

# Consolidated Disability Findings from the 2014 United States Department of State Reports on Human Rights and Practices

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## Africa

### **Introduction to the Department of State Report on Disability Human Rights**

The U.S. Department of State Report on Human Rights in 2014 is based on research performed by the State Department, specifically the Bureau of Democracy, Human Rights and Labor. The reports focus on the role of government in establishing policies to protect the human rights of all citizens.

USICD has consolidated the references on disability from each country report into one comprehensive document. Each country summary within the document is organized into four possible subheadings:

1. **Constitution and Laws:** If and how a country's constitution or laws cover disability rights.
2. **Persons with Disabilities:** Material drawn from the report's section on "Persons with Disabilities."
3. **Other Relevant References:** Disability highlighted elsewhere in a country's report (e.g. within the section on children, women, or prison and detention center conditions, etc.).
4. **The Convention on the Rights of Persons with Disabilities:** The status of a country's signature and ratification of the CRPD (Note: ratification dates are in a date/month/year format).

**The following condensed reports are intended to be a resource only and do not necessarily reflect an endorsement of the quality of content or perspective contained within the reports.** All content is pulled directly from the State Department reports with the exception of the CRPD status, which was added by USICD staff.

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## **Angola**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the government did not effectively enforce these prohibitions. The constitution does not specifically address sexual orientation or gender identity. Violence and discrimination against women, child abuse, child prostitution, trafficking in persons, and discrimination against persons with disabilities were problems.

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities, including persons with physical, sensory, intellectual, and mental disabilities, in employment (see also section 7.d.), education, and access to health care or other state services, but the government did not effectively enforce these prohibitions. Article 83 of the constitution grants persons with disabilities full rights without restrictions and calls on the government to adopt national policies to prevent, treat, rehabilitate, and integrate persons with disabilities to support their families, to remove obstacles to their mobility, to educate society about disability, and to encourage special learning and training opportunities for the disabled. It does not specifically mention the rights of persons with disabilities with regard to transportation, including air travel.

Persons with disabilities included more than 80,000 landmine and other ERW victims. The NGO Handicap International estimated that, in total, up to 500,000 persons had disabilities. Only 30 percent of such persons were able to take advantage of state-provided services such as physical rehabilitation, schooling, training, or counseling. According to a 2012 survey by the Ministry of Assistance and Social Reintegration, the country had approximately 90,000 persons with disabilities.

The national council for persons with disabilities is responsible for verifying that all such persons are protected from discrimination and have access to the same rights and privileges as nondisabled citizens. Persons with disabilities, however, found it difficult to access public or private facilities, and it was difficult for such persons to find employment or participate in the

education system (see also section 7.d.). Women with disabilities were reported to be vulnerable to sexual abuse and abandonment when pregnant. The anti-trafficking law specifically punishes sexual abuse of vulnerable populations, including persons with disabilities. The Ministry of Assistance and Social Reintegration sought to address problems facing persons with disabilities, including veterans with disabilities, and several government entities supported programs to assist individuals disabled by landmine incidents. During the 2012 election, the government provided voting assistance to persons with disabilities. Persons with disabilities were allowed to select someone of their own choosing to accompany them to the voting booth to fill out the ballot and were allowed to move ahead of others waiting in line to vote.

### **Other References**

Employment: The labor law prohibits discrimination in employment and occupation based on race, gender, disability, language, and HIV-positive status or other communicable diseases, or social status, and the government, in general, effectively enforced the law.

Despite the law, persons with disabilities found it difficult to gain access to public or private facilities, and it was difficult for such persons to participate in the education system and thus find employment.

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

Angola ratified the CRPD and the Optional Protocol on 19/05/2014.

## **Benin**

### **Constitution and Laws**

The constitution and laws prohibit discrimination based on race, gender, disability, language, and social status, but societal discrimination against women continued. Persons with disabilities were disadvantaged. The government took some measures to address these problems but fell short of providing a comprehensive response.

### **Persons with Disabilities**

The law does not explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in education, access to health care, or provision of other state services; however, the law provides that the government care for persons with disabilities. There were no legal requirements for the construction or alteration of buildings to permit access for such persons. Legislation is general in nature and addresses equality, equity, and nondiscrimination among all citizens. Several laws, however, including the labor code, the social security code, the persons and family code, and the 2011 law establishing general rules for elections contain specific references to persons with disabilities. The country also has a National Policy for the Protection and Integration of Persons with Disabilities. Children with

mental, visual, and physical disabilities, however, continued to suffer social exclusion and had no access to the conventional educational system.

The government operated few institutions to assist persons with disabilities. The Office for the Rehabilitation and the Insertion of Persons with Disabilities under the jurisdiction of the Ministry of Family coordinated assistance to persons with disabilities through the Aid Fund for the Rehabilitation and Insertion of Persons with Disabilities (Fonds Ariph).

### **Other References**

Employment: The constitution and labor code prohibit discrimination on the basis of race, ethnicity, national origin, gender, marital status, religion, political affiliation, socioeconomic status, and disability. The laws, however, do not explicitly prohibit discrimination based on pregnancy, sexual orientation, gender identity, and HIV- positive status. The government, in general, effectively enforced these laws and regulations. Women experienced extensive discrimination because of societal attitudes and resistance to behavioral change (see section 6).

The labor code includes provisions to protect the rights of workers with disabilities, which were enforced with limited effectiveness.

In 2011 a blind woman filed an appeal with the Constitutional Court to complain of the Ministry of Labor and Civil Service's rejection of her application to take a competitive exam to recruit young magistrates. The ministry claimed it was not equipped to offer the exam in Braille. The Constitutional Court stated in 2012 the decision of the ministry discriminated against the woman. Rulings by the Constitutional Court, however, were not binding.

The Office of Labor under the Ministry of Labor and Civil Service and the Ministry of Family are responsible for protecting the rights of persons with disabilities.

On August 8, the president of an Association for the Well-Being of Persons with Disabilities issued an open letter to President Yayi to denounce all forms of discrimination and exclusion suffered by persons with disabilities in the areas of education and employment. The president of the association also asked President Yayi to issue a decree requiring recruitment of 500 persons with disabilities in the public administration in the spirit of equal opportunity for employment.

The Office of Labor under the Ministry of Labor and Civil Service and the Ministry of Family are responsible for protecting the rights of persons with disabilities.

Despite widespread NGO campaigns, the traditional practices of killing deformed babies, breech babies, babies whose mothers died in childbirth, and one of two newborn twins (because they were considered sorcerers) continued in the north.

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

Benin signed the CRPD and the Optional Protocol on 8/02/2008. Benin ratified the CRPD and the Optional Protocol on 5/07/2012.

## **Botswana**

### **Constitution and Laws**

The constitution and law prohibit governmental discrimination based on ethnicity, race, nationality, creed, sex, or social status, and the government generally respected these provisions. In addition, as long as a government job applicant is able to perform the duties of the position, he or she may not be discriminated against due to disability or language. The law does not prohibit discrimination by private persons or entities, however, and there was societal discrimination against women; persons with disabilities; minority ethnic groups, particularly the San; LGBT persons; and persons with HIV/AIDS.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in education, employment, access to health care, or the provision of other state services. The law does not prohibit discrimination by private persons or entities. The law does not specifically prohibit discrimination against persons with sensory or intellectual disabilities. The government has a policy that provides for integrating the needs of persons with disabilities into all aspects of government policymaking. The government mandates access to public buildings or transportation for persons with disabilities, but civil society sources reported access for persons with disabilities was limited. The law does not specifically include air travel with other modes of transportation, but, in general, persons with disabilities were provided access to air transportation. Although new government buildings were being constructed to provide access for persons with disabilities, older government office buildings remained largely inaccessible. Most new privately owned buildings provided access for persons with disabilities. Discrimination against persons with disabilities occurred, and employment opportunities remained limited. Children with disabilities attended school, and there were no reported patterns of abuse in educational and mental health facilities. The government did not restrict persons with disabilities from voting or participating in civil affairs and made some accommodations during elections to allow for persons with disabilities to vote.

There was a department of disability coordination in the Office of the President to assist persons with disabilities. The Department of Labor in the Ministry of Labor and Home Affairs is responsible for protecting the rights of persons with disabilities in the labor force and investigating claims of discrimination. Individuals may also bring cases directly to the Industrial Court. The government funded NGOs that provided rehabilitation services and supported small-scale projects for workers with disabilities.

## **Other References**

Employment: With respect to employment or occupation, labor laws prohibit discrimination regarding race, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status, or social status. The government effectively enforced these regulations.

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

Botswana has not signed or ratified the CRPD.

## **Burkina Faso**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, but the government did not effectively enforce these prohibitions. Discrimination against women and persons with disabilities remained problems.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services, but the government did not effectively enforce these provisions. According to the most recent general census of population and housing, the portion of the population with disabilities in the country was estimated to be 1.2 percent. In 2012 the council of ministers adopted further decrees to protect the rights of persons with disabilities, including in transportation. The government enacted legislation to provide persons with disabilities less costly or free healthcare and access to education and employment. The law also includes building codes to provide for access to governmental buildings. Not all of these measures were effectively implemented.

Although some children with disabilities attended primary and secondary school as well as institutions of higher learning, 66 percent of persons with disabilities had no education, and only 16.5 percent completed primary level education, according to the Burkina Faso Federation for the Promotion of People with Disabilities.

Persons with disabilities continued to encounter discrimination and reported difficulty finding employment, including in government service. Exacerbating these problems was the common perception that persons with disabilities should be under the care of their families and not in the labor force.

A 2012 decree created the Multi-Sectoral National Council for the Promotion and Protection of People with Disabilities, which included 90 members from different ministries, NGOs, and civil society organizations. State-owned television provided newscasts in sign language for persons with hearing disabilities.

Programs to aid persons with disabilities were limited, but NGOs and the National Committee

for the Reintegration of Persons with Disabilities conducted awareness campaigns and implemented integration programs. High commissioners, teachers, and NGOs worked together to inform citizens about the rights of persons with disabilities, specifically the rights of children with disabilities. A number of NGOs provided vocational training and equipment to persons with disabilities.

During the year the government made the necessary arrangements to allow visually impaired candidates to take part in the public administration recruitment exams by providing the tests in braille. Additionally, special counters were opened at enrollment sites to allow persons with disabilities to register more easily for public service admission tests.

### **Other References**

Employment: The law and regulations prohibits discrimination regarding race, sex, gender, disability, language, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. The former government did not effectively enforce those laws and regulations. Discrimination occurred based on the above categories with respect to employment and occupation.

Discrimination in employment and occupation occurred with respect to persons with disabilities and persons with HIV/AIDS (see section 6).

Prison and Detention Center: There were no appropriate facilities or installations for prisoners or detainees with disabilities, who relied on other inmates for assistance.

Children: The law prohibits female infanticide and provides for a sentence of 10 years' to life imprisonment. No statistics were available on the number of cases reported or prosecuted during the year. Newspapers, however, reported several cases of abandonment of newborn babies. For example, on July 17, a 36-year-old woman in Bousse abandoned her newborn baby in a public restroom. She was arrested and referred to the prosecutor. According to a local NGO, 24 babies were found abandoned in the month of October 2013 in Ouagadougou and more than 200 babies between 2007 and 2012.

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

Burkina Faso signed the CRPD and the Optional Protocol on 23/05/2007. The government ratified the CRPD and the Optional Protocol on 23/07/2009.

## **Burundi**

### **Constitution and Laws**

The constitution prohibits discrimination against persons with physical, mental, sensory, or intellectual disabilities.

## **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical, mental, sensory, or intellectual disabilities. Nevertheless, the government did not promote or protect the rights of persons with disabilities with regard to employment, education, or access to health care (see section 7.d.); the law does not address air travel and other transportation. Although persons with disabilities are eligible for free health care through social programs targeting vulnerable groups, authorities did not widely publicize or provide benefits. Employers often required health certification from the Ministry of Public Health, a practice that sometimes resulted in discrimination against persons with disabilities.

The Ministry of National Solidarity, Human Rights, and Gender coordinates assistance and protects the rights of persons with disabilities. The government did not enact legislation or otherwise mandate access to buildings, information, or government services for persons with disabilities. The government supported a center for physical therapy in Gitega and a center for social and professional reinsertion in Ngozi for persons with physical disabilities.

## **Other References**

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

Burundi signed the CRPD and the Optional Protocol on 26/04/2007. The government ratified the CRPD and the Optional Protocol on 22/05/2014.

## **Cabo Verde**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status. The constitution stipulates the government should create conditions for the gradual removal of all obstacles to the full exercise of human rights and equality before the law.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services. The law does not prohibit discrimination in air travel or other transportation services. The government generally enforced these provisions, with problems remaining in a number of areas.

For example, persons with disabilities faced daily obstacles that hindered their integration. Physical accessibility, communication means, and public transport appropriate for persons with disabilities often were lacking. The government worked with civil society organizations to implement programs to provide access for wheelchairs including building ramps to enhance

access to transportation and buildings. The government also introduced sign language in its national television news broadcasts.

According to the Ministry of Education and Sports, the ministry had enrolled 1,200 children and youth with special educational needs in primary, secondary, and higher education. There was no information available regarding abuse of persons with intellectual disabilities or mental disabilities in prisons or psychiatric hospitals. Persons with physical disabilities continued to experience difficulties in accessing prison facilities such as bathrooms and other services. Inmates with mental disabilities did not have access to psychiatric care or specific therapy. The government did not legally restrict the right of persons with physical disabilities to vote or otherwise participate in civic affairs and public life, unless the person did not have the mental capacity to exercise that right. According to the Electoral

Code, blind persons or those with other physical disabilities that prevent them from voting on their own can be escorted by a citizen of their choice to cast their vote.

Persons with intellectual or mental disabilities, however, are not allowed to vote, according to the National Commission for Elections, which claimed such persons do not have the ability to make decisions on their own.

The government has a quota system for granting scholarships and tax benefits to companies that employ individuals with disabilities. NGOs recognized these measures as partially effective in better integrating these citizens into society but also noted nonenforcement and inadequate regulations continued to be obstacles (see section 7.d.).

Several NGOs worked to protect the interests of persons with disabilities. In 2012 the government adopted a Law on Mobility that set technical standards for accessibility for persons with disabilities for a variety of public facilities and services.

The Ministry of Employment, Human Resources, and Youth is the government organization responsible for protecting the rights of persons with disabilities. The National Council on the Status of Disabled Persons works in partnership with the ministry as a consultative body responsible for proposing, coordinating, and monitoring the implementation of a national policy.

In 2013 the public television station, through a partnership with the National Commission for Human Rights and Citizenship, Handicap International, and the Cabo Verdean Federation of Associations of People with Disabilities, introduced in its nightly news a sign language interpreter to facilitate access to the news for deaf people who sign.

The law stipulates a quota of 5 percent of educational scholarships be allocated to persons with disabilities, but this percentage had not been reached.

## **Other References**

Employment: The labor law prohibits discrimination in employment and occupation based on race, sex, gender, disability, language, sexual orientation, gender identity, HIV- positive status or other communicable diseases, or social status, and the government, in general, effectively enforced the law.

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

Cabo Verde signed the CRPD on 30/03/2007. The government ratified the CRPD on 10/10/2011.

## **Cameroon**

### **Constitution and Laws**

The law does not specifically address discrimination against persons with physical, sensory, intellectual, and mental disabilities, although the constitution explicitly forbids all forms of discrimination, providing that “everyone has equal rights and obligations,” and the government made efforts to enforce this effectively with regard to persons with disabilities. The law requires that both new and existing government and private buildings be designed to facilitate access by persons with disabilities.

### **Persons with Disabilities**

Secondary public education is tuition free for persons with disabilities and children born of parents with disabilities, and initial vocational training, medical treatment, and employment must be provided “when possible,” and public assistance “when needed.” Children with disabilities attended mostly mainstream schools, although some specialized schools existed for children with visual, hearing, or physical disabilities.

Societal discrimination continued against persons with disabilities, especially persons with albinism and individuals with dwarfism or similar conditions resulting in short stature. Such discrimination occurred less frequently than in previous years, but employment opportunities for persons with albinism remained limited, especially in the private sector (see section 7.d.). Society largely treated persons with disabilities as outcasts, and many believed that providing assistance was the responsibility of churches or foreign NGOs.

There is no legal framework for the protection of persons with albinism. Although, due to the prevalent discrimination experienced by persons with albinism, the government considers albinism to fall under the legislative framework protecting persons with disabilities. The government reported that persons with albinism benefitted from free medical consultations in dermatology, oncology, and ophthalmology, although this could not be independently verified.

