

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

East Asia and Pacific

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.

Contents

Australia.....	3
Brunei.....	4
Burma.....	5
Cambodia.....	6
China.....	8
Fiji.....	12
Indonesia.....	14
Japan.....	15
Kiribati.....	16
Korea, North.....	17
Korea, South.....	19
Laos.....	22
Malaysia.....	24
Marshall Islands.....	25
Micronesia, Federated States of.....	26
Mongolia.....	27
Nauru.....	31
New Zealand.....	32
Palau.....	33
Papua New Guinea.....	33
Philippines.....	34
Samoa.....	36
Singapore.....	37
Solomon Islands.....	38
Taiwan.....	39
Thailand.....	41
Timor-Leste.....	44
Tonga.....	45
Tuvalu.....	46
Vanuatu.....	47
Vietnam.....	47

Australia

Constitution and Laws

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

Persons with Disabilities

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

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

Schools are required to comply with the Disability Discrimination Act, and children with disabilities generally attended school. The federal government's Better Start for Children with Disability initiative provided up to A\$12,000 (\$10,488) per person for early intervention services and treatment for eligible children with disabilities. The government's More Support for Students with Disabilities initiative allocated A\$300 million (\$262 million) in additional funding for 2012, 2013, and 2014. The government also cooperated with state and territorial governments that ran programs to assist students with disabilities.

The HRC's 2013 annual report stated that 793 complaints, citing 1,843 alleged grounds of discrimination, were filed under the Disability Discrimination Act from July 2012 to June 2013. Of these, 33 percent related to employment and 34 percent involved the provision of goods and services. The HRC resolved 961 complaints during the period, including 424 through conciliation.

In July 2013 the government launched the National Disability Insurance Scheme, a national disability insurance program and allocated A\$14.3 billion (\$12.5 billion) over seven years to the program. A trial stage benefitting 26,000 persons began in July 2013.

In May 2013 the High Court upheld a 2012 ruling by a lower court that found the Business Services Wage Assessment Tool, an instrument used by disability organizations to determine wages, discriminated against workers with mental disabilities. The government subsequently appealed to the HRC for a three-year exemption from the Disability Discrimination Act to continue using the instrument “while alternative wage setting arrangements are considered, devised, and/or established and implemented.” On April 19, the HRC granted a one-year exemption. The government instituted changes to the Disability Support Pension to encourage persons with disabilities to enter the workforce when they have a capacity to do so, including compulsory workforce activities for individuals under age 35 who can work for more than eight hours per week.

Other References

Employment: Federal and state and territory laws provide protections against employment discrimination based on race, age, color, gender, gender identity, disability, national or ethnic origin, marital status, religion, political opinion, family or caregiver responsibilities, pregnancy, sexual orientation, and intersex status (see section 6). Federal and various state laws prohibit employment discrimination on the ground of HIV-positive status. The HRC reviews complaints of discrimination on the ground of HIV/AIDS status under the category of disability-related complaints, but a specific breakdown of HIV/AIDS-related cases was not available.

Convention on the Rights of Persons with Disabilities

Australia signed the CRPD on 30/03/2007. On 17/07/2008 the government ratified the CRPD. Australia ratified the Optional Protocol on 21/08/2009.

Brunei

Constitution and Laws

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

Persons with Disabilities

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

Nine NGOs operated in the country and represented persons with disabilities. They worked to supplement services provided by the three government agencies which support persons with disabilities. The NGOs received some funding from the government through the Ministry of Culture, Youth, and Sports, and the Yayasan Sultan Haji Hassanal Bolkiah Foundation, as well as through charitable events by local businesses. Public officials called for persons with disabilities to be included in everyday activities. Access to buildings, information, and communications for persons with disabilities was inconsistent.

Other References

Convention on the Rights of Persons with Disabilities

Brunei signed the CRPD on 18/12/2007.

Burma

Constitution and Laws

Persons with Disabilities

No laws specifically prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services; the government did not provide ample protections for these persons. On June 10, the government hosted a National Disability Conference and issued a declaration acknowledging the rights of persons with disabilities.

According to a 2009 Ministry of Social Welfare national disability survey, 2.3 percent of the population had a disability. The World Health Organization, however, estimated approximately 15 percent of the population had a disability. The government included questionnaires on disability in the 2014 nationwide census, the results of which were not released as of December. The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training.

