persons with disabilities. Sector experts reported that the government was in early phases of advancing the 2012 law respecting persons with disabilities, and as of September it had not passed the implementing regulations.

The government devoted limited resources to law enforcement and training, and many persons with disabilities remained economically and socially marginalized. Governments at the national, regional, and local levels made little effort to provide access to public buildings. There were few interpreters for the deaf in government offices and no access to recordings or Braille for the blind. The majority of government websites remained inaccessible to persons with disabilities, and only the congressional television channel offered sign language interpretation. The National Statistics and Information Institute reported that there were 18 registered sign language interpreters for more than 500,000 deaf persons.

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

The ombudsman and NGOs reported that many children with disabilities were unable to attend public schools due to lack of physical access. The most recent data from a 2011 Ombudsman's Office report noted that nearly half of the country's public schools had no entrance ramps, and 88 percent lacked restrooms to accommodate persons with disabilities. Relatively few teachers (39 percent) had received any training in inclusive or special education. More than half of all public schools did not meet basic standards for students with disabilities.

## **Other Relevant References**

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

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

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

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

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

## Saint Kitts and Nevis

### **Constitution and Laws**

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

### **Persons with Disabilities**

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

### **Other Relevant References**

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

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

Saint Kitts and Nevis has not signed the Convention.

## Saint Lucia

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. The government is obliged to provide disabled access to all public buildings, but only a few government buildings had ramps to provide access. There was no rehabilitation facility for persons with physical disabilities, although the Health Ministry operated a community-based rehabilitation program in residents' homes. Physically and visually impaired children were mainstreamed into the wider student population and had no special schools. There were separate schools for persons with mental disabilities and hearing impairment, although children with disabilities faced barriers in education, and there were few opportunities for such persons when they became adults. While persons with disabilities share the right to vote, polling stations often were inaccessible.

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

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

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

## Saint Vincent and the Grenadines

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, access to health care, and the provision of other state services, and the government generally observed these prohibitions. The law does not mandate access to buildings for persons with disabilities, and access for such persons generally was difficult. The law prohibiting discrimination against persons with disabilities does not mention travel and transportation specifically; however, persons with disabilities traveled freely. Communications were available for persons with disabilities, but the government did not have programs to facilitate communication through technology. There were no restrictions on voting or other civic participation. Education was provided until age 21 for persons with disabilities, and the government partially supported a school for persons with disabilities. Persons with disabilities also could attend public schools. A separate rehabilitation center treated an average of five persons daily. The Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, and Persons with Disabilities is responsible for assisting persons with disabilities.

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

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

## Suriname

### **Constitution and Laws**

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

### **Persons with Disabilities**

There are no laws prohibiting discrimination against persons with physical or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of state services. Persons with disabilities suffered from discrimination when applying for jobs and services. Authorities provided some training programs for persons with visual or other disabilities. There are no laws or programs to ensure that persons with disabilities have access to buildings. A judge may rule that a person with a cognitive disability be denied the right to vote, take part in business transactions, or sign legal agreements. Primary education was available for persons with disabilities, and depending on the

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

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disability, secondary and higher education could be available. There is secondary and technical education for the deaf, but not for the blind. No information was available regarding abuse in educational or institutional facilities for persons with disabilities. A Ministry of Social Affairs working group remained responsible for protecting the rights of persons with disabilities, but it made limited progress.

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

Suriname signed the Convention on 30/3/2007.

## Trinidad and Tobago

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination on the basis of disability but does not mandate equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, or other citizen services.

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

The government improved access to transportation by implementing its on-call transportation service. The service offered 24 buses equipped to transport persons with disabilities. A majority of the traditional bus stops were located on high sidewalks without ramps. Most government buildings and public places were not accessible. There were no legal restrictions on access to information, communications, voting, or participation in civic affairs, although lack of accessibility posed a barrier to effective enjoyment.

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

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

## Uruguay

### **Constitution and Laws**

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

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

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## **Persons with Disabilities**

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, or access to health care. The National Disabilities Honorary Commission of the MIDES oversees implementation of a 2010 law to protect the rights of persons with disabilities. The 2011 national census revealed 15.9 percent of the population (517,771) had some kind of permanent disability of which half of lived in low-income housing. The law mandating accessibility for persons with disabilities was not consistently enforced. The law reserves no less than 4 percent of public sector jobs for persons with physical and mental disabilities, but the quota went unfilled. The government did not monitor compliance and did not effectively enforce provisions or promote programs to provide for access to buildings, information, public transportation and communications. In May the Montevideo municipality and the Union of Taxi Drivers presented the first taxi service (one car) for persons with disabilities, in partnership with the National Program for Disability and the National Institute for the Elderly. This free pilot program for wheelchair users is requested and coordinated by phone. Most public buses did not have provisions for passengers with disabilities, although airports and ports offered accessibility accommodations. The law also provides for tax benefits to private sector companies and grants priority benefits to small and medium-sized companies owned by persons with disabilities.

In May, UNICEF presented a report on the situation of the estimated 9.2 percent (47,779) of children and adolescents with disabilities. The report stated strong social barriers limited the possibilities of these children. Some parks in Montevideo and Canelones offered wheel chair accessible facilities, but much remained to be done. The report stated that since 2002, authorities built or adapted public elementary and high school facilities for the use by wheelchair users, allowing 87.3 percent of children and adolescents with disabilities to attend school, including higher education facilities. The University of the Republic has a program to offer sign language interpreters for deaf students. Some movie theaters and other cultural venues lacked access ramps. The country's One Laptop per Child program continued to offer specially adapted laptops to children with disabilities.

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

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

## Venezuela

### **Constitution and Laws**

The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status; however, discrimination occurred against women; persons with disabilities; members of the lesbian, gay, bisexual, and transgender (LGBT) community; and indigenous persons.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, air travel and other transportation, and the provision of other state services,

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

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but the government did not make a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access, but persons with disabilities had minimal access to public transportation, and ramps were almost nonexistent. Online resources and access to information were generally available to persons with disabilities, although access to close-captioned or audio-described online videos for deaf and blind persons was limited. Separately, leading deaf advocates lamented difficulty accessing public services due to a lack of government-funded interpreters in public courts, health-care facilities, lawyers and legal services, and other public accommodations.

The National Commission for Persons with Disabilities (Conapdis), an independent agency affiliated with the Ministry for Participation and Social Development, and the Mission Jose Gregorio Hernandez advocated for the rights of persons with disabilities and provided medical, legal, occupational, and cultural programs. On May 2, the national director of the mission reported that since the mission's inception in 2009, the program had assisted 336,490 persons with disabilities. He added the program had distributed, without charge, 1,000 prosthetic devices and 22,000 hearing aids. According to the Ministry of Education, 207,265 children received special needs education in 2011 in private and public schools. Fourteen percent of these children were enrolled in segregated special-needs schools, while 86 percent received periodic additional care. The Mission for the Children of Venezuela provided monthly subsidies of Bs 600 (\$95) to heads of households for each disabled child or adult they support.

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

Venezuela ratified the Convention 24/9/13.