## **Other References**

Employment: The constitution and labor laws do not explicitly prohibit discrimination in employment or occupation based on race, religion, gender, disability, or belief. The constitution

does not protect against discrimination based on sexual orientation, gender identity, HIV status, other communicable diseases, or social status. The constitution states that all individuals have the right and the obligation to work.

The government generally attempted to enforce these legal requirements, but the large percentage of the population employed in the informal sector made effective enforcement difficult. Discrimination in employment and occupation occurred with respect to ethnicity, disability, gender, and sexual orientation.

Children: There were credible reports of mothers (usually young, unemployed, and unmarried) abandoning their newborns in streets, latrines, or garbage cans. The law criminalizes infanticide and provides penalties ranging from five years imprisonment to the death sentence. During the year the government organized education campaigns on responsible parenthood.

Prison and Detention Centers: Following inspection visits to prisons and detention centers in Douala and Yaounde, respectively, in January and May, the NCHRF reported some improvements in hygiene and sanitation conditions, especially at the Kondengui central and Secretary of State for Defense secondary prisons, compared with previous years. The NCHRF claimed minimum detention conditions were being respected, especially with record keeping, including the identification of detainees, reasons for detention and the authority that decided the detention, and the expected release date. The NCHRF noted that prisoners were separated by category, distinguishing men, women, minors, detainees with a contagious disease, persons with mental disabilities, and prisoners sentenced to death.

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

Cameroon signed the CRPD and the Optional Protocol on 1/10/2008.

## **Central African Republic**

### **Constitution and Laws**

The transitional charter stipulates that all persons are equal before the law without regard to race and gender, but not with regard to disability, language, and sexual orientation and/or gender identity. The government did not enforce these provisions effectively, and significant discrimination existed.

### **Persons with Disabilities**

The transitional charter provides for equal protection, but it does not explicitly prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to transportation, and access to state services. The law prohibits discrimination against persons with both mental and physical disabilities but does not specify other forms of disabilities. It also requires that in any company employing 25 or more

persons, at least 5 percent of its staff must consist of sufficiently qualified persons with disabilities, if they are available. Additionally, the law states that at least 10 percent of the total number of newly recruited government civil service personnel should be persons with disabilities. There were no legislated or mandated accessibility provisions for persons with disabilities, and authorities did not provide such access.

The government did not enact programs to ensure access to buildings, information, and communications. No information was available on whether any children with disabilities attended school during the year. The government mandates the Ministry of Labor's Labor Inspectorate with protecting children with disabilities.

### **Other References**

Employment: The constitution and the labor code view all citizens as equal with respect to employment. It is illegal to discriminate in hiring or place of employment on the basis of origin, gender, opinions, or beliefs. The law does not explicitly prohibit discrimination in employment and occupation based on disability, language, sexual orientation, gender identity, and HIV-positive status or other communicable diseases, or social status. There was no documentation as to whether the government effectively enforced the law.

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

The Central African Republic signed the CRPD and the Optional Protocol on 9/05/2007.

## **Chad**

### **Constitution and Laws**

#### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities, although it does not specify the type of disability or whether the prohibition against discrimination extends to employment, education, air travel and other transportation, access to health care, or the provision of other state services. The government did not effectively enforce the law. There are no laws that provide for access to public buildings for persons with disabilities. The government operated education, employment, and therapy programs for persons with disabilities.

Children with physical disabilities may attend primary, secondary, and higher education institutions. The government supported schools for children with visual or mental disabilities. The government, in conjunction with NGOs such as the Support Group for the Disabled in Chad, annually sponsors a day of activities to raise awareness of the rights of persons with disabilities. The Ministry of Women, Social Action, and National Solidarity is responsible for protecting the rights of persons with disabilities.

## **Other References**

Employment: The law and labor regulations prohibit employment or wage discrimination based on race, religion, gender, age, nationality, or membership in a union. The government did not effectively enforce these laws and regulations. There are no laws preventing employment discrimination based on disability, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. Discrimination occurred based on the above categories with respect to employment and occupation.

Women generally are not permitted to work at night, more than 12 hours in a day, or in jobs that may present moral or physical danger. Persons with disabilities frequently were victims of employment discrimination.

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

Chad signed the CRPD and the Optional Protocol on 26/09/2012.

## **Comoros**

### **Constitution and Laws**

Although the law prohibits discrimination based on race, gender, disability, language, or social status, there were reports of discrimination against women and persons with disabilities.

### **Persons with Disabilities**

The constitution and applicable laws, particularly the labor code, prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities (see section 7.d.). Following the 2012 ratification of the Convention on the Rights of Persons with Disabilities, local law now mandates--but the government does not effectively enforce--improved access to buildings, information, communication, education, air travel, and other transportation for persons with disabilities. Despite the absence of appropriate accommodation for children with disabilities, such children attended mainstream schools, both public and private.

Handicap Comores, the country's nongovernmental center for persons with disabilities on Grande Comore, was run by a local NGO called Shiwe, or Pillar. The center, recently renovated with help from Australian and other donors, also imported wheelchairs and prostheses.

## **Other References**

Employment: Labor laws and regulations do not address discrimination regarding race, sex, gender, disability, language, sexual orientation and gender identity, HIV-positive status or other communicable diseases, or social status. There were no reports that such discrimination occurred in the country.

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

Comoros signed the CRPD on 26/09/2007.

## **Congo, African Republic of the**

### **Constitution and Laws**

The constitution prohibits discrimination based on race, ethnicity, gender, language, culture, or religion but does not address disability or sexual orientation. The government did not enforce prohibitions against discrimination effectively.

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical, intellectual, or mental disabilities; stipulates that all citizens regardless of disability have access to public services; and provides specific government protection to persons with disabilities. The constitution states all persons should have access to national education regardless of their mental, physical, or sensorial state. The law states that private, public, and semipublic companies may not discriminate against qualified candidates based on intellectual, sensorial, and physical disabilities. The government did not enforce these provisions effectively, and persons with disabilities often found it difficult to obtain employment, education, and government services.

The law does not mandate access to government buildings or services for persons with disabilities. While persons with disabilities may attend public primary and secondary schools and have access to higher education, no special provisions are required of educational facilities to accommodate their special needs. Some schools for persons with disabilities, including persons with visual disabilities, received private and limited public funds to provide education and vocational training. Persons with disabilities have the right to vote, although lack of physical accessibility constituted a barrier for some persons with disabilities in exercising that right.

The Ministry of Social Affairs, in cooperation with other concerned ministries (Labor, Education, Justice and Human Rights, Health), had the lead in seeking to provide for the equitable treatment of persons with disabilities.

According to UNICEF society sometimes branded children with disabilities or speech impediments as witches.

### **Other References**

Employment: The law prohibits discrimination in employment and occupation based on race, sex, gender, language, or social status. The law does not specifically protect disability, pregnancy, sexual orientation, gender identity, or HIV-positive status. Additionally, no law specifically prohibits discrimination in employment of career public service members. The government did not effectively enforce the law.

The law prohibits discrimination in employment and occupation based on race, sex, gender, language, or social status. The law does not specifically protect disability, pregnancy, sexual orientation, gender identity, or HIV-positive status. Additionally, no law specifically prohibits discrimination in employment of career public service members. The government did not effectively enforce the law.

The constitution prohibits parental abandonment of children accused of sorcery. Nevertheless, parents or other care providers sometimes abandoned or abused such children, frequently invoking “witchcraft” as a rationale. The law provides for the imprisonment of parents and other adults convicted of accusing children of witchcraft. Authorities did not implement the law.

Many churches conducted exorcisms of children accused of witchcraft, which involved isolation, beating and whipping, starvation, and forced ingestion of purgatives. According to UNICEF children with disabilities or speech impediments sometimes were branded as witches. This practice sometimes resulted in parents abandoning their children. UNICEF stated that as many as 70 percent of the street children it assisted claimed to have been accused of witchcraft.

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

The Democratic Republic of the Congo ratified the CRPD and the Optional Protocol on 30/09/2015.

## **Congo, Republic of the**

### **Constitution and Laws**

The constitution and law prohibit discrimination on the basis of race, gender, religion, region of origin within the country, place of residence in the country, language, social status, political orientation, or disability; however, the government did not effectively enforce these prohibitions. The law does not prohibit discrimination based on sexual orientation or gender identity. The Ministry of Social Affairs and the Ministry for Promotion of Women’s Rights are the lead government bodies charged with protecting and promoting the rights of vulnerable groups, including women, children, the elderly, the handicapped, and indigenous people (Baka). The Ministry of Social Affairs was particularly active, but its effectiveness was impeded by limited funding and lack of coordination with other ministries.

### **Persons with Disabilities**

The law specifically prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services. The Ministry of Social Affairs is the lead ministry responsible for protecting the rights of persons with disabilities. In 2009 the Ministry of Social Affairs introduced a national plan to provide access to persons with disabilities, and the ministry’s 2013-16 Social Plan of Action includes an eight-point plan for improving the lives of such persons. There are no

laws, however, mandating access for persons with disabilities. The government did not take action during the year to provide equal access for persons with disabilities to public spaces or transportation. The government provides special schools for deaf students in Brazzaville and Pointe-Noire. Blind children and children with physical handicaps are mainstreamed into regular public schools.

### **Other References**

**Employment:** The constitution and law prohibit discrimination on the basis of race, gender, religion, region of origin within the country, place of residence in the country, language, social status, political orientation, or disability; however, the government did not effectively enforce these prohibitions. These antidiscrimination provisions are not specifically reiterated in labor law. Discrimination in employment and occupation sometimes occurred with respect to women and indigenous peoples (Baka) (see section 6). While the law prohibits discrimination based on gender and stipulates women have the right to equal pay for equal work, women were underrepresented in the formal sector of the economy. Most women worked in the informal sector and thus had little or no access to employment benefits. Women in rural areas were especially disadvantaged in terms of education and wage employment, and they were confined largely to family farming, small-scale commerce, and child-rearing responsibilities.

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

The Republic of the Congo signed the CRPD and the Optional Protocol on 30/03/2007. On 2/09/2014 the Republic of the Congo ratified the CRPD and the Optional Protocol.

## **Cote d'Ivoire**

### **Constitution and Laws**

The law prohibits discrimination based on race, ethnicity, national origin, gender, religion, or HIV status, but the government did not effectively enforce the law. The law does not address discrimination based on disability, language, sexual orientation, gender identity, or social status.

### **Persons with Disabilities**

The law requires the government to educate and train persons with physical, mental, visual, auditory, and cerebral motor disabilities; hire them or help them find jobs; design houses and public facilities for wheelchair access; and adapt machines, tools, and work spaces for access and use by persons with disabilities. Wheelchair-accessible facilities were not common, and there were few training and job assistance programs for persons with disabilities. The law prohibits acts of violence against persons with disabilities and the abandonment of such persons, but there were no reports that the government enforced these laws.

There were no reports that persons with disabilities were specific targets of abuse, but they reportedly encountered serious discrimination in employment and education. While the

government reserved 800 civil service jobs for persons with disabilities, government employers sometimes refused to employ such persons.

The government financially supported special schools, training programs, associations, and artisans' cooperatives for persons with disabilities, but many such persons begged on urban streets and in commercial zones for lack of other economic opportunities. Although the public schools did not bar persons with disabilities from attending, such schools lacked the resources to accommodate students with special needs. Persons with mental disabilities often lived on the street.

The Ministry of Employment, Social Affairs, and Professional Training and the Federation of the Handicapped are responsible for protecting the rights of persons with disabilities.

### **Other References**

Employment: With respect to employment or occupation, the law prohibits discrimination based on sex, age, national origin, race, religion, and social origin, but it is silent on discrimination based on sexual orientation or gender identity. A law passed in July specifically placed interdictions on workplace discrimination based on HIV/AIDS status. The government did not always effectively enforce the law.

Discrimination in employment and occupation occurred with respect to gender, nationality, persons with disabilities, and LGBT persons (see section 6). While women in the formal sector received the same pay and paid the same taxes as men, some employers resisted hiring women.

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

Cote d'Ivoire signed the CRPD and the Optional Protocol on 7/06/2007. On 10/-1/2014 Cote d'Ivoire ratified the CRPD.

## **Djibouti**

### **Constitution and Laws**

The constitution and law prohibit discrimination on the basis of race, gender, or language. Nevertheless, the government did not enforce the law effectively. The constitution does not directly address discrimination based on disability, social status, sexual orientation, or gender identity.

### **Persons with Disabilities**

The constitution does not prohibit discrimination against persons with disabilities, although the labor code prohibits discrimination in employment against such persons (see section 7.d.). Both the Ministry of National Solidarity and the Ministry for the Promotion of Women and Family Planning had responsibility specifically to protect the rights of such persons. Nevertheless, the

law was not enforced. The government did not mandate access to government services and accessibility to buildings for persons with disabilities, and such buildings were often inaccessible. The law provides persons with disabilities access to health care and education; however, the law was not enforced.

Authorities held prisoners with mental disabilities in separate cells. They received minimal psychological treatment or monitoring. Families could request to have mentally ill relatives confined in prison. There were no mental health treatment facilities and only one practicing psychiatrist in the country.

Societal discrimination against persons with disabilities occurred. The National Human Rights Commission conducted awareness raising campaigns, and NGOs continued to organize seminars and other events that drew attention to the need for enhanced legal protections and better workplace conditions for persons with disabilities.

### **Other References**

Employment: The labor code states that “no employer may take into account the gender, age, race, color, social background, nationality or national ancestry, participation or nonparticipation in a trade union, or opinions, particularly religious and political of the worker, to make his decisions concerning hiring, the execution and division of labor, vocational training, advancement, promotion, remuneration and other conditions of work, granting of welfare benefits, discipline or the cancellation of a labor contract.” The Labor Inspectorate, however, lacked adequate resources to enforce the law effectively.

There is no law prohibiting discriminatory hiring practices based on disability, sexual orientation, or HIV-positive status. According to disability advocates, there were not enough employment opportunities for persons with disabilities, and legal protections for such individuals were inadequate.

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

Djibouti ratified the CRPD and the Optional Protocol on 18/06/2012.

## **Equatorial Guinea**

### **Constitution and Laws**

#### **Persons with Disabilities**

The law does not provide persons with disabilities any protection from discrimination in employment, education, or the provision of other state services, nor does it mandate access to buildings or transportation for persons with disabilities (see section 7.d.). Many newly constructed government buildings did not make provision for access by persons with disabilities.

Children with disabilities attended primary, secondary, and higher education, although no accommodations were made for their disabilities. The local Red Cross, with financial support from the government, managed a school for deaf children in Malabo. A privately run school for deaf children affiliated with a foreign religious group operated in Bata. The first lady gave several donations to help persons with disabilities, including to the private school in Bata. Two privately funded mental health clinics offered limited services in Bata. During the year a private mental health facility, funded primarily by the Ministry of Health, opened in Malabo. The government did not routinely audit educational and mental health facilities to ascertain if persons with disabilities were subject to abuse. There were no legal restrictions on the right of persons to vote or participate in civic affairs based on their disability, but lack of access posed a barrier to full participation.

Although not required by law, the national health-care system provided wheelchairs and promoted government employment for persons with physical disabilities.

### **Other References**

Employment: Labor laws and regulations prohibit discrimination based on race, sex, gender, language, HIV-positive status, or social status. The government did not effectively enforce these laws and regulations. Discrimination in employment and occupation occurred with respect to ethnicity, gender, sexual orientation, disability, and HIV- positive status (see section 6). Discrimination also occurred based on political affiliation (see section 3).

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

Equatorial Guinea has not signed or ratified the CRPD or Optional Protocol.

## **Eritrea**

### **Constitution and Laws**

The law and unimplemented constitution prohibit discrimination based on race, language, and social status and against women and persons with disabilities, but the government did not enforce these prohibitions. The constitution does not specifically address discrimination based on sexual orientation or gender identity.

### **Persons with Disabilities**

The law and unimplemented constitution prohibit discrimination against persons with disabilities in employment, education, or in the provision of other state services. There are no laws on discrimination in air travel and other transportation and access to health care. The constitution does not specify the types of disabilities against which it prohibits discrimination. The government did not effectively enforce prohibitions, although it implemented programs to assist persons with disabilities, especially combat veterans. The government dedicated substantial resources to support and train thousands of persons with physical disabilities, especially for those missing limbs that resulted from the war for independence and the later

conflict with Ethiopia. No laws mandate access for persons with disabilities to public or private buildings, information, and communications. An increasing number of hotels and government offices provided such access or employed guards who offered assistance as needed. There were special schools for children with hearing, sight, mental, and intellectual disabilities. Information on whether there were patterns of abuse in educational and mental health facilities was not available. The Ministry of Labor and Human Welfare is responsible for protecting the rights of persons with disabilities including mental disabilities.