The government operated three schools for the blind, two for the deaf, two rehabilitation centers for adults with disabilities, and two for children with disabilities, which all received inadequate funding. Mainstream schools did not offer adequate assistance technology for deaf and blind students. There were few official resources to assist persons with disabilities. The Ministry of Social Welfare conducted community awareness-raising activities, including a “Barrier Free Environment” pilot project in the Irrawaddy Region.

According to the Myanmar Physical Handicap Association, a significant number of military personnel, armed-group members, and civilians had a disability as a result of conflict, including as a result of torture and landmine incidents. The ICRC estimated there were 12,000 amputees in the country--two-thirds believed to be landmine survivors--supported by four physical rehabilitation centers throughout the country. Persons with disabilities reported stigma,

discrimination, and abuse from civilian and government officials. Students with disabilities cited barriers to inclusive education as a significant disadvantage.

Officially military veterans with disabilities received benefits on a priority basis, usually a civil service job at equivalent pay, but both military and ethnic-minority survivors in rural areas typically did not have access to livelihood opportunities or affordable medical treatment. Official assistance to nonmilitary persons with disabilities in principle included two-thirds of pay for up to one year for a temporary disability and a tax-free stipend for permanent disability. The government did not provide job protection for private sector workers who became disabled. In 2013 the government enacted a law designed to assist the families of deceased and injured military troops, but no information was available on its implementation.

Other References

Employment: Labor laws and regulations do not specifically prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV- positive status or other communicable diseases, or social status. There were reports government and private actors practiced anti-Muslim discrimination that impeded Muslim-owned businesses' operations and negatively affected their ability to hire and retain labor, maintain proper working standards, and secure public and private contracts.

Convention on the Rights of Persons with Disabilities

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

Cambodia

Constitution and Laws

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

Persons with Disabilities

The law prohibits discrimination, neglect, exploitation, or abandonment of persons with disabilities. It includes persons with mental illnesses and intellectual impairments in the definition of persons with disabilities and requires that public buildings and government services, including education, be accessible to persons with disabilities. The law does not address accessibility with respect to air travel or other transportation. The Ministry of Social Affairs, Veteran and Youth Rehabilitation (MOSAVY) has overall responsibility for protecting the rights of persons with disabilities, although the law assigns specific tasks to other ministries, including the Ministries of Health, Education, Public Works and Transport, and National Defense. The government requested all television channels adopt sign- language interpretation for programming. As of August one major television station had sign-language interpretation, and the Ministry of Information was working with the other stations to develop such

capabilities. The government continued efforts to implement the law, although the full period for compliance in some cases extends to 2015. The Council of Ministers approved four subdecrees to support the law.

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

Children with some limited physical disabilities attended school. Children with more severe disabilities attended segregated schools sponsored by NGOs in Phnom Penh. According to an NGO, education for students with severe disabilities was not available outside of Phnom Penh. There are no legal limitations on the rights of persons with disabilities to vote or participate in civic affairs, but the government did not make any concerted effort to assist them in becoming more civically engaged. MOSAVY is responsible for making policy to protect the rights of persons with disabilities and for rehabilitation and vocational skills training for such persons.

Other References

Employment: The law prohibits employment discrimination on the basis of race, color, sex, belief, disability, religion, political opinion, birth, social origin, or union membership. The constitution stipulates that Khmer citizens of either sex shall receive equal pay for equal work. The government generally did not have the capacity to enforce these laws. BFC reported that in the garment sector, factory management heavily discriminated against men with respect to hiring and providing benefits. BFC estimated that only 10 to 15 percent of garment-factory workers were men. The ILO noted with concern reports of antiunion discrimination by employers through interference and dismissals of members of independent unions, as well as through the creation of employer-backed unions. The ILO Committee of Experts called for revised legislation to provide adequate protection against antiunion discrimination and sufficiently dissuasive penalties (see section 6).