### **Other References**

Employment: With respect to employment or occupation, labor laws prohibit discrimination based on race, sex, gender, disability, color, social origin, nationality, political orientation, or religion. The government did not effectively enforce the laws.

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

Eritrea has not signed or ratified the CRPD or Optional Protocol.

## **Ethiopia**

### **Constitution and Laws**

The constitution provides all persons equal protection without discrimination based on race, nation, nationality or other social origin, color, gender, language, religion, political or other opinion, property, birth, or status, but the government did not fully promote and protect these rights. The constitution does not address discrimination based on disability, sexual orientation, or gender identity.

### **Persons with Disabilities**

The constitution does not mandate equal rights for persons with disabilities. The law prohibits discrimination against persons with physical and mental disabilities in employment and mandates access to buildings. It is illegal for deaf persons to drive.

The law prohibits employment discrimination based on disability. It also makes employers responsible for providing appropriate working or training conditions and materials to persons with disabilities. The law specifically recognizes the additional burden on women with disabilities. The government took limited measures to enforce the law, for example, by assigning interpreters for hearing-impaired civil service employees (see section 7.d.).

The law mandates building accessibility and accessible toilet facilities for persons with physical disabilities, although specific regulations that define the accessibility standards were not adopted. Buildings and toilet facilities were usually not accessible. Landlords are required to give persons with disabilities preference for ground-floor apartments, and this was respected. Women with disabilities were more disadvantaged than men with disabilities in education and employment. The 2010 Population Council Young Adult Survey found young persons with disabilities were less likely to have ever attended school than young persons without

disabilities. The survey indicated girls with disabilities were less likely than boys with disabilities to be in school; 23 percent of girls with disabilities were in school, compared with 48 percent of girls without disabilities and 55 percent of boys without disabilities. Overall, 47.8 percent of young persons with disabilities surveyed reported not going to school due to their disability. Girls with disabilities also were much more likely to suffer physical and sexual abuse than girls without disabilities. Of sexually experienced girls with disabilities, 33 percent reported having experienced forced sex. According to the same survey, approximately 6 percent of boys with disabilities had been beaten in the three months prior to the survey, compared with 2 percent of boys without disabilities.

There were several schools for hearing and visually impaired persons and several training centers for children and young persons with intellectual disabilities. There was a network of prosthetic and orthopedic centers in five of the nine regional states.

The Ministry of Labor and Social Affairs worked on disability-related problems. The CSO law continued to affect negatively several domestic associations, such as the Ethiopian National Association of the Blind, the Ethiopian National Association of the Deaf, and the Ethiopian National Association of the Physically Handicapped, as it did other civil society organizations.

### **Other References**

Employment: The law prohibits discrimination on the basis of race, ethnicity, national origin, gender, marital status, religion, political affiliation, pregnancy, socioeconomic status, and disability. The law specifically recognizes the additional burden on women with disabilities (see section 6.) Sexual orientation, gender identity, and HIV-positive status are not specifically protected. The government took limited measures to enforce the law.

Children: Ritual and superstition-based infanticide continued in remote tribal areas, particularly South Omo. Local governments worked to educate communities against the practice.

Non-governmental Organizations: A few domestic human rights groups operated but with significant government restrictions. The government was generally distrustful and wary of domestic human rights groups and international observers. State-controlled media were critical of international human rights groups such as HRW.

The CSO law prohibits charities, societies, and associations (NGOs or CSOs) that receive more than 10 percent of their funding from foreign sources from engaging in activities that advance human and democratic rights or promote equality of nations, nationalities, peoples, genders, and religions; the rights of children and persons with disabilities; conflict resolution or reconciliation; or the efficiency of justice and law enforcement services. The law severely curtailed civil society's ability to raise questions of good governance, human rights, corruption, and transparency, and forced many local and international NGOs working on good governance and human rights to either close or cease advocacy. In 2012 the UN high commissioner for

human rights expressed concern that civil society space “has rapidly shrunk” since the CSO law’s enactment. By year’s end approximately 3,056 NGOs had registered under the CSO law. Of these, however, only four groups were actively engaged in human rights-based advocacy.

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

Ethiopia signed the CRPD on 30/03/2007 and ratified the CRPD on 7/07/2010.

## **Gabon**

### **Constitution and Laws**

Although the constitution and law prohibit discrimination based on national origin, race, gender, disability, language, or social status, the government did not enforce these provisions consistently. The constitution and law do not prohibit discrimination based on sexual orientation or gender identity.

### **Persons with Disabilities**

The law prohibits discrimination against persons with “physical, mental, congenital, and accidental” disabilities and requires access to buildings and services, including access to polling centers for participation in elections. Most public buildings did not provide adequate access. The law subsumes sensory disabilities under congenital and “accidental” disabilities but does not recognize the concept of intellectual disability. The law provides for the rights of persons with disabilities to education, health care, and transportation. Enforcement was limited, and no programs provided access to buildings, information, and communications for persons with disabilities. Children with disabilities generally attended school at all levels, including mainstream schools. Specialized schools provided education to some children with significant disabilities. There was access for persons with disabilities in air travel but not for ground transportation.

Societal discrimination occurred, and employment opportunities and treatment facilities for persons with disabilities were limited (see section 7.d.). Persons with disabilities faced barriers in obtaining employment, such as gaining access to human resources offices to apply for jobs because buildings were not handicap accessible. The inaccessibility of buses and taxis complicated the job search for those without their own means of transportation. Despite these challenges, many persons with disabilities did work and some were successful in professional positions.

### **Other References**

Prison and Detention Centers: Prison conditions were harsh and life threatening due to low quality food, inadequate sanitation, lack of ventilation, gross overcrowding, and poor medical care. Conditions in jails and detention centers mirrored those in prisons. There were no special accommodations for persons with disabilities in prisons.

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

Gabon signed the CRPD and the Optional Protocol on 30/03/2007. The government ratified the CRPD on 1/10/2007. On 26/06/2014, Gabon ratified the Optional Protocol.

## **Gambia, The**

### **Constitution and Laws**

The constitution prohibits discrimination based on race, religion, gender, disability, language, or social status, and the government generally enforced these prohibitions. Nevertheless, discrimination against women remained a problem. The constitution and law do not prohibit discrimination based on sexual orientation or gender identity.

### **Persons with Disabilities**

The constitution prohibits discrimination or exploitation of persons with disabilities, although it does not expressly reference the kinds of disabilities protected particularly as regards access to health services, education, and employment (see section 7.d.); these provisions were effectively enforced. Access to air travel and other transportation are not specifically mentioned. There were no laws to provide for access to buildings for persons with disabilities, and very few buildings in the country were accessible to them. Neither the constitution nor laws explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities.

No laws or programs stipulate that persons with disabilities have access to information or communications. The law requires that judicial proceedings involving a person with disabilities take into account the disability.

Persons with severe disabilities experienced discrimination and subsisted primarily through private charity. Persons with less severe disabilities encountered less discrimination, including in employment for which they were physically and mentally capable.

The Department of Social Welfare is responsible for protecting the rights of persons with disabilities and worked with the Gambia Organization for the Visually Impaired and the School for the Deaf and Blind to help educate children with disabilities and to promote relevant skills.

Most children with disabilities, however, did not attend school. The department also worked with international donors to supply wheelchairs to some persons with disabilities. Several NGOs sought to improve awareness of the rights of persons with disabilities and encouraged their participation in sports and other physical activities. The NHRU specifically sought to promote the rights of women with disabilities. Persons with disabilities were given priority access to polling booths on election days.

## **Other References**

Employment: The constitution and labor law, except in the case of dismissal and disciplinary action, do not prohibit discrimination in employment and occupation based on gender, race, disability, language, sexual orientation, gender identity, HIV-positive status or other communicable diseases, or social status (see section 6).

There were no reports of discriminatory practices with respect to employment or occupation.

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

The Gambia ratified the CRPD and Optional Protocol on 7/07/2015.

## **Ghana**

### **Constitution and Laws**

The constitution prohibits discrimination on the basis of race, gender, disability, language, or social status; however, enforcement was generally inadequate. Limited financial resources and a generally permissive societal attitude toward such discrimination contributed to its perpetuation. Courts were empowered to order specific enforcement of these prohibitions.

### **Persons with Disabilities**

The law explicitly prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, health care, air travel and other transportation, and other domains. The government did not effectively enforce the law. Children with disabilities attended specialized schools that focused on their needs, but few adults with disabilities had employment opportunities (see section 7.d.).

According to a 2012 Human Rights Watch (HRW) report, more than five million persons--one-fifth of the population--had disabilities, including 2.8 million persons with mental disabilities. The World Health Organization estimated that only 2 percent of Ghanaians with mental disorders received treatment.

The law provides that persons with disabilities have access to public spaces with “appropriate facilities that make the place accessible to and available for use by a person with disability.” The inaccessibility of public buildings continued to be a problem, however, and 53 percent of school buildings were not easily accessible to persons with disabilities, according to a 2013 CHRAJ report.

Thousands of persons with mental disabilities were sent to spiritual healing centers known as “prayer camps,” where mental illness was often considered a “demonic affliction.” Frequently located in the Greater Accra, Eastern, Central, Western, Ashanti, and Brong Ahafo regions, prayer camp residents were chained for weeks, physically assaulted, and denied food or water--often for seven consecutive days-- to cleanse them of evil spirits. Few could challenge their confinement, according to HRW.

On March 10, Juan E. Mendez, UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, released a report of his findings from a November 2013 visit to the country's mental health facilities, as well as to some of its police and prison detention facilities. While commending the country for its passage of the 2012 Mental Health Act, he expressed concern that few steps had been taken to carry out the requirements of the legislation, a complaint also made by Voice Ghana, a disability advocacy organization. Characterizing as "inhumane" the conditions in psychiatric hospitals and at "prayer camps," the report documented cases of shackling and denial of food and water to persons with mental disabilities, including children as young as seven. Echoing HRW recommendations from 2012, Mendez called for an absolute ban on the use of electroshock therapy without consent and a prohibition on chaining and other forms of prolonged restraint. Noting the country had only one psychiatrist for every two million persons, he also highlighted the need for additional mental health professionals.

In its 2012 report, HRW urged the government to monitor closely all mental health facilities to end the widespread mistreatment of persons with mental disabilities. It noted psychiatric hospitals were overcrowded and unsanitary. In the eight prayer camps HRW visited in 2012, nearly all residents were chained by their ankles to trees in open compounds or in prison-like cells, where they slept, urinated, defecated, and bathed. The report noted some families caring for mentally ill members had limited financial resources and viewed prayer camps as an accessible treatment option. Although HRW and other NGOs urged regulation of prayer camps, no regulations were implemented by year's end. The Mental Health Authority, however, continued a pilot program that places psychiatric nurses in prayer camps to give medication to patients while they pray.

Persons with both mental and physical disabilities, including children, were frequently subjected to abuse and intolerance. Children with disabilities who lived at home were sometimes tied to trees or under market stalls and caned regularly; some reportedly were killed by their families.

The Ghana Education Service, through its Special Education Unit, provided assistive technology devices such as braille readers to blind and visually impaired students. Several government agencies and NGOs were involved in addressing discrimination against persons with disabilities, including the National Council on Persons with Disability; Ministry of Health; Department of Social Welfare in the Ministry of Gender, Children, and Social Protection; Ministry of Education; and Center for Democratic Development.

### **Other References**

Employment: The law prohibits discrimination in employment or occupation on grounds of gender, race, color, ethnic origin, religion, creed, social or economic status, disability, or politics.

Discrimination in employment and occupation occurred with respect to women, the disabled, HIV-positive persons, and LGBT persons (see section 6). Women in urban centers and those with skills and training encountered little overt bias, but resistance persisted to women entering nontraditional fields. Women, especially in rural areas, remained subject to burdensome labor conditions, including the performance of physically difficult manual labor such as farming, transporting goods, and manual household chores, while often carrying a child on their backs.

Prison and Detention Centers: Prisons Service statistics available in August indicated 13,479 prisoners (13,235 men and 244 women) were held in prisons designed to hold approximately one-third that number. Of this total, 3,027 were remand prisoners. Authorities neither housed juvenile detainees separately from adults nor pretrial detainees separately from convicted prisoners, but women were held separately. No staff specifically focused on mental health, and inmates with mental disabilities were not routinely identified, separated, or transferred to general or psychiatric hospitals.

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

Ghana signed the CRPD and Optional Protocol on 30/03/2007. On 31/07/2012 the government ratified the CRPD and Optional Protocol.

## **Guinea-Bissau**

### **Constitution and Laws**

#### **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or other provisions of state services. There were no government efforts to mitigate discrimination against persons with disabilities or ensure their access to buildings, information, and communications. Some children with disabilities may have attended primary and perhaps secondary schools; higher education was not functioning during the year. Most children remained at home because schools rarely functioned. The government made some efforts to assist military veterans with disabilities through pension programs, but these programs did not adequately address health, housing, or food needs. Provisions existed to allow blind and illiterate voters to participate in the electoral process, but voters with intellectual disabilities could be restricted from voting.

#### **Other References**

Employment:The law and regulations do not prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status.

Documented discrimination did not occur based on the above categories with respect to employment and occupation.

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

Guinea-Bissau signed the CRPD and Optional Protocol on 24/09/2013. On 24/09/2014 the government ratified the CRPD.

## **Kenya**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status. Government authorities did not effectively enforce many of these provisions, and discrimination against women; lesbian, gay, bisexual, and transgender (LGBT) persons; individuals with HIV/AIDS; persons with disabilities; persons suspected of witchcraft; and certain ethnic groups was a problem. There was also evidence that some national and local government officials tolerated, and in some instances instigated, ethnic violence. The law criminalizes homosexual activity.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services; however, the government did not effectively enforce these provisions. The constitution safeguards the representation of persons with disabilities in legislative and appointive bodies. The law provides that persons with disabilities should have access to public buildings, and some buildings in major cities had wheelchair ramps and modified elevators and restrooms; however, the government did not enforce the law, and new construction often did not include accommodations for persons with disabilities. Government buildings in rural areas generally were not accessible for persons with disabilities. According to NGOs police stations remained largely inaccessible to those with movement disabilities. Persons with disability were sometimes forced to crawl in order to enter a police station, and the desks where such persons submit reports were frequently raised and difficult to access.

In a report to the UN Human Rights Council during the year, the KNCHR estimated there were seven million persons with a disability in the country. There was limited societal awareness of persons with disabilities and significant stigma attached to disability. Learning and other disabilities not readily apparent and were not widely recognized. NGOs reported that persons with disabilities had limited opportunities to obtain education and job training at all levels due to lack of accessibility to facilities and resistance on the part of school officials and parents to devoting resources to students with disabilities. For instance, in January parents in Nyeri protested the transfer of the only special needs teacher from Mathathe primary school. The KNCHR estimated that 67 percent of persons with disabilities had a primary education, 19 percent attained secondary education, and 2 percent reached university level, while 7 percent of persons with disabilities reported being denied access to education as a result of their

disability.

According to a Handicap International survey during the year of the rights of disabled persons in the country, 85 percent of persons with disabilities had experienced verbal abuse as a result of their disability and 17 percent experienced gender-based violence. Of those who were abused, 47 percent neither reported the incident to police or other authorities, nor sought medical help or counseling. They cited fear of reprisal or of being misunderstood as their reason; of those who reported abuse, the majority reported the incident to community elders rather than the police.

In 2013 the IMLU issued a survey on discrimination against and torture of persons with mental disabilities. The survey found the highest rates of physical assault on such persons occurred in schools, with more than 60 percent of respondents reporting they had experienced caning and other violence, often due to failure to perform adequately on academic tests rather than bad behavior. Torture, degrading treatment, brutal conditions, and sexual abuse of persons with mental disabilities were common at police stations and in prisons. More than 58 percent of persons surveyed had experienced torture or inhumane treatment in their homes. There was also a high rate of abuse of mentally disabled patients in hospitals, including assault by both hospital staff and fellow patients and denial of adequate facilities for bathing and sleeping. Killings of persons with disabilities were reported, as well as torture and abuse, and the government took action in some cases. According to a report by *The Standard* newspaper, disabled children living in pastoralist communities were often tied up during the day or abandoned. In August a police officer was arrested after he was found sexually abusing a mentally handicapped child. In September 2013 a Nairobi court sentenced a woman to six years in jail for pushing her deaf five-year-old son into a pit where he was later found dead.

In 2012 the KNCHR carried out a survey on the status of the rights of persons with disabilities in Uasin Gishu and Elgeyo Marakwet counties. The report found most government buildings in these counties inaccessible to persons with disabilities and that the lack of sign language interpretation or braille texts at public places, police stations, and the courts created significant barriers and prevented persons with disabilities from meaningful public participation. Negative societal attitudes also posed significant challenges to persons with disabilities. Most families tended to abandon relatives with disabilities in hospitals or in special schools for children with disabilities, which lacked the funds to educate or care for them. The report noted a cash-transfer program from the Disability Fund was being implemented in Elgeyo Marakwet, but it targeted few households, and the amount of 1,500 shillings (\$16.80) distributed monthly was inadequate.

Persons with disabilities faced significant barriers to accessing health care. They had difficulty obtaining HIV testing and contraceptive services due to the perception that they did not or should not engage in sexual activity. According to Handicap International, 36 percent of persons with disabilities reported facing difficulties in accessing health services: cost, distance to the health facility, and physical barriers were the main problems cited.

Few facilities provided interpreters or other accommodations to the deaf or those with other hearing disabilities. The government assigned each region a sign language interpreter for court proceedings. Nevertheless, cases involving persons who were deaf or had hearing disabilities often were delayed or forced to adjourn due to the lack of standby interpreters, according to an official with the Deaf Outreach Program. According to the KNCHR 10 secondary schools in the country were able to accommodate the needs of deaf or hard of hearing persons.

Not all polling stations were equipped with accommodations for persons with disabilities. During by-elections in 2012, however, the Kenya Society for the Mentally Handicapped and the Disabled Voters of Kenya Alliance worked closely with the IEBC to try to assure that all persons were able to cast their votes in the March 2013 elections. The Carter Center noted that during the 2013 elections, persons with disabilities were permitted to vote with the assistance of an attendant.

Under the new government structure, the former Ministry of Gender, Children, and Social Development was subsumed into other ministries, and the Ministry for Devolution and Planning became the lead ministry for implementation of the law to protect persons with disabilities. The quasi-independent but government-funded parastatal National Council for Persons with Disabilities assisted the ministry. Neither entity received sufficient resources to address effectively issues related to persons with disabilities. The Association for the Physically Disabled of Kenya carried out advocacy campaigns on behalf of persons with disabilities, distributed wheelchairs, and worked with public institutions to promote the rights of persons with disabilities. The KNCHR noted that awareness of the rights of persons with disabilities had increased as a result in some counties, but it faulted the government for not ensuring equal protection of the rights of persons with disabilities throughout the country.

Nominated and elected parliamentarians with disabilities formed the Kenya Disability Parliamentary Caucus. Caucus members issued a strategy statement focusing on improving economic empowerment and physical access for persons with disabilities as well as integrating disability rights into county government policies.

### **Other References**

Albinism: Societal discrimination continued against persons with albinism, many of whom left their home villages due to fear of abuse and moved to urban areas where they believed they were safer. According to disability rights advocates, there were 12 attacks on persons with albinism documented during the year, although many attacks and killings were unreported. Persons with albinism were attacked for their body parts, which were believed by some to confer magical powers and which could be sold for significant sums. In July criminals in Kisumu demanded an albino as ransom for a two-year-old child they had kidnapped.

Due to societal discrimination, employment opportunities for persons with albinism were limited. The National Council of Persons with Disabilities and the Kenya Albino Child Support Program, in partnership with the government, continued an awareness campaign to combat discrimination. In 2013 Isaac Mwaura became the first person with albinism to serve in

parliament when his party nominated him for a seat in the National Assembly designated for marginalized persons.

Political Participation: Despite these obstacles the overall success rate of women who vied for elected positions was 12 percent, compared with the 14 percent success rate of men, but significantly fewer women than men were able to run for office in the 2013 election. Women won only 16 of the 290 open seats in the National Assembly and failed to win any open race for senate or governor. Women campaigned for the 47 county women representative seats in the National Assembly, for five seats in the National Assembly reserved for open nomination, for 16 reserved seats in the Senate, and for a further two Senate seats reserved for young persons and persons with disabilities.

Employment: The law prohibits discrimination in employment and occupation based on grounds of race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status, or HIV status. The government did not effectively enforce the law. The World Bank's December 2012 Kenya Economic Update, *Kenya at Work: Energizing the Economy and Creating Jobs*, stated that "pervasive discrimination stacks the deck against the poor and women, threatening to exacerbate inequalities over time." According to the report, modern sector wage jobs were increasing by an estimated 50,000 per year, while the working age population was increasing by approximately 800,000 per year. The report asserted that many job seekers found "nepotism, tribalism, demands for bribes, and sexual harassment are major barriers to obtaining a job."

Inspection forms do not include persons with disabilities, and the ministry was addressing how to capture data affecting such workers. Employers in all sectors routinely bribed labor inspectors to prevent them from reporting infractions, especially in the area of child labor.

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

Kenya signed the CRPD on 30/03/2007. On 19/05/2008 the government ratified the CRPD.

## **Lesotho**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, color, sex, gender, disability, language, religion, political or other opinion, or social status. The law does not reference sexual orientation or gender identity, but other laws prohibit same-sex sexual activity between men. Authorities did not regularly enforce antidiscrimination laws, in part because public awareness of these protections was low, so victims rarely brought claims. Under customary law, constitutionally recognized as a parallel legal system, women are disadvantaged with regard to property rights, inheritance, and succession rights.

## **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The constitution does not refer to specific disabilities or to access to air travel and other transportation. The labor code and Public Service Act do not specifically provide for meaningful access to employment in both the private and public sectors by persons with disabilities. The national disability policy establishes a framework for inclusion of persons with disabilities in poverty reduction and social development programs, but by year's end, the government had not incorporated objectives or guidelines in the implementation of these programs. The Association of the Disabled promoted the rights and needs of persons with disabilities.

Persons with disabilities were disadvantaged regarding access to public buildings, employment (see section 7.d.), education, air travel and other transportation, information and communications, and health care. Laws and regulations stipulate that persons with disabilities should have access to public buildings. Public buildings completed after 1995 generally complied with the law, but many older buildings remained inaccessible. There was no accommodation for persons with disabilities in air or other transportation. Braille and JAWS (computer software used by persons with visual disabilities) were not widely available. Service providers in the government or private sector did not provide sign language interpreters, so signing individuals could not access state services. There were limited facilities for training persons with disabilities.

Children with physical disabilities attended school; however, facilities to accommodate them in primary, secondary, and higher education were limited. Two schools accommodated children with visual disabilities, two schools accommodated children with hearing and speech disabilities, and one school accommodated children with intellectual disabilities. Although the government did not effectively implement laws that provide for persons with disabilities to have access to information and communications, in December 2013 Lesotho Television introduced sign language interpretation during its daily news broadcast.

Media reports indicated that persons with disabilities experienced societal abuse. Although there were no publicly reported cases of such abuse in prisons, educational facilities, or mental health facilities, abuse likely occurred.

## **Other References**

Prison and Detention Centers: The LCS did not provide special assistance to prisoners with disabilities, who relied on voluntary assistance from other prisoners. As with many public buildings in the country, prison buildings lacked ramps, railings, and other measures facilitating physical access for prisoners with disabilities. The LCS did not have any personnel trained in sign language.

Elections: No laws prevent women or minorities from voting or otherwise participating in political life on the same basis as men or nonminority citizens. The law provides for the allocation of one-third of the seats in the municipal, urban, and community councils to women.

The law also states a political party registered with the Independent Electoral Commission must facilitate the full participation of women, youth, and persons with disabilities.

Employment: The labor code prohibits discrimination regarding race, color, sex, marital status, religion, political opinion, national extraction or social origin, and HIV/AIDS status, but it does not explicitly prohibit discrimination based on disability. There is no provision for equal pay for equal work.

Despite the law prohibiting gender-based discrimination in employment and occupation, such discrimination occurred. Women faced discrimination in employment, business, and access to credit. For example, female workers in textile factories reported being assigned to undesirable tasks if they refused sexual advances made by their male supervisors. Both men and women reported that hiring practices often aligned with gender, with men preferentially selected for certain positions (such as mechanics) and women preferentially selected for other positions (such as sewing machine operators). In general, working conditions, while sometimes poor, were the same for both men and women.

Discrimination in employment and occupation also occurred against those who were HIV positive (see section 6).

Freedom of Speech: No official restrictions limit the ability of individuals to criticize the government publicly or privately or discuss matters of general public interest without reprisal. The law prohibits expressions of hatred or contempt for any person because of the person's race, ethnic affiliation, gender, disability, or color.

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

Lesotho ratified the CRPD on 2/12/2008.

## **Liberia**

### **Constitution and Laws**

The constitution prohibits discrimination based on ethnic background, sex, creed, place of origin, disability, or political opinion; however, the government did not enforce these provisions effectively. The constitution allows only persons who are "Negroes" or of "Negro descent" to become citizens and own land. Lebanese born in the country over several generations, for example, remained noncitizens in accordance with this provision.

Tribal tensions exploited during the country's civil war, which formally ended in 2003 continued on a diminished level to contribute to social and political friction among ethnic groups.

## **Persons with Disabilities**

Although it is illegal to discriminate against persons with physical and mental disabilities, such persons did not enjoy equal access to government services and found very limited employment prospects (see section 7.d.). The constitution prohibits discrimination against persons with physical, sensory, intellectual, or other mental disabilities in employment and provides for access to health care, but these provisions were not always enforced. There is a legal prohibition against discrimination on such bases as access to air travel or other transportation. Streets, schools, public buildings, and other facilities were generally in poor condition and inaccessible to persons with disabilities, although new curbs in Monrovia were built to be wheelchair accessible. The National Union of Organizations of the Disabled (NUOD) argued against the passage of legislation under consideration that would allow schools to exclude children with disabilities from free and compulsory education.

The University of Liberia and other public schools discriminated against students with disabilities, arguing resources and equipment were insufficient to accommodate them. In 2012 a blind student passed the university's entrance exam but was denied entry on the basis that the university did not have proper equipment to support persons with disabilities. The NUOD sought redress, noting the privately run African Methodist University and United Methodist University admitted blind students, but no action was taken during the year on the request.

Many citizens had permanent disabilities as a result of the civil war. Persons with disabilities faced societal discrimination, particularly in rural areas. Few children with disabilities had access to education; a 2008-09 survey found only 0.8 percent of students enrolled in school were identified as having disabilities. The government included persons with disabilities in its 2012 Vision 2030 national development strategy meeting and related panel discussions that continued during the year.

Students with serious disabilities are exempt from compulsory education.

The right of persons with disabilities to vote and otherwise participate in civic affairs was protected by law and was generally respected. The Ministry of Health and Social Welfare is the government agency responsible for protecting the rights of persons with disabilities and implementing measures designed to improve respect for their rights.

## **Other References**

Prison and Detention Centers: There were reports of inadequate treatment for ailing inmates and inmates with disabilities. While the law provides for compassionate release of prisoners who are ill, such release was rarely granted, since the law requires a written policy that does not exist.

Employment: A constitutional provision prohibits discrimination with respect to equal opportunity for work and employment regardless of sex, creed, religion, ethnic background, place of origin, or political affiliation, and calls for equal pay for equal work. The government, in general, did not effectively enforce the law. The law does not prohibit discrimination in the workplace regarding language, communicable diseases, sexual orientation, or gender identity.

Discrimination in employment and occupation occurred with respect to gender, disability, and HIV-positive status (see section 6). Apart from facing some economic discrimination based on cultural traditions, women also experienced discrimination in employment.

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

Liberia signed the CRPD and Optional Protocol on 30/03/2007. On 26/07/2012 the government ratified the CRPD.

## **Madagascar**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status; the law does not specifically address discrimination based on sexual orientation or gender identity. No government institutions were designated to enforce these provisions, and the laws were not effectively enforced.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities, although there is no specific mention of sensory and intellectual disabilities. Legislation broadly defines the rights of persons with disabilities and provides for a national commission and regional subcommissions to promote their rights. By law persons with disabilities are entitled to receive health care and education and have the right to training and employment; the law does not address air travel. Educational institutions are “encouraged” to make necessary infrastructure adjustments to accommodate clients with disabilities. The law also specifies the state “must facilitate, to the extent possible, access to its facilities, public spaces, and public transportation to accommodate persons with disabilities.”

Authorities rarely enforced the rights of persons with disabilities, and the legal framework for promoting accessibility remained perfunctory. According to a comprehensive study commissioned by a local NGO, key themes such as accessibility, autonomy, personal mobility, equality, access to justice, the ability to participate in public life and politics--in addition to the specific rights of women and children with disabilities--are all excluded from the current legal framework covering disability rights.

Access to education and health care for persons with disabilities also was limited, due to lack of adequate infrastructure, specialized institutions, and personnel. Nevertheless, disability advocates reported there were more than 60 integrated classrooms across the country that included children with mental disabilities. Local officials also accommodated students with disabilities during official high school exams.

Persons with disabilities were at increased risk of discrimination in the workforce (see section

7.d.). They were also more likely to become victims of crime, particularly sexual abuse. In March, for example, the press reported a man in Manahoro attempted to rape a woman with mental disabilities.

Some persons with disabilities were deterred from voting in the 2013 presidential and legislative elections due to the perceived inaccessibility of voting stations. The presence of stairs, uneven pavement, potholes, and the fear of standing in line for long periods were significant deterrents. The electoral code provides that individuals with disabilities be assisted in casting their ballots but contains no other provisions to accommodate voters with disabilities. Despite the law's ambiguity, observers reported during the October 2013 elections, voters with disabilities of all types received accommodation at various polling stations and could be assisted by a person of their choice in casting their ballots.

The ministry of population and social affairs is responsible for protecting the rights of persons with disabilities. Several government efforts were aimed at improving the situation of persons with disabilities. For example, Eleonore Johasy, the minister of population and social affairs, named a disability rights consultant to advise her on this issue. In partnership with Handicap International, local governments also actively participated in an inclusive communal development program. As a result the communes of Toamasina and Mahajanga significantly improved the accessibility of public markets for persons with disabilities.

### **Other References**

Employment: Labor laws prohibit discrimination on the basis of race, gender, and disability in the workplace, but discrimination remained a problem. Persons with disabilities and LGBT individuals were subjected to hiring discrimination, while salary discrimination against women in some sectors continued, despite some progress in recent years. During the country's universal periodic review in November, however, officials reported the government increased the number of inspectors to overcome gaps in the verification system regarding discrimination against women and worked to promote equal employment opportunities in the EPZs.

Children: Media reports documented several deaths of newborns abandoned in gutters and dumpsters throughout the year. A traditional taboo in the southeast against giving birth to twins also contributed to the problem.

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

Madagascar signed the CRPD and Optional Protocol on 25/09/2007. On 12/06/2015 the government ratified the CRPD.

## **Malawi**

### **Constitution and Laws**

The law forbids discrimination based on race; color; sex; language; religion; political or other

opinion; national, ethnic, or social origin; disability; property; birth; or other status. The law does not specifically mention sexual orientation.

The capacity of government institutions to enforce the law was limited.

### **Persons with Disabilities**

The Disability Act, which became effective in 2013, prohibits discrimination in education, health care, social services, the workplace, housing, political life, and cultural and sporting activities for persons with disabilities, defined as a long-term physical, mental, intellectual, or sensory impairment. The law prohibits discrimination against those with disabilities in political and public life and calls for the government to take measures to provide access for such persons to transportation, information, and communication. The law provides for the establishment of a disability trust fund to support persons with disabilities. The law applies to all public facilities, both governmental and private.

The Disability Act provides for the social protection and support of persons with disabilities through greater access to public places, fair opportunities, and full participation in all spheres of society. Ineffective allocation of the government's limited resources prevented the government from protecting these rights. Although the Disability Act took effect in 2013, the government had yet to adopt standards and plans for its enforcement and implementation.

The Ministry of Gender, Children, Social Welfare, and Disability is responsible for protecting the rights of persons with disabilities. There were public and privately supported schools and training centers that assisted persons with disabilities.

Accommodations for persons with disabilities were not among government services priorities. The 2013 MHRC annual report released in March reported that it received 11 complaints in the area of disability rights in 2013, including from a teacher who was dismissed after losing his sight in a job-related injury and a government employee who was not provided with needed accommodation for her vision disability. A prominent disability advocacy group noted that unlawful discrimination against women and children with disabilities was more prevalent in rural areas and that it received several reports of children with disabilities dropping out of school because of inadequate accommodations.

### **Other References**

Employment: The employment law prohibits discrimination against any employee or prospective employee on the grounds of race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth, marital or other status, or family responsibilities, but the government in general did not effectively enforce the law.