Prison and Detention Centers: Local NGOs maintained that allowances for prisoner food and other necessities were inadequate in many cases. Observers continued to report that allowances for purchasing prisoners' food sometimes were misappropriated, exacerbating malnutrition and disease. Prisoners and detainees had access to potable water in some prisons. Prisons did not have adequate facilities for persons with mental and physical disabilities. NGOs also related that prisoners whose families bribed prison authorities received preferential treatment, including access to visitors, transfer to better cells, and the opportunity to leave cells during the day.

Convention on the Rights of Persons with Disabilities

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

China (Tibet, Hong Kong, and Macau)

Constitution and Laws

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

Macau: The law stipulates that residents shall be free from discrimination based on race, gender, disability, language, or social status, and many laws carry specific prohibitions against discrimination. The government effectively enforced the law.

Hong Kong: The SAR has laws that ban discrimination on the grounds of race, sex, disability, and family status.

Persons with Disabilities

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

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

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

The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juveniles. In 2007 the Ministry of Education reported that nationwide there were 1,618 schools for children with disabilities. According to NGOs there were approximately 20 million children with disabilities, only 2 percent of whom had access to education that could meet their needs.

According to the CDPF, as of September 2013, 78,174 children with disabilities remained outside the state education system. The media estimated that the figure was approximately 28 percent of the total number of the school-age children with disabilities.

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

Misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems. According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions where care was often inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty. Unemployment among adults with disabilities, in part due to discrimination, remained a serious problem. The law requires local governments to offer incentives to enterprises that hire persons with disabilities. Regulations in some parts of the country also require employers to pay into a national fund for persons with disabilities when the employees with disabilities do not make up the statutory minimum percentage of the total workforce.

Standards adopted for making roads and buildings accessible to persons with disabilities are subject to the Law on the Handicapped, which calls for their “gradual” implementation. Compliance with the law was limited. The law permits universities to exclude candidates with disabilities who were otherwise qualified. State media reported in August that a university denied admission to a disabled woman from Fujian Province because she failed to meet the physical fitness test. The high-scoring student was admitted subsequently to another university after the CDPF intervened.

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

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

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

most recent court case involving such abuses was in 2011.

The SAR implemented a range of legislative, administrative, and other measures for enhancing the rights of persons with disabilities. Some human rights groups argued that the SAR adhered to its own Disability Discrimination Ordinance, which they considered too limited and does not oblige the government to promote equal opportunities.

The Social Welfare Department (SWD), directly or in coordination with NGOs and employers, provided training and vocational rehabilitation services to assist persons with disabilities. As of June 16,998 persons were participating in these various programs. As of June the SWD offered 12,504 places for subsidized resident-care services for persons considered unable to live independently. As of June the SWD provided 6,245 places for preschool services to children with disabilities with the goal of improving their opportunity to participate in mainstream schools and extracurricular activities.

As of April the government employed 3,401 civil servants with disabilities. Persons with disabilities filled approximately 2 percent of LegCo secretariat positions, 1 percent of judicial positions, and 2 percent of nonjudicial positions in the judiciary. Instances of discrimination against persons with disabilities persisted in employment, education, and the provision of some public services. The law calls for improved building access and sanctions against those who discriminate.

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

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

Macau: The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government generally enforced these provisions. The law mandates access to buildings, public facilities, information, and communications for persons with disabilities. The government enforced the law effectively. The government provides a variety of services to persons with disabilities, including discounted fares on wheelchair-accessible public transportation. The Social Welfare Institute was primarily responsible for

coordinating and funding public assistance programs to persons with disabilities. There was a governmental commission to rehabilitate persons with disabilities, with part of the commission's scope of work addressing employment. There were no reports of children with disabilities encountering obstacles to attending school.

Other References

China, Children: The Law on the Protection of Juveniles forbids infanticide, but there was evidence that the practice continued. According to the National Population and Family Planning Commission, a handful of doctors were charged with infanticide under this law. Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth-limitation policy.

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

China, Trial Procedures: Individuals facing administrative detention do not have the right to seek legal counsel. Criminal defendants were eligible for legal assistance, although the vast majority of criminal defendants went to trial without a lawyer. According to the *People's Daily*, in 2013 approximately 1.15 million cases received legal aid, up 13 percent from 2012, benefiting 1.28 million individuals. The revised criminal procedure law expanded the availability of legal aid to include cases that could result in the death penalty or life imprisonment and cases involving individuals with certain physical or mental disabilities.