Discrimination in employment and occupation occurred with respect to gender and disability (see section 6). Despite the law against discrimination on the basis of gender or marital status, discrimination against women was pervasive, and women did not have opportunities equal to those available to men. Women had significantly lower levels of literacy, education, and formal

and nontraditional employment opportunities. Few women participated in the limited formal labor market, and those that did represented only a very small portion of managerial and administrative staff. Households headed by women were represented disproportionately in the lowest quarter of income distribution.

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

Malawi signed the CRPD on 27/09/2007. The government ratified the CRPD on 27/08/2009.

## **Mali**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on social origin and status, color, language, gender, or race but not disability, sexual orientation, or gender identity. Citizens were generally reluctant to file complaints or press charges of discrimination, based largely on cultural factors. Absent complaints or lawsuits, the government did not aggressively pursue violations of these laws.

### **Persons with Disabilities**

The constitution and law do not specifically protect the rights of persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, or in the provision of other state services. There is no law mandating accessibility to public buildings. While persons with disabilities have access to basic health care, the government did not place a priority on protecting the rights of persons with disabilities, and few resources were available. Many such individuals relied on begging. Most NGOs working with persons with disabilities had to suspend their programs during the year due to the conflict in the north. Persons with mental disabilities faced social stigmatization in public institutions. Persons with mental disabilities who committed crimes were sent to a mental institution in Bamako.

The Ministry of Humanitarian Action, Solidarity, and the Reconstruction of the North is responsible for protecting the rights of persons with disabilities. The ministry sponsored activities to promote income-earning opportunities for persons with disabilities and worked with NGOs, such as the Malian Federation of Associations for Handicapped Persons, which provided basic services. Although the government was responsible for eight schools countrywide for the deaf, it provided almost no support or resources.

### **Other References**

Employment: The labor law prohibits discrimination in employment and occupation based on race, gender, religion, political opinion, nationality, or ethnicity, but not that based on disability, language, sexual orientation, gender identity, HIV-positive status or other communicable diseases, or social status. While the government's Labor Inspection Agency seeks to investigate and prevent discrimination based on race, gender, religion, political opinion, nationality, or ethnicity, the laws were not effectively enforced by the government. Discrimination in

employment and occupation occurred with respect to gender, sexual orientation, disability, and ethnicity (see section 6). The government was the major formal-sector employer and ostensibly paid women the same as men for similar work, but differences in job descriptions permitted pay inequality. There were cases where employers from southern ethnic groups discriminated against individuals from northern ethnic groups. There were no reported cases of discrimination against internal migrants or foreign migrant workers.

Children: Some prostitutes and domestic workers in Bamako practiced infanticide, mainly because of a lack of access to and knowledge about contraception.

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

Mali signed the CRPD and the Optional Protocol on 15/05/2007. The government ratified the CRPD and Optional Protocol on 7/04/2008.

## **Mauritania**

### **Constitution and Laws**

The constitution and law prohibits discrimination against citizens on the basis of race, national origin, sex, disability, or social status and prohibits racial or ethnic propaganda, but the government often favored individuals based on racial and tribal affiliation, social status, and political ties. Societal discrimination against women, trafficking in persons, and racial and ethnic discrimination were also problems.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, employment, or the provision of other state services, and there were no reports of governmental discrimination against persons with disabilities. The law also provides for access to information, communication, existing buildings through retrofitting, and future buildings through amendments to the building code. Authorities did not enforce the law, and persons with disabilities generally did not have access to buildings, information, and communications. There were no other government programs to provide such access. The law provides for access to air transport and other transportation at reduced rates, yet such access was often not available.

The law provides access to mainstream schools for children with disabilities, and there was one primary school in Nouakchott for children with hearing and vision disabilities. The Ministry of Technical and Vocational Training opens and makes available vocational and educational training institutions for persons with disabilities.

During the year the government increased its annual disability assistance outlay by 36 percent, allocating 94 million ouguiya (\$308,000) to 30 national associations and NGOs working on disability issues. It also contributed 30 million ouguiya (\$98,360) in technical assistance. The

government did not mandate preference in employment, education, or public accessibility for persons with disabilities, although it provided some rehabilitation and other assistance for such persons. Fifty persons, all of whom were reportedly unable to perform work, received 60,000 ouguiya (\$197) in annual disability payments during the year.

The Ministry of Social Affairs, Children, and the Family oversees social reintegration programs for persons with disabilities. It develops training programs and validates the certificates issued by the institutions created by professional associations of persons with disabilities. Persons with disabilities may file complaints with the ministry and seek additional recourse with the Court of Justice. During the year the ministry received two complaints, four fewer than in 2013. Two television news programs continued to broadcast daily on national television using sign language interpreters.

### **Other References**

Employment: The labor law prohibits discrimination in employment and occupation based on gender, but it does not prohibit such discrimination based on disability, language, sexual orientation, gender identity, HIV-positive status or other communicable diseases, or social status. In general the government did not effectively enforce the law. The two largest employers, the civil service and the state mining company, observed the law, although most employers in the private sector did not. In the modern wage sector, women also received family benefits, including three months of maternity leave. The government sought to open new employment opportunities for women in areas traditionally filled by men, such as diplomacy, health care, communications, police, and the customs services. The ILO reported a slight increase in the female share of employment in high-status occupations from 28.2 percent in 2005 to 29.9 percent in 2010.

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

Mauritania ratified the CRPD and the Optional Protocol on 3/04/2012.

## **Mauritius**

### **Constitution and Laws**

The constitution and law specifically prohibit discrimination on the basis of race, caste, place of origin, social status, political opinion, color, gender, disability, language, or sexual orientation. While the government generally enforced these provisions, some societal discrimination occurred. The law prohibits all forms of trafficking of adults and children and prescribes penalties of up to 15 years' imprisonment for offenders.

### **Persons with Disabilities**

The law prohibits discrimination in employment (see section 7.d.), education, access to health care, or the provision of other state services against persons with physical, sensory, intellectual, and mental disabilities. Such prohibited discrimination includes access to transportation,

including by air. The law was not effectively enforced with respect to public conveyances where, for example, heavily used public buses presented particular problems to the physically challenged due to their high steps and narrow doors. Many older buildings also remained inaccessible to persons with disabilities despite a legal requirement all buildings be accessible for persons with disabilities. The Training and Employment of Disabled Persons Board is an advocacy agency promoting participation in the workplace of persons with disabilities and discouraging discrimination against them in either job recruitment or advancement.

The government implemented programs to ensure persons with disabilities had access to information and communications, such as subtitles and sign language interpretation of news broadcasts. The state-run television station broadcast a weekly news program for persons with disabilities. The government did not restrict the right of persons with disabilities to vote or participate in civic activities, although lack of accessible transportation posed a barrier to some voters with disabilities. In 2012, for the first time, the government made provisions to render polling stations more accessible to disabled and elderly persons by providing wheelchairs. Children with physical disabilities attended mainstream schools wherever appropriate facilities existed; however, children with mental disabilities attended specialized schools that received minimal government funding.

### **Other References**

Employment: Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation, HIV-positive status or having other communicable diseases, or social status. The law affords women broadly defined wage protections and requires equal pay for equal work for both men and women, but it also states women should not be forced to carry loads above certain weight limits. The government did not effectively enforce these laws and regulations.

Nonetheless, discrimination in employment and occupation with respect to gender, race, disability, and HIV/AIDS status occurred. While women had equal access to education, the private sector paid women less than men for substantially similar work. There were few decision-making positions in the private sector filled by women, and there were even fewer women sitting on corporate boards. The first female firefighter was not recruited until 2011. A large majority of women held unskilled labor jobs.

The law requires organizations employing more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities, but the government was not always effective in enforcing this law.

Many Creole leaders claimed there was discrimination in the employment of Creoles (citizens of African descent) in the public service.

There were reports of discrimination against HIV/AIDS patients and their relatives involving foreign workers who were denied a work permit due to their HIV status.

Children: There were no developments in the April 2013 case in which media reported that two minors with disabilities reported sexual abuse in an NGO-run shelter in 2011.

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

Mauritius signed the CRPD and Optional Protocol on 25/09/2007. On 8/01/2010 the government ratified the CRPD.

## **Mozambique**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, but discrimination persisted against women and persons with HIV/AIDS. Discrimination based on sexual orientation or gender identity is not cited except in labor law, which specifically prohibits discrimination in the workplace based on sexual orientation. The government failed to enforce prohibitions against discriminatory acts.

### **Persons with Disabilities**

The constitution and law prohibit discrimination against citizens with disabilities but does not differentiate between physical, sensory, intellectual, and mental disabilities. The government provided few resources to implement this provision.

There were an estimated 475,000 persons with disabilities. Such individuals frequently engaged in begging at city street intersections.

Discrimination in employment, education, access to health care, and the provision of other state services was common. Observers often cited unequal access to employment as one of the biggest concerns (see section 7.d.).

The law requires access to public buildings for persons with disabilities, and although the Ministry of Public Works and Habitation worked to fulfill that goal in Maputo city, progress was very slow. The government did not effectively implement programs to provide access to information and communication for persons with disabilities. Educational opportunities for children with disabilities were generally poor, especially for those with developmental disabilities. The government sometimes referred parents of children with disabilities to private schools with more resources to provide for their children. There were only two schools for persons with disabilities, one in Maputo province and the other in Sofala province. Based on Education Movement for Everyone, a civil society organization for human rights, an estimated 12 percent of youth with disabilities did not have access to education. The Mozambican Association for the Disabled (ADEMO) reported teacher-training programs did not include techniques on how to address the needs of students with disabilities. ADEMO also observed school buildings fell short of international standards for accessibility, and public tenders were not designed to support the participation of persons with disabilities.

Electoral law provides for access and assistance to voters with disabilities in the polling booths, including the right for them to vote first.

The only psychiatric hospital was overwhelmed with patients and did not provide adequate basic nutrition, medicine, or shelter. Doctors also reported many families abandoned members with disabilities at the hospital. ADEMO reported access to donated equipment, like wheelchairs, continued to be a challenge due to required lengthy and complicated bureaucratic procedures.

Veterans with disabilities continued to report nonreceipt of pensions.

The Ministry of Women and Social Action is responsible for protecting the rights of persons with disabilities. The 2012-19 National Action Plan in the Area of Disabilities provides funding, monitoring, and assessment of implementation by various organizations that support persons with disabilities.

The city of Maputo offered free bus passes to persons with disabilities. Buses in Maputo did not have special accessibility features. Because public transportation was limited, many citizens rode in private minibuses and in the backs of pickup trucks, hazardous for persons with or without disabilities. Ramps were rare, and sidewalks were hazardous for pedestrians to traverse.

### **Other References**

Employment: Discrimination in employment and occupation occurred with respect to women and persons living with disabilities (see section 6). Women were almost four times less likely than men to receive a salaried, formal sector job. They often received lower pay than men for the same work and were less likely to have access to credit. A Labor Ministry representative reported pregnant women were more likely to be terminated by employers hoping to avoid maternity leave payments. The law prohibits discrimination against workers because of HIV/AIDS status, and the Ministry of Labor generally intervened in cases of perceived discrimination by employers. With an increased public awareness of this law, there were no public reports of individuals dismissed because of their HIV status.

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

Mozambique signed the CRPD on 30/03/2007. The government ratified the CRPD and the Optional Protocol on 30/01/2012.

## **Namibia**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, creed, gender, language, disability, or social status, or religion and specifically prohibit “the practice and ideology of apartheid.” The government did not effectively enforce all prohibitions.

### **Persons with Disabilities**

The constitution protects the rights of “all members of the human family,” which domestic legal experts understand to prohibit discrimination against persons with disabilities. The law prohibits discrimination against persons with physical and mental disabilities in employment, health care, education, or the provision of other state services. The law prohibits discrimination in any employment decision based on a number of factors, including any “degree of physical or mental disability” (see section 7.d.). It makes an exception in the case of a person with a disability if that person is, because of disability, unable to perform the duties or functions associated with the employment or occupation in question. Enforcement in this area was ineffective, and societal discrimination persisted. Seventeen cases of discrimination were registered with the government’s National Disability Council of Namibia since its establishment in 2004. The council helped implement the government’s national policy on disability and raise awareness among the public.

The government requires that all new government buildings be accessible and include ramps and other features. The government, however, neither mandates access to public buildings generally nor requires retrofitting of government buildings. Some ministries thus remained inaccessible. Some street corners in the capital were outfitted with special signal crossings for persons with vision disabilities, and there were sidewalk cuts for those using wheelchairs. Children with disabilities attended mainstream schools. The rights of persons with disabilities to vote and otherwise participate in civic affairs are not restricted by law, but infrastructural challenges at public venues hindered the ability of persons with disabilities to participate in civic life.

The Office of the Prime Minister’s Disability Advisory Council is responsible for overseeing concerns of persons with disabilities and coordinating the implementation of policies on the disabled with government ministries and agencies.

### **Other References**

Employment: The labor law prohibits discrimination in employment and occupation based on race, sex, gender, disability, language, gender identity, and HIV-positive status or other communicable diseases, or social status, and the government in general effectively enforced the law.

Discrimination in employment and occupation occurred with respect to gender (see section 6). While the law requires equal pay for equal work, men continued to dominate positions of upper management in both private and public sectors.

Migrant workers enjoy the same legal protections, wages, and working conditions as citizens. The Ministry of Labor and Social Welfare and the Employment Equity Commission, both of which report to the minister of labor, are responsible for addressing complaints of discrimination in employment. Neither was effective, however, due to the backlog of cases.

Children: The media continued to report numerous cases in which parents, usually young mothers, abandoned and sometimes killed newborns for whom they believed they were not able to care. The government enforced prohibitions against this practice.

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

Namibia signed the CRPD and Optional Protocol on 25/04/2007. On 4/12/2007 the government ratified the CRPD and Optional Protocol.

## **Niger**

### **Constitution and Societal Abuses**

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. The government generally did not enforce these provisions, however, because victims in large part did not report discrimination or were pressured into handling complaints through traditional dispute mechanisms. There are no laws on sexual orientation and gender identity.

The constitution provides for the elimination of all forms of discrimination against women and introduces basic standards of respect for economic and social rights, such as the right to safe and adequate food and drinking water.

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, and access to health care and other government services (see section 7.b.). The government generally enforced these provisions. The law does not specifically mention air travel and other transportation, but authorities generally enforced similar antidiscriminatory provisions. The labor code calls for promoting employment opportunities for persons with disabilities. The law mandates that the government accommodate such individuals, but there were no specific regulations in place mandating accessibility to buildings, transportation, and education for persons with disabilities. Persons with disabilities suffered from social stigma, low levels of education, and fewer job opportunities than the average citizen. The government requires companies to hire a minimum of 5 percent of handicapped individuals or pay a penalty, which goes to fund persons with disabilities; however, implementation was lacking. The law mandates that new buildings be handicap-accessible, but often architects and construction firms ignored this requirement; the law was not enforced.

Societal discrimination also existed against persons with disabilities, particularly mental disabilities and leprosy. The government provided limited health care to disabled persons. Disabled children attended school but faced several difficulties, including adapted instruction and materials as well as the evaluation system. For example, there were 29 deaf students (25 boys and four girls) in the secondary school of Bourja, Maradi Region. Four of the students took their final secondary school graduation exams during the year. In 2013 the only deaf candidate in Maradi Region failed not because of lack of academic ability but due to lack of an evaluation system adapted to his needs, according to a Bourja secondary school principal. Persons with disabilities voted and participated in civic affairs. The electoral code provides for assistance to persons with disabilities by individuals of their choosing. The Ministry of Population, Women's Promotion, and Children's Protection is responsible for protecting the rights of persons with disabilities, including those with sensory or intellectual disabilities.

### **Other References**

Employment: The labor code prohibits discrimination in employment and occupation based on "sex, age, social status, race, religion, skin color, political and religious opinion, disability, HIV-positive status, sickle cell anemia, affiliation or not to a labor union and workers union activities." The labor code requires equal pay for equal work. The government, in general, effectively enforced the law. Discrimination in employment and occupation occurred with respect to gender (see section 6).

Children: Child marriage was a problem, especially in rural areas. Prevalence was highest in the south, in the Diffa, Zinder, Maradi, and Tahoua regions. The law allows a girl deemed to be "sufficiently mature" to marry at 15. Some families entered into marriage agreements under which rural girls 12 or even younger were sent to their husband's families under the "supervision" of their mothers-in-law. The Ministry of Population, Women's Promotion, and Children's Protection cooperated with women's associations to sensitize traditional chiefs and religious leaders of rural communities to the problem of underage marriage. The UN Population Fund was working at the community level with the Association of Traditional Chiefs to raise awareness of the problem, including the risk of maternal death and disability. According to the 2012 DHS, 76 percent of women 20-24 years old reported being married before age 18, 36 percent of women 20-24 years old were first married or in union before they were 15 years old, and 77 percent of women 25-49 years old were married or in union before they were 18 years old. According to the same source, 44.8 percent of women 20-49 years old had given birth before they were 18 years old, and 8.7 percent of girls had given birth before they were 15 years old.

Infanticide occurred, and a sizeable proportion of the female prison population was incarcerated for this crime, which was often committed to hide the fact of having become pregnant out of wedlock.

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

Niger signed the CRPD and the Optional Protocol on 30/03/2007. The government ratified the CRPD and the Optional Protocol on 24/06/2008.

## **Nigeria**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion, but the government did not enforce the law effectively. The constitution prohibits discrimination based on the circumstances of a person's birth, but it does not explicitly prohibit discrimination based on disability.

### **Persons with Disabilities**

The constitution does not explicitly prohibit discrimination based on disability, but it prohibits discrimination based on the circumstances of one's birth. There are no federal laws prohibiting discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. Plateau and Lagos states have laws that protect the rights of persons with disabilities, while Akwa-Ibom, Jigawa, Osun, and Oyo states took steps to develop such laws. Government responsibility for persons with disabilities falls under the Ministry of Women's Affairs and Social Development. Some government agencies, such as the National Human Rights Commission and Ministry of Labor, designated an employee to work on issues related to disabilities.

Mental health-care services were almost nonexistent. Officials at a small number of prisons used private donations to provide separate mental health facilities for prisoners with mental disabilities. All prisoners with disabilities stayed with the general inmate population without regard to disability, and no additional services were available.

Persons with disabilities faced social stigma, exploitation, and discrimination, and relatives often regarded them as a source of shame. Many families viewed children with disabilities who could not contribute to family income as liabilities and sometimes severely abused or neglected them. Many indigent persons with disabilities begged on the streets. Persons with intellectual disabilities were stigmatized, sometimes even within the community of persons with disabilities.

The government operated vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to assist those who were blind and other persons with physical disabilities to become self-supporting. Persons with disabilities established self-help NGOs such as the Hope for the Blind Foundation in Zaria, Kano Polio Victims Trust Association, the Albino Foundation, and Comprehensive Empowerment of

Nigerians with Disabilities. The Joint National Association of Persons with Disabilities served as the umbrella organization for a range of disability groups. In 2008 the Ministry of Education estimated there were 3.25 million school-age children with disabilities, of whom an estimated 90,000 were enrolled in primary school and 65,000 in secondary school.

### **Other References**

Employment: The law does not prohibit discrimination in employment and occupation based on race, sex, gender, disability, language, orientation, gender identity, HIV-positive status, or social status. The government, in general, did not effectively address discrimination in employment or occupation.

Gender-based discrimination in employment and occupation occurred (see section 6). There are no laws barring women from particular fields of employment, but women often experienced discrimination under traditional and religious practices.

The Nigeria Police Regulations provide for special recruitment requirements and conditions of service applying to women, particularly the criteria and provisions relating to pregnancy and marital status.

NGOs expressed concern over continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equity. According to credible reports, many businesses implemented a “get pregnant, get fired” policy. Women remained underrepresented in the formal sector but played active and vital roles in the informal economy, particularly in agriculture, processing of foodstuffs, and selling of goods at markets. The number of women employed in the business sector increased every year, but women did not receive equal pay for equal work and often encountered difficulty in acquiring commercial credit or obtaining tax deductions or rebates as heads of households.

Unmarried women in particular endured many forms of discrimination. Several states had laws mandating equal opportunity for women.

Prisons: Prisoners with mental disabilities remained incarcerated with the general prison population. Some prisons made efforts to provide mental health services, but most prisons did not.

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

Nigeria signed the CRPD and the Optional Protocol on 30/03/2007. On 24/09/2010 Nigeria ratified the CRPD and the Optional Protocol.

## **Rwanda**

### **Constitution and Laws**

The constitution provides that all citizens are equal before the law, without discrimination based on ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, or physical or mental disability. The constitution and law are silent on sexual orientation and gender identity. The government generally enforced these provisions, although problems remained.

### **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 generally enforced these provisions (see section 7.d.). The law also mandates access to public facilities, accommodations for taking national examinations, provision of medical care by the government, and monitoring of implementation by the NHRC. The government generally implemented all of the foregoing provisions. Despite a continuing campaign to create a barrier-free environment for persons with disabilities, accessibility remained a problem throughout the country. For example, civil society groups reported a need for translators fluent in sign language in police stations and courts.

The National Council of Persons with Disabilities estimated there were 3,500 primary school students in special centers established to serve children with disabilities. Few students with disabilities reached the university level because many primary and secondary schools were unable to accommodate their disabilities. Many children with disabilities did not attend primary or secondary school. Although resources were inadequate to train all teachers, the Ministry of Education and UNICEF collaborated to train teachers to be more sensitive in responding to the needs of children with disabilities. For example, in 2012 Murama Primary School in Bugesera District appointed a UNICEF-supported special needs education coordinator for students with hearing and speech disabilities and waived lunch and school supply expenses for children with disabilities as incentives to keep them in school. Institutes of higher education admitted students with disabilities, but only the National University of Rwanda and the Kigali Institute of Education were able to accommodate students with visual disabilities.

There was one government psychiatric referral hospital in Kigali, with district hospitals providing limited psychiatric services. All other mental health facilities were nongovernmental. Facilities were often underequipped and understaffed, although the government worked to improve staffing and equipment in health facilities throughout the country. A judge may commit individuals to Ndera Psychiatric Hospital involuntarily, but district officials must first refer them after counseling and consultation with family members. Gikondo Transit Center officials reported committing persons with disabilities to Ndera involuntarily and without review.

Some citizens viewed disability as a curse or punishment, which could result in social exclusion

and sometimes abandonment or the hiding of children from the community.

The National Council of Persons with Disabilities, which assisted government efforts to provide for the rights of persons with disabilities, designated one member with disabilities to the Chamber of Deputies. The National Union of Disability Organizations in Rwanda provided an umbrella civil society platform for advocacy on behalf of persons with disabilities. A disabilities coordination forum was organized every trimester. In 2012 the Ministry of Health formed the Department of Injuries and Disabilities within the Noncommunicable Diseases Division of the Rwanda Biomedical Center.

Persons with mental disabilities were required to submit a medical certificate before they were allowed to vote. Some disabilities advocates complained that requirements for electoral candidates to hold secondary education diplomas or higher degrees, depending on position, disadvantaged persons with disabilities.

### **Other References**

Employment: The law prohibits discrimination based on race, ethnicity, national origin, gender, marital status, religion, political affiliation, pregnancy, disability, socioeconomic status, and “any other type of discrimination.” The law does not specifically protect sexual orientation, gender identity, and HIV-positive status.

The government sought to enforce antidiscrimination laws, but there were numerous reports of discrimination based on gender, pregnancy, disability, and political affiliation that were not challenged in court. Migrant workers enjoyed the same legal protections, wages, and working conditions as citizens.

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

Rwanda ratified the CRPD and Optional Protocol on 15/12/2008.

## **Sao Tome and Principe**

### **Constitution and Laws**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities generally, without specifically listing physical, sensory, mental, and intellectual disabilities.

The law, however, does not mandate access to most buildings, transportation, or services for persons with disabilities. During the year the government amended a law mandating access to school buildings for persons with disabilities, and at least one school undertook new construction to provide this access. Children with disabilities attended school.

## **Other References**

Employment: The labor law prohibits discrimination in employment and occupation based on race, sex, gender, and religious belief. The constitution prohibits all forms of discrimination based on these categories or on social status. The law, however, does not prohibit discrimination in employment and occupation based on disability, language, sexual orientation, gender identity, and HIV-positive status or having other communicable diseases. The government, in general, effectively enforced the law.

Unlike in the past, there were no reports of gender-based discrimination in employment and occupation (see section 6). The law allows women to request permission to retire at age 57 or older and men at age 62 but does not oblige them to do so. During the year there were no reports the government subjected women to discriminatory early termination from employment.

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

Sao Tome and Principe ratified the CRPD on 5/11/2015.

## **Senegal**

### **Constitution and Laws**

The constitution provides that men and women are equal under the law, and prohibits discrimination based on race, gender, disability, language, or social status. Nevertheless, discrimination was widespread, and antidiscrimination laws, in particular laws against violence against women and children, generally were not enforced. There are no laws to prevent discrimination based on sexual orientation or gender identity.

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services. The government did not enforce these provisions adequately. The law also mandates accessibility for persons with disabilities, but the government did not effectively enforce the law.

The government provided grants and managed regional centers for persons with disabilities to receive vocational training and offered funding for establishing businesses. Due to a lack of special education training for teachers and facilities accessible to children with disabilities, authorities enrolled only 40 percent of such children in primary school. Anecdotal evidence indicated children with disabilities who did not attend school generally stayed at home and, in some cases, begged on the streets. Support for persons with mental disabilities was not generally available, and incidents of abuse of persons with mental disabilities were common.

Persons with disabilities struggled to access voting sites. A 2010 law reserves 15 percent of new civil service positions for persons with disabilities, but the Senegalese National Association of People with Physical Disabilities reported the government failed to issue the executive decree required to make the law operational.

The Ministry for Health and Social Action is responsible for protecting the rights of persons with disabilities.

### **Other References**

Children: Infanticide, usually due to poverty or embarrassment, continued to be a problem. Domestic workers and rural women working in cities sometimes killed their newborns if they could not care for them. Others married to men working outside the country killed their infants out of shame. According to the African Assembly for the Defense of Human Rights, infanticide also occurred when a woman became pregnant with the child of a man from a prohibited occupational caste. In some cases the families of the women shamed them into killing their babies. If police discovered the identity of the mother, she faced arrest and prosecution.

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

Senegal signed the CRPD and Optional Protocol on 25/04/2007. On 7/09/2010 the government ratified the CRPD.

## **Seychelles**

### **Constitution and Laws**

#### **Persons with Disabilities**

Although the constitution and law provide for the right of persons with disabilities to special protection, including reasonable provisions for improving quality of life, no laws provide for access to public buildings, transportation, or state services; and the government did not provide such services. There was discrimination against persons with disabilities. For example, there were reports some employers did not pay their employees with disabilities if the latter were already receiving disability social aid (see section 7.d.). Most children with disabilities were segregated into specialized schools. The National Council for the Disabled, a government agency under the Ministry of Community Development, Social Affairs and Sports, developed work placement programs for persons with disabilities, although few employment opportunities existed.

### **Other References**

Employment: Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV positive status or other communicable diseases, or social status. The government effectively enforced these laws and regulations.

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

Seychelles signed the CRPD and the Optional Protocol on 17/12/2007. On 2/10/2009 the government ratified the CRPD.

## **Sierra Leone**

### **Constitution and Laws**

The law prohibits discrimination based on race, tribe, sex, place of origin, political opinion, color, creed, or disability. The law does not acknowledge sexual orientation or gender identity as protected categories.

The government did not effectively enforce the prohibition of discrimination based on gender as it affected women and girls, and a number of legal acts and customary laws contravened the constitutional provision. The other prohibitions on discrimination were generally enforced.

### **Persons with Disabilities**

The Persons With Disabilities Act, which prohibits discrimination against persons with disabilities in employment and provision of state services, calls further for free health care and education for the disabled, equal access to government buildings, housing, and public transportation, and provision of rehabilitation services. At year's end only three rehabilitation centers existed. The government made progress in implementing the act's provisions, launching the National Commission on Persons with Disability in February 2013. The commission, however, was substantially underfunded. In January 2013 President Koroma appointed the vision-impaired Mustapha Bai Attila as deputy minister of social welfare, making Attila the most senior ranking disabled individual in recent memory. Given the high rate of general unemployment, work opportunities for persons with disabilities were few, and begging by them was commonplace. Children with disabilities were also less likely to attend school than other children.

There was considerable discrimination against persons with mental health issues. The Sierra Leone Psychiatric Hospital in Kissy, the only inpatient psychiatric institution, had capacity for 400 patients, but beds for only 200 patients. In 2013 the hospital housed an estimated 95 patients due to staff and resource constraints, since the government poorly funded the hospital, and it received only small donations from private charities. The hospital had one consulting psychiatrist. Patients were not provided sufficient food. Patient restraints were primitive and dehumanizing. The hospital did not have running water and only sporadic electricity. Basic medications were available, but many drugs targeted at specific problems were lacking. Hospital staff was poorly paid. The hospital generally released patients to their families or communities as soon as possible, and they received follow-up counseling on a regular basis. The vast majority of persons with mental health disabilities remained untreated and received no public services.

The Ministry of Health and Sanitation is responsible for providing free primary health-care services to persons with polio and diabetic retinopathy as well as those who are blind or deaf. The ministry did not provide these services consistently, and organizations reported that many persons with disabilities had limited access to medical and rehabilitative care. The National Committee for Social Action provided some support through limited programs to vulnerable communities. The Ministry of Social Welfare, Gender, and Children's Affairs has a mandate to provide policy oversight for issues affecting persons with disabilities but had limited capacity to do so.

Some of the many individuals maimed in the civil war, including those who had their limbs amputated, received special assistance from local and international humanitarian organizations. Such programs involved reconstructive surgery, prostheses, and vocational training to help victims acquire new work skills; however, other amputees complained that they did not receive sufficient assistance.

### **Other References**

Governmental Attitudes towards Human Rights: The government, including security forces, was generally responsive to human rights concerns raised by the HRC-SL, the IMC, and other governmental and nongovernmental organizations. A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to the views of local and international NGOs and generally acknowledged the problems presented. They often scheduled forums in conjunction with NGOs to discuss such topics as women's rights and the rights of persons with disabilities.

Most domestic human rights NGOs focused on human rights education. A few NGOs, including the Campaign for Good Governance, LAWCLA, Timap for Justice, the Center for Accountability and Rule of Law, and Access to Justice, monitored and reported on human rights abuses.

Employment: The constitution prohibits discrimination based on race and creed. The government generally enforced that provision.

Discrimination occurred based on sex, disability, sexual orientation, and gender identity with respect to employment and occupation.

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

Sierra Leone signed the CRPD and Optional Protocol on 30/03/2007. On 4/10/2010 the government ratified the CRPD.

## **Somalia**

### **Constitution and Laws**

The provisional federal constitution states that all citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth, dialect, age, race, color, tribe, ethnicity, culture, or wealth, shall have equal rights and duties before the law. The provisional constitution does not prohibit discrimination based on sexual orientation or gender identity. Authorities did not enforce antidiscrimination provisions effectively in any of the regions.

### **Persons with Disabilities**

The provisional federal constitution provides equal rights before the law for persons with disabilities and prohibits the state from discriminating against them. Authorities did not enforce these provisions. The provisional federal constitution does not specify whether this provision applies specifically to physical, intellectual, mental, or sensory disabilities. It does not discuss discrimination by nongovernmental actors, including with regard to employment, education, air travel and other transportation, or provision of health care. The law does not mandate access to buildings, information, or communications for persons with disabilities.

The needs of most persons with disabilities were not addressed. A report by the World Health Organization and Swedish International Development Aid estimated that up to 15 percent of the population was physically disabled. In 2011 the Swedish entity found that 75 percent of public buildings were not designed to include accessibility for wheelchair users, and there were no public transportation facilities with wheelchair access.

Several local NGOs in Somaliland provided services for persons with disabilities and reported numerous cases of discrimination and abuse. These NGOs reported that persons with mental and physical disabilities faced widespread discrimination. According to these NGOs, it was common and condoned by the community for students without disabilities to beat and harass students with disabilities. Women with mental or physical disabilities were raped, often with impunity.

Without a public health infrastructure, few specialized institutions existed to provide care or education for persons who were mentally ill. It was common for such persons to be chained to a tree or restrained within their homes.

Local organizations advocated for the rights of persons with disabilities with negligible support from local authorities.

### **Other References**

**Employment:** The law and regulations prohibit discrimination regarding race, sex, gender, disability, language, or social status, but the government did not effectively enforce those laws and regulations.

The pre-1991 labor code contains a provision that prohibits discrimination on the basis of language, race, color, gender, political leanings, or social origin. The Ministry of Labor did not

have the capacity to enforce this provision, however. The Somali Congress of Trade Unions stated that the organization had received several complaints from job seekers of gender- and clan-based discrimination at the largest companies in the country.

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

Somalia has not signed or ratified the CRPD or the Optional Protocol.

## **South Africa**

### **Constitution and Laws**

The constitution and law prohibit discrimination on the grounds of race, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, sexual orientation, or marital status. Nevertheless, entrenched attitudes and practices often resulted in gender-based violence and employment inequities.