Tibet, Prison and Detention Centers: The number of prisoners in the TAR and Tibetan areas was unknown. There were reports of recently released prisoners permanently disabled or in extremely poor health because of the harsh treatment they endured in prison. According to sources political prisoners endured unsanitary conditions and often had little opportunity to wash or bathe. Former prisoners reported being isolated in small cells for months at a time and deprived of sleep, sunlight, and adequate food. According to sources prisoners rarely received medical care except in the case of serious illness. Former prisoners also complained that prison guards often confiscated gifts of food and medicine from their families. There were cases of detained and imprisoned persons being denied visitors. As elsewhere in the PRC, authorities did not permit independent monitoring of prisons.

China, Employment: The Employment Promotion Law provides some basis for legal protection against employment discrimination. Article 3 states, "No worker seeking employment shall suffer discrimination on the grounds of ethnicity, race, gender, or religious belief." Article 29 charges the state with the duty to "safeguard the labor rights of handicapped persons" and article 30 outlines employment protections available to carriers of infectious diseases including, presumably, HIV. Enforcement clauses include the right to pursue civil damages through the courts. Other laws provide similar, parallel legal bases for protections for women and persons

with disabilities. The labor contract law includes a provision to limit the circumstances under which employers can terminate the contracts of employees suspected of suffering from an occupational disease and those within five years of the statutory retirement age.

Hong Kong, Employment: Labor laws and regulations prohibit discrimination regarding race, sex, gender disability, sexual orientation, HIV-positive status or other communicable diseases, or social status. The government effectively enforced these laws and regulations. The law stipulates employers must prove that proficiency in a particular language is a justifiable job requirement if they reject a candidate on these grounds.

Hong Kong, Human Rights Bodies: There is an Office of the Ombudsman and an Equal Opportunity Commission (EOC). The government appoints both the ombudsman and the EOC commissioners, who were independent in their operations. Both organizations operated without interference from the government and published critical findings in their areas of responsibility. EOC commissioner York Chow Yat-ngok served as a vocal public advocate on minority rights, access to public and commercial buildings for persons with disabilities, and other issues within the EOC's responsibility.

Convention on the Rights of Persons with Disabilities

China signed the CRPD on 30/03/2007 and ratified the CRPD on 1/08/2008. There are no separate records for Tibet, Hong Kong, or Macau.

Fiji

Constitution and Laws

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

Persons with Disabilities

Under the constitution all persons are considered equal, and discrimination against persons with disabilities in employment, education, provision of housing and land, or provision of other state services is illegal. Statutes provide for the right of access to places and all modes of transport generally open to the public. The constitution addresses specifically the right of persons with disabilities to reasonable access to all places, public transport, and information, as well as the right to use Braille or sign language and to reasonable access to materials and devices relating to the disability; the law does not further define "reasonable," however. Additionally, the constitution provides that these rights may be limited by law "as necessary." Public health regulations provide penalties for noncompliance, but there was very little enabling legislation on accessibility for persons with disabilities, and there was little or no

enforcement of laws protecting them.

Building regulations require new public buildings to be accessible to persons with disabilities, but only a few existing buildings met this requirement. By law all new office spaces must be accessible to persons with disabilities. There were only a small number of vehicles in the country accessible to persons with disabilities.

The NGO Fiji Disabled People's Association reported that most persons with disabilities were unemployed due to lack of sufficient education and training and discrimination by and negative attitudes of employers (see section 7.d.). There were no government programs to improve access to information and communications for persons with disabilities, and persons with disabilities, in particular those with hearing or vision impairments, had difficulty accessing public information. There were a number of community organizations that assisted those with disabilities, particularly children.

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

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

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

Other References

Employment: Labor laws and regulations prohibit discrimination regarding sex, gender, disability, and sexual orientation. The law stipulates that every employer shall pay male and female workers equal remuneration for work of equal value, but employers did not always adhere to the law. Discrimination in employment and wages occurred with respect to women and persons with disabilities.

Convention on the Rights of Persons with Disabilities

Fiji signed the CRPD and the Optional Protocol on 2/06/2010.