### **Persons with Disabilities**

The law prohibits discrimination in employment, access to health care, and education based on physical, sensory, intellectual, and mental disability. Department of Transportation policies on providing services to persons with disabilities were consistent with the constitution's prohibition on discrimination. Nevertheless, government and private-sector discrimination existed. The law mandates access to buildings for persons with disabilities, but such regulations were rarely enforced, and public awareness of them remained minimal.

In 2012, the most recent year for which data was available, there were more than 111,000 students with disabilities in mainstream schools, and the country had 444 specialized schools for students with disabilities. NGOs reported, however, that children with disabilities between the ages of seven and 15 were 20 percent less likely to attend school than children without disabilities. The Department of Basic Education allocated part of its budget for assistive devices, material resources, and assistive technology, but it noted resources were inadequate, and teachers reported insufficient skills in special-needs education. For example, many blind and deaf children in mainstream schools received only basic care rather than education.

The law prohibits harassment of persons with disabilities and, in conjunction with the Employment Equity Act, provides guidelines on the recruitment and selection of persons with disabilities, reasonable accommodation for persons with disabilities, and guidelines on proper handling of employees' medical information. Enforcement of this law was limited. The law also requires employers with more than 50 workers to create an affirmative action plan with provisions to achieve employment equity for persons with disabilities (see section 7.d.). Nevertheless, persons with disabilities constituted only an estimated 0.9 percent of the workforce. Efforts to link persons with disabilities to civil service positions were ineffective, and the government was far from meeting its goal of filling 2 percent of government positions with persons with disabilities by 2015.

Prosecutors dropped all charges against the six persons accused of filming themselves raping a 17-year-old girl with mental disabilities in 2012. Lacking evidence of rape, the defense attorney argued the girl solicited the boys, who did not know the girl had mental disabilities. Persons with disabilities were sometimes subject to abuse and attacks, and prisoners with mental disabilities often received no psychiatric care.

There were 15 persons with disabilities in the upper and lower houses of parliament and 218 elected officials with disabilities around the country at the provincial and municipal levels, according to the umbrella advocacy group Disabled People South Africa. The law does not allow persons identified by the courts as mentally disabled to vote.

The president disbanded the Ministry for Women, Children, and Persons with Disabilities during the year and shifted responsibility for disability policy to the Department of Social Development. All provincial and local governments also have offices charged with protecting the rights of persons with disabilities, and there are representatives advocating for persons with disabilities at the Commission for Gender Equality and the SAHRC. NGOs also advocated for the rights of persons with disabilities.

According to the South African Federation for Mental Health, of the 20 percent of citizens with mental disabilities, 75 percent did not receive needed care. There were 80 mental health treatment facilities in the country, and more than half were run by NGOs, well short of the facilities needed.

### **Other References**

Employment: The Employment Equity Act protects all workers against unfair discrimination on the grounds of race, age, gender, religion, marital status, pregnancy, family responsibility, ethnic or social origin, color, sexual orientation, disability, conscience, belief, political, opinion, culture, language, HIV status, birth, or any other arbitrary ground. An amendment to the act signed in 2014 protects employees based on employment status: after three months, even as a contractor or part-time employee, the individual must be treated as a full-time employee unless he/she meets a defined list of exceptions. The legal standard used to judge discrimination in all cases is whether the terms and conditions of employment between employees of the same employer performing the same or substantially similar work, or work of equal value, differs directly or indirectly based on any of the grounds listed above. The amendment also increased fines incrementally for noncompliance to 2 percent of company revenue, or 1.5 million rand (\$130,000), for a first offense up to 10 percent of company revenue, or 2.7 million rand (\$233,000), for a fourth offense on the same provision within three years. The government has a regulated code of conduct to assist employers, workers, and unions to develop and implement comprehensive, gender-sensitive, and HIV/AIDS-compliant workplace policies and programs.

Discrimination in employment and occupation was documented with respect to race, gender, disability, sexual orientation, HIV status, and country of origin (see section 6).

Discrimination cases were common and frequently taken to court. Some estimates indicated nearly 50 percent of the SAHRC's cases were labor equity disputes. In a September 2 decision, the Constitutional Court ruled against the Solidarity Union representing Police Lieutenant Colonel Renate Barnard. Barnard sued SAPS for failing to promote her because of her race. Barnard twice applied unsuccessfully for promotion to superintendent, but the national police commissioner did not appoint her to the position despite recommendations by an interview panel and her divisional commissioner, saying it would negatively affect racial representation at the level of superintendent.

The SAHRC and Commission for Employment Equity Discrimination found discrimination by ethnicity, gender, age, country of origin or disability in all sectors of the economy. One academic study found discrimination against women in the mining sector, but other sectors faced similar challenges. Watchdog organizations claimed discrimination was more frequent in the private sector, which was still organized along traditional ethnic and gender lines. The public sector reflected better the country's ethnic and gender demographics. Traditional gender stereotypes, such as "mining is a man's job" and "women should be nurses," persisted. Bias against foreigners was common in society and the workplace, but workers generally treated internal migrants well. During the year DOL officials reviewed 435 companies for compliance with the employment equity law. The DOL reviewed 158 public institutions and 277 private institutions against the department's target of 340.

Women: Discrimination against women remained a serious problem despite legal equality in inheritance, divorce, and child custody matters. Women experienced economic discrimination in wages (see section 7.d.), extension of credit, and ownership of land.

Women, particularly black women, typically had lower incomes and less job security than men. Many women were engaged in poorly paid domestic labor and microenterprises, which did not provide job security or benefits. The Department of Trade and Industry provided incentive grants to promote the development of small and medium-size businesses and microenterprises for women, young persons, and persons with disabilities. The department also operated the Isivande Women's Fund to improve women's access to formal finance.

Children: Public education is compulsory until age 15 or grade nine. Public education was fee-based and not fully subsidized by the government. The law provides that schools cannot refuse admission to children due to a lack of funds, and disadvantaged children, who were mainly black, were eligible for assistance. Nevertheless, even when children qualified for fee exemptions, low-income parents had difficulty paying for uniforms and supplies. According to the 2012 Child Gauge Report, girls faced more difficulties accessing services than boys; children with disabilities were at an even greater disadvantage.

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

South Africa signed the CRPD and the Optional Protocol on 30/03/2007. On 30/07/2007 the government ratified the CRPD and the Optional Protocol.

## **South Sudan**

### **Constitution and Laws**

The transitional constitution prohibits discrimination based on race, gender, disability, language, and social status but is silent on discrimination based on sexual orientation or gender identity. The government did not effectively enforce the prohibitions.

### **Persons with Disabilities**

The law does not specifically 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 has not implemented programs to provide access to buildings for persons with disabilities. NGOs reported community and family routinely subjected persons with disabilities to discrimination as well as in access to public services. Observers estimated authorities enrolled nearly 23,000 children with disabilities in primary schools. There were no legal restrictions on the right of persons with disabilities to vote and otherwise participate in civic affairs, although lack of physical accessibility constituted a barrier to effective participation. There were no mental health hospitals or institutions, and persons with mental disabilities were often held in prisons. Limited mental health services were available at Juba Teaching Hospital.

### **Other References**

Women: Couples were not subject to coercion or violence in deciding the number, spacing, and timing of children, but few couples had access to accurate information and modern contraceptive methods. Women had the right to attain the highest standard of reproductive health, however, modern contraception, skilled medical attendants during childbirth, and obstetric and postpartum care were not widely available. Dowry also limited some reproductive choices, since men who paid dowries to marry believed they should have the final say in domestic decisions.

High illiteracy rates among women also limited female access to accurate information concerning the right to control their fertility. According to UN estimates, the modern contraceptive prevalence rate was only 1.5 percent among women and girls of reproductive age. The most recent maternal mortality rate estimate was 2,054 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in seven. The leading cause of maternal death and disability was lack of medical care for treatable conditions, such as infection, hemorrhage, and obstructed birth.

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

South Sudan has not signed or ratified the CRPD or Optional Protocol.

## **Sudan**

### **Constitution and Laws**

The interim constitution states, "All persons are equal before the law and are entitled without discrimination as to race, color, sex, language, religious creed, political opinion, or ethnic origin to the equal protection under the law." Other articles of the constitution encourage tolerance between different tribes and provides protections for women and persons with disabilities. The law provides safeguards for children. The government worked to promote the rights of women, children, and persons with disabilities. It did not always provide protections to persons of different religious groups. There were no protections for persons based on their sexual orientation or identification.

### **Persons with Disabilities**

According to the 2008 National Sudan Census Survey, the estimated prevalence of disability among the public was 4.8 per cent. According to these figures, approximately 720,000 children under the age of 18 had a disability.

Although the law, including the interim constitution, provides protection for persons with disabilities, social stigma and a lack of resources hindered the government from enforcing compliance with the law. The law does not specifically prohibit discrimination against persons with disabilities, but it stipulates, "The state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education [and] employment, and participation in society."

In November 2013 the Ministry of Social Welfare, Women, and Child Affairs and the National Council for Persons with Disabilities launched an initiative to improve access to public sector jobs and encourage respect for the constitutional rights of persons with disabilities. The Ministry of Education also established a special education department. Children with disabilities attended public schools, and there were some other educational institutions for persons with disabilities, including two schools for the blind. In November 2013 the Ministry of Education launched a national education strategy for 2013-16 that included special provisions for children with disabilities.

Social stigma and lack of resources often prevented government and private entities from accommodating persons with disabilities in education and employment. Appropriate supports were especially rare in rural areas.

In July the governor of Khartoum announced the city would allocate 5 percent of government jobs to 211,000 persons with special needs and issue persons with special needs health

insurance cards. The Ministry of Social Development stated it would provide financial assistance to 3,000 persons with disabilities and supply hearing aids to 50 persons monthly. Social stigma and official apathy towards the needs of persons with disabilities, however, often limited the resources allocated to those facilities, and accommodations for persons with disabilities were rare in most rural areas.

The government had not enacted laws or implemented effective programs to provide for access to buildings for persons with disabilities. Persons with disabilities reported it was difficult to access or afford necessary equipment, such as wheelchairs.

Several NGOs advocated on behalf of persons with disabilities. From November 3 to November 5, local NGOs participated in a workshop to develop an advocacy strategy for women with disabilities.

### **Other References**

Employment: Law and regulations prohibit discrimination regarding race, sex, gender, disability, tribe, and language. They do not protect classes according to sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government did not always effectively enforce those laws and regulations.

Discrimination in employment and occupation occurred based on gender, religion, and ethnic, tribal, or party affiliation. Ethnic minorities often complained that government hiring practices discriminated against them in favor of “riverine” Arabs from northern Sudan. Ethiopians, Eritreans, and other suspected refugees or migrants were often exposed to exploitative work conditions. Due to their uncertain legal status, many refugees and migrants did not report cases of discrimination or abuse due to concerns of imprisonment or repatriation.

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

Sudan signed the CRPD on 30/3/2007. On 24/04/2009 the government ratified the CRPD and the Optional Protocol.

## **Swaziland**

### **Constitution and Laws**

The constitution prohibits discrimination based on race, gender, disability, age, ethnicity, religion, political opinion, or social status, but the government did not consistently enforce the law.

### **Persons with Disabilities**

The constitution provides for the rights of persons with disabilities but does not differentiate between physical, sensory, intellectual, and mental disabilities and requires parliament to enact relevant implementing legislation, which parliament has not done. The Office of the Deputy Prime Minister is responsible for upholding the law and for protecting the rights of persons with disabilities. No laws prohibit discrimination against persons with disabilities in employment or

provide access to health care or other state services. Persons with disabilities complained of government neglect. No laws mandate accessibility for persons with disabilities to buildings, transportation (including air travel), information, communications, or public services, although government buildings under construction included some improvements for persons with disabilities, including access ramps. Public transportation was not accessible for persons with disabilities, and the government did not provide any means of alternative accessible transport.

There were minimal services provided for persons with disabilities, and there were no programs in place to promote the rights of persons with disabilities. There was one school for deaf students and one special-education alternative school for children with physical or mental disabilities. The hospital for persons with mental disabilities, located in Manzini, was overcrowded and understaffed.

### **Other References**

Employment: The labor law prohibits discrimination in employment and occupation based on race, gender, language, HIV-positive status or other communicable diseases, or social status, but the law is silent on discrimination in employment and occupation based on disability and sexual orientation or gender identity, and the government, in general, did not effectively enforce the law.

Gender-based discrimination in employment and occupation occurred (see section 6). While women have constitutional rights to equal treatment and take jobs without the permission of a male relative, and the law requires equal pay for equal work, there were few measures in effect protecting women from discrimination in hiring, particularly in the private sector. Despite the law, the average wage rates for men by skill category usually exceeded those of women.

Children: Child abuse, including rape of children and incest, was a serious problem, but the crime was rarely reported. The government seldom punished perpetrators of abuse, and penalties seldom matched the crime. According to the UN Children's Fund (UNICEF), approximately one in three young women experienced some form of sexual violence as a child, nearly one in four experienced physical violence, and approximately three in 10 experienced emotional abuse. According to the MICS, 12 percent of children were subjected to "severe physical punishment." Children with disabilities, children out of school, and orphans were at particular risk. According to a 2012 report released by the National Children's Coordination Unit in the Office of the Deputy Prime Minister, there were 4,556 reported cases of abuse between January and June 2011.

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

Swaziland signed the CRPD and the Optional Protocol on 25/09/2007. On 24/09/2012 the government ratified the CRPD and the Optional Protocol.

## **Tanzania**

### **Constitution and Laws**

The constitution prohibits discrimination based on nationality, tribe, place of origin, political ideology, color, sex, or social status. The government did not effectively enforce the prohibitions. No provisions prohibit discrimination based on sexual orientation, language, or gender. The law prohibits certain forms of discrimination against persons with disabilities.

### **Persons with Disabilities**

The law recognizes physical, intellectual, sensory, or mental disabilities. It prohibits discrimination in learning institutions and employment. Nonetheless, persons with physical disabilities, who constituted approximately 9 percent of the population, were effectively restricted in employment, education, access to health care, and other state services by physical barriers and inadequate financial resources. A 2010 survey published by the Comprehensive Community Based Rehabilitation in Tanzania organization showed that 0.7 percent of employees at 126 large companies had disabilities.

Although the government mandates access to public buildings, transportation, and government services for persons with disabilities, few buildings were accessible. New public buildings were being built in compliance with the law, but funds to retrofit existing structures were unavailable. The law provides for access to information and communication, but not all persons with disabilities had such access.

There were five members of the mainland parliament with disabilities. The president appointed four of these MPs. One MP elected in 2010, Salum Bar'wan, was the first elected MP with albinism. During the election campaign, his opponents repeatedly claimed that persons with albinism did not have the ability to think clearly. Persons with disabilities held three appointed seats in the Zanzibar House of Representatives.

The government reportedly took steps to improve election participation by persons with disabilities. These improvements included preparation of a guidebook on election procedures, shorter waiting times for persons with disabilities at polling stations, and preparation of tactile ballots for persons with vision disabilities; however, a number of shortcomings continued to limit the full participation of persons with disabilities in the election process. These included inaccessible polling stations, lack of available information, limited involvement of persons with disabilities in political parties, failure of the National Electoral Commission to implement its directives, and stigma towards persons with disabilities.

The Ministries of Education, Justice, and Labor are responsible for enforcing the rights of persons with disabilities to education, legal claims, and labor rights, respectively. The Department of Social Welfare within the Ministry of Health and Social Welfare has responsibility for coordinating matters related to persons with disabilities.

## **Other References**

Employment: The Employment and Labor Relations Act of 2004 prohibits discrimination, directly or indirectly, against an employee based on color, nationality, tribe or place of origin, race, national extraction, social origin, political opinion or religion, sex, gender, pregnancy, marital status or family responsibility, disability, HIV/AIDS, age, or station of life. The law does not specifically prohibit discrimination based on sexual orientation and/or gender identity. The law distinguishes between discrimination and an employer hiring or promoting based on affirmative action measures consistent with the promotion of equality, or hiring based on an inherent requirement of the job. The government, in general, did not effectively enforce the law.

Gender-based discrimination in terms of wages and legal protections in employment occurred frequently. It was difficult to prove and often went unpunished (see section 6).

Discrimination against migrant workers also occurred. Migrant workers often faced difficulties in seeking legitimate employment. It remained illegal for refugees to live outside the camp or to travel more than 2.5 miles outside the camp without permits, and few refugees worked in the formal sector.

The law states that employees with 12 months of employment are entitled to 28 days of paid annual leave, and it requires employee compensation for national holidays. The law prohibits excessive or compulsory overtime, and it restricts required overtime to 50 hours in a four-week period or in accordance with previously negotiated work contracts. The law provides for overtime employment compensation at a rate of one and a half times the employee's regular wage. The law also prohibits discrimination based on tribe, place of origin, health, race, color, gender, marital status, age, or disability, and it requires remuneration at equal levels for employees engaged in equal work.

Political Participation: Women held 128 of the up to 357 seats in the unicameral union parliament, including the position of speaker. There were 102 special women's seats apportioned among the political parties based on their election results. Women held 21 of the 239 elected constituent seats, three of the 10 seats appointed by the president, and two of the five seats elected by the Zanzibar House of Representatives. There were three MPs of South Asian origin and five with disabilities. Women held six of the 30 ministerial positions and five of the deputy minister positions.

The Zanzibar House of Representatives has 50 elected seats, 20 women's special seats, and eight appointed at-large seats. Women held two of the appointed at-large seats and three elected seats. Persons with disabilities held three seats. Women held three of the 19 minister positions and four of the deputy minister positions.

Arrest Procedures: In April the president pardoned 3,967 prisoners to commemorate 50 years of the union between Tanganyika and Zanzibar. According to the Ministry of Home Affairs, prisoners who benefited from the pardon included those with HIV-positive status, tuberculosis, cancer, and those with medically verified mental and physical disabilities. The pardon also

covered persons above 70 years of age, women jailed while pregnant, and young children. The pardon, however, did not include prisoners jailed for drug trafficking, human trafficking, armed robbery, rape, poaching, corruption, abuse of power, and individuals who were in prison for impregnating female students.

Children: Infanticide continued to be a problem, especially among poor rural mothers who believed themselves unable to afford to raise a child. Nationwide statistics on infanticide were not available.

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

Tanzania has not signed or ratified the CRPD or the Optional Protocol.

## **Togo**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, although the government did not enforce these provisions effectively. The constitution and law do not prohibit discrimination based on sexual orientation or gender identity.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, mental, intellectual, and sensory disabilities in employment (see section 7.d.), education, access to health care, transportation, or in the provision of other state services, but the government did not effectively enforce these provisions. The law does not mandate accessibility to public or private facilities for persons with disabilities, although some public buildings had ramps. Children with disabilities attended schools at all levels, with some attending schools specifically for those with disabilities. There was no reported pattern of abuse in these facilities. The law does not restrict the right of persons with disabilities to vote and participate in civic affairs, although lack of accessible buildings and transportation posed barriers.

The Ministry of Social Action and National Solidarity (MSANS), the Ministry of Health, and the Ministry of Education are responsible for protecting the rights of persons with disabilities. During the year the MSANS held awareness campaigns to fight discrimination and promote equality; it also distributed food and clothing and provided skills training to persons with disabilities.

### **Other References**

Employment: The law prohibits discrimination in employment and occupation based on race, gender, disability, and language but does not specifically prohibit such discrimination based on sexual orientation, gender identity, and HIV-positive status or having other communicable diseases. The government, in general, did not effectively enforce the law.

Gender-based discrimination in employment and occupation occurred (see section 6,

Children.). Although the law requires equal pay for equal work, regardless of gender, this provision generally was observed only in the formal sector.

Under traditional law, which applied to the vast majority of women, a husband legally may restrict his wife's freedom to work and control her earnings.

There was no overt government discrimination against persons with disabilities, and such persons held government positions, but societal discrimination against persons with disabilities was a problem.

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

Togo signed the CRPD and Optional Protocol on 23/09/2008. On 1/03/2011 the government ratified the CRPD and Optional Protocol.

## **Uganda**

### **Constitution and Laws**

The law prohibits discrimination based on race, gender, disability, language, or social status but is silent on sexual orientation and gender identity. The penal code, however, prohibits "unnatural offenses." The government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services. The law, however, does not establish penalties for those engaging in discrimination. The government did not enforce the law effectively, and persons with disabilities faced societal discrimination and limited job and educational opportunities. As in the previous year, the UHRC received complaints of discrimination in employment and access to transport and other public services. In February the FHRI noted that persons with disabilities were excluded during UPDF recruitment exercises either because they lacked academic qualification or were perceived as unable to perform (see section 7.d.).

Most schools did not accommodate persons with disabilities. In April 2012 the government launched a program on inclusive education to enhance education of children with disabilities. The UCC noted a decline in compliance with its requirement for all television programming to carry sign language interpretation. UCC officials reported only five Kampala-based stations partially complied with the requirement, using sign language interpreters only on Sunday. In September 2013 the UCC threatened to revoke the licenses of broadcasting stations if they did not comply, but subsequently took no action against the stations. In June the National Union of Disabled Persons of Uganda (NUDIPU) criticized the government for failure to plan for persons

with disabilities in the ongoing national identification card registration process. For example, the NGO noted registration required taking fingerprints, and that no alternate provision for amputees existed. In April 2013 NUDIPU released a report indicating many courts were inaccessible and did not provide sign language interpreters.

An August 2013 study conducted by architects in Kampala indicated 95 percent of buildings in the city were inaccessible to persons with disabilities. Study findings showed most buildings did not have ramps or elevators.

A July 2012 report released by the National Council on Disability (NCD) indicated 55 percent of persons with disabilities lacked functional literacy skills and only 33 percent had completed grade seven. The report found that children with mental disabilities were sometimes denied food and were tied to trees and beds with ropes to control their movements. The report further stated that the needs of children with autism and learning disabilities were ignored due to an insufficient number of appropriate schools.

The law reserves five seats in the National Assembly for representatives of persons with disabilities. The NCD, however, reported participation by persons with disabilities in elections was minimal because they could not access polling centers due to physical barriers, election materials did not accommodate persons with vision disabilities, and polling stations lacked support services such as guides, helpers, and sign language interpreters. The NCD also noted the civic education offered by the government to citizens was inaccessible to many persons with disabilities, since it was done through electronic and print media.

Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons, the NCD, and the Ministry of Gender, Labor, and Social Development, but these entities lacked sufficient funding to undertake any significant initiatives.

### **Other References**

Employment: The law prohibits discrimination in employment based on race, color, sex, religion, political opinion, national extraction, social origin, HIV status, or disability. Some discrimination did occur based on the above categories with respect to employment and occupation. The government did not effectively enforce antidiscrimination laws and regulations with respect to persons with disabilities, and such individuals experienced discrimination in employment (see section 6).

Political Participation: There were 22 female ministers in the president's 75-member cabinet. The speaker of the National Assembly and the inspector of government, who headed the leading government anticorruption investigative body, were women. There were 135 women in the 386-member National Assembly. The law requires elections for seats reserved for special interest groups: 112 for women, five for organized labor, five for persons with disabilities, five for youth, and 10 for the UPDF. An opaque "electoral college" process organized by a single government-supported NGO selected the five persons with disabilities. There was no minority

representation in the National Assembly.

Prisons and Detention Centers: Prison conditions remained poor and, in some cases, life threatening. Serious problems included long periods of pretrial custody, overcrowding, inadequate food, and understaffing. Local human rights groups, including the Foundation for Human Rights Initiatives (FHRI), received reports the SSF and prison wardens tortured inmates, particularly in government prisons, military facilities, and unregistered detention centers. Isolated reports of forced labor continued (see section 7.b.). Most prisons across the country were not designed to accommodate persons with disabilities.

Children: According to the 2013 annual police crime report, 82 infanticides were reported that year.

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

Uganda signed the CRPD and the Optional Protocol on 30/03/2007. On 25/09/2008 the government ratified the CRPD and the Optional Protocol.

## **Zambia**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, ethnic group (tribe), gender, place of origin, marital status, political opinion, color, disability, language, social status, and creed, but they do not address discrimination based on sexual orientation or gender identity. The government did not effectively enforce the law. Violence and discrimination against women and children, discrimination based on sexual orientation or gender identity, and discrimination against persons with disabilities remained problematic.

### **Persons with Disabilities**

The law prohibits discrimination in general, but no law specifically prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other government services. The Persons with Disabilities Act of 2012 mandates the MCDMCH to oversee the government's implementation of policies that address general and specific needs of persons with disabilities in education, health care, access to physical infrastructure, electoral participation, and other areas. The Zambia Agency for Persons with Disabilities oversaw the act's implementation.

The country's active disability rights movement was led by an umbrella organization, the Zambia Federation of Disability Organizations, whose primary role was advocacy and raising awareness. According to the Human Rights Watch report *Barriers to HIV Services and Treatment for Persons with Disabilities in Zambia*, released during the year, limited data existed on persons

with disabilities, including how many adults and children were living with disabilities and their specific housing, education, and health-care needs. The 2010 census reported 251,427 persons with disabilities, including 66,043 persons in the five-19 age range. National educational data indicated these numbers likely underestimated the total number of persons with disabilities. In comparison to census data, the Ministry of Education in 2013 reported 107,271 children with special learning needs (comprising children with hearing, physical, intellectual, visual, specific learning and other disabilities) enrolled in grades one through nine in basic schools. There were only 878 students with disabilities enrolled in grades 10 through 12. The lack of consolidated data was a major impediment to the inclusion of persons with disabilities in government programming and policy. According to Human Rights Watch, limited understanding of how many persons in the country lived with disabilities suggested they were more vulnerable to contracting HIV/AIDS and were more likely to lack access to health care. According to the report, persons with disabilities had limited access to education and so correspondingly had low literacy levels. The government did not restrict persons with physical or mental disabilities from voting or otherwise participating in civic affairs. The law prohibits those with mental disabilities from holding public office. Persons with disabilities faced significant societal discrimination in employment and education (see section 7. d.).

The Ministry of Education, Science, Vocational Training, and Early Education and the MCDMCH have responsibility for ensuring the welfare of persons with disabilities. Public buildings, schools, and hospitals rarely had facilities to accommodate such persons. By law the government must provide reasonable accommodation for all persons with disabilities seeking education and ensure “any physical facility at any public educational institution is accessible.” Five schools were designated for children with disabilities. Some children with physical disabilities attended mainstream schools.

### **Other References**

Employment: The labor law prohibits discrimination in employment or occupation on the basis of race, sex, disability, HIV status, and language but did not prohibit discrimination based on sexual orientation and/or gender identity. The government, in general, effectively enforced the law. There were reports of discrimination from minority groups. Discrimination in employment and occupation occurred with respect to disability, sexual orientation, and/or gender identity. LGBT persons were at times dismissed from employment or not hired because of their sexual orientation or gender identity. Persons with disabilities faced significant societal discrimination in employment and education.

Prisons and Detention Center Conditions: Approximately 3 percent of inmates were women, and 3 percent were juveniles. The HRC observed that many juvenile detainees remained in prisons for as long as two to three years, awaiting confirmation orders for their transfer to reformatories. Many of these juveniles told the HRC that this delay made reentry into society difficult, as they were held in the same quarters as adults who had committed serious crimes. When this problem was brought to judges’ attention, many took steps to expedite confirmation orders. Prisons also held an undetermined number of “circumstantial children,” who were

either born in prison or living in prisons while their mothers served out sentences. Prisons did not uniformly or adequately address the needs of persons with disabilities.

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

Zambia signed the CRPD and the Optional Protocol on 9/05/2008. On 1/02/2010 the government ratified the CRPD.

## **Zimbabwe**

### **Constitution and Laws**

The bill of rights in the constitution provides that no person can be deprived of fundamental rights, such as the right to life, personal liberty, security of person, freedom of assembly and association, equality, and political and socioeconomic rights. It prohibits discrimination based on one's race, tribe, place of origin, political opinion, color, creed, gender, or disability. The bill of rights cannot be arbitrarily amended and, in the section on the rights of women, states that all "laws, customs, traditions, and practices that infringe the rights of women conferred by this constitution are void to the extent of the infringement." Nevertheless, discrimination against women and persons with disabilities persisted. The government and ZANU-PF continued to infringe on the right to due process, citizenship, and property ownership in ways that affected the white minority disproportionately.

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services, including education and health care. They do not specify physical, sensory, mental, or intellectual disabilities. NGOs continued to lobby to include persons with albinism in the definition of "disabled" under the law. Government institutions often were uninformed and did not implement the law. The lack of resources devoted to training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings be accessible to persons with disabilities, but implementation was slow. Persons with disabilities faced harsh societal discrimination and exclusion, as well as poor service delivery from state bodies. For example, the National Council for the Hard of Hearing reported that access to justice in courts was compromised for persons with hearing disabilities due to a lack of sign-language interpreters. Persons with disabilities living in rural settings faced even greater challenges.

Although two senators were elected to represent persons with disabilities, Parliament rarely addressed problems affecting persons with disabilities. Parliament does not provide specific line items for persons with disabilities in the various social service ministry budgets.

Most persons holding traditional beliefs viewed persons with disabilities as bewitched, and in

extreme cases families hid children with disabilities when visitors arrived. According to the National Association of Societies for the Care of the Handicapped, persons with disabilities were regarded as objects of pity rather than rights-holding individuals and were considered a forgotten and invisible group.

There were very few government-sponsored education facilities dedicated to persons with disabilities. Educational institutions discriminated against children with disabilities. Essential services, including sign language interpreters, Braille materials, and ramps, were not available and prevented children with disabilities from attending school. Many schools refused to accept children with certain disabilities. Schools that accepted students with disabilities offered very little in the way of nonacademic facilities for those accepted as compared to their counterparts without disabilities. Many urban children with disabilities accessed informal education through private institutions, but these options were generally unavailable for persons with disabilities in rural areas. Government programs, such as the basic education assistance module, intended to benefit children with disabilities, failed to address adequately the root causes of their systematic exclusion. The National Association of Societies for the Care of the Handicapped reported that 75 percent of children with disabilities had no access to education.

Persons with mental disabilities also suffered from inadequate medical care and a lack of health services. There were eight centralized mental health institutions in the country with a capacity of more than 1,300 patients, in addition to the three special institutions run by the ZPCS for long-term patients and those considered dangerous to society. Inpatients in the eight centralized institutions received cursory screening, and most waited for at least a year for a full medical review.

A shortage of drugs and adequately trained mental health professionals resulted in patients not being properly diagnosed and not receiving adequate therapy. There were four or fewer certified psychiatrists working in public and private clinics and teaching in the country. There was a 50 percent vacancy rate for psychiatric-trained nurses. The mental institution in Bulawayo provided more than 90 percent of the available psychiatric services. NGOs reported that getting access to these services was slow and frustrating. NGOs reported that patients were subjected to extremely poor living conditions due in part to shortages of food, water, clothing, and sanitation. Budgetary constraints and limited capacity at these institutions resulted in persons with mental disabilities being kept at home, sometimes in chains and without treatment, and cared for by family.

Prison inmates in the three facilities run by the ZPCS were not necessarily convicted prisoners. Two doctors examined inmates with psychiatric conditions. The doctors were required to confirm a mental disability and recommend a patient for release or return to a mental institution. Prisoners with mental disabilities routinely waited as long as three years for evaluation.

A five-year program launched in 2009 by the National Association of Societies for the Care of the Handicapped provided civic education to persons with disabilities with the goal of

encouraging greater civic participation. There were minimal legal or administrative safeguards to allow participation in the electoral processes by persons with disabilities. Administrative arrangements for voter registration at relevant government offices were burdensome, involving long queues, several hours or days of waiting, and necessary return visits, which effectively served to disenfranchise some persons with disabilities. The organizations reported that only 20 percent of eligible voters with disabilities had the identity documents required to vote. On election day in 2013, voting stations in many rural areas were in places inaccessible to persons with disabilities. While the law permits blind persons to bring an individual to assist in marking their ballots, police officers also witnessed the marking of such ballots, thus infringing on ballot secrecy.

### **Other References**

Employment: The law prohibits discrimination based on race, sex, gender, disability, language, HIV positive status, or social status. The law does not expressly prohibit employment discrimination regarding sexual orientation and/or gender identity. The government did not effectively enforce the law.

Discrimination in employment and occupation occurred with respect to race, sex, gender, disability, and sexual orientation (see section 6). Discrimination against migrant workers occurred, especially those employed in the informal sector. Discrimination with respect to political affiliation also occurred. In March an MDC-T supporter was forced out of a temporary teaching post at an elementary school in Mashonaland East province. The school's headmaster allegedly told the new teacher that he could not work with a known MDC-T supporter because it would jeopardize his relationship with local ZANU-PF leadership.

Prison and Detention Centers: Officials generally sent prisoners with confirmed mental disabilities to one of two mental institutions run by the ZPCS, which were separate from mainstream mental health institutions (see section 6).

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

Zimbabwe ratified the CRPD and Optional Protocol on 23/09/2013.