Indonesia

Constitution and Laws

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

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or provision of other state services. The law does not contain specific requirements regarding access to air travel and other transportation, but it mandates accessibility to public facilities for persons with disabilities; however, the government did not always enforce this provision. The government classifies persons with disabilities into three categories: physically disabled, intellectually disabled, and physically and intellectually disabled. These categories are further divided for schooling. The government restricted the rights of persons to vote or participate in civil affairs by not enforcing accessibility laws. In 2013 the KPU signed a memorandum of agreement with several NGOs to cooperate to increase the participation of persons with disabilities in the 2014 national elections. As a result, 3.6 million voters with disabilities were eligible to vote in the 2014 elections. Although no official data was available, according to NGOs participation by voters with disabilities increased.

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

Other References

Employment: The law prohibits discrimination in employment based on gender, race, ethnicity, religion, and political orientation. The law states that persons are entitled to "employment befitting for human beings according to their disabilities, their education and their abilities." In most cases the government did not effectively enforce these protections. There are no laws prohibiting discrimination based on sexual orientation or gender identity, HIV-positive status, or other communicable diseases.

In August the Ministry of Manpower, the Women's Empowerment and Protection Agency, the Home Affairs Ministry, and the National Development Planning Board signed a memorandum of understanding to strengthen their partnership in reducing gender inequality, which included the establishment of Equal Employee Opportunity (EEO) Task Forces at the provincial, district,

and municipal levels. The national EEO Task Force was reaffirmed in a 2013 Ministry of Manpower decree after being largely dormant since 2006.

Women and people with disabilities commonly faced discrimination in employment, including often only being offered lower-status jobs. NGOs and media reported during the year on the practice of “virginity testing” for female police force recruits, but it is unclear how widespread the practice is. Migrant workers were often subject to police extortion and societal discrimination. There were multiple reports of people being fired with impunity for being HIV positive (see section 6).

Convention on the Rights of Persons with Disabilities

Indonesia signed the CRPD 30/03/2007. On 30/11/2011 the government ratified the CRPD.

Japan

Constitution and Laws

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

Persons with Disabilities

The Basic Act for Persons with Disabilities prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities and bars infringement of their rights and interests on the grounds of those disabilities in public and private sector employment, education, access to health care, or the provision of other services. The law does not stipulate remedies for persons with disabilities who suffer discriminatory acts or penalties for noncompliance.

The law requires the public sector to provide reasonable accommodation and stipulates that the private sector shall “make efforts” to do so. Advocacy groups for individuals with disabilities were broadly supportive of the legislation. Nonetheless, persons with disabilities faced limited access to some public sector services.

The law mandates that the government and private companies hire minimum proportions (2 percent) of persons with disabilities (including mental disabilities). Companies with more than 200 employees that do not comply must pay a fine of 50,000 yen (\$470) per vacant position per month. In March statistics from the Ministry of Health, Labor, and Welfare showed public sector employers had exceeded the minimum proportions at 2.2 to 2.3 percent, while the private sector did not reach its minimum proportions, despite reaching a record- high

proportion of 1.76 percent.

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

Children with disabilities generally attended specialized schools.

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

Abuse of persons with disabilities was a serious concern. A total of 1,699 persons with disabilities around the nation suffered abuse by family members, care facility employees, or employers in the first half of 2013, according to the first national survey conducted by the Ministry of Health, Labor, and Welfare.

Other References

Convention on the Rights of Persons with Disabilities

Japan signed the CRPD on 28/09/2007. On 20/01/2014 the government ratified the CRPD.

Kiribati

Constitution and Laws

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

Persons with Disabilities

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

persons with disabilities.

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

The Ministry of Women, Youth, and Social Welfare is responsible for protecting the rights of persons with disabilities.

Other References

Employment: Labor laws and regulations do not prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation, gender identity, HIV positive status or other communicable diseases, or social status, and these persons sometimes experienced discriminatory practices. Discrimination in employment and wages occurred with respect to women (see section 6).

Convention on the Rights of Persons with Disabilities

Kiribati ratified the CRPD on 27/09/2013.

Korea, North

Constitution and Laws

Persons with Disabilities

In November 2013 the country announced that it modified its Person with Disability Protection Law in order to meet the international standards of rights for persons with disabilities. In the national report it presented during the May Universal Periodic Review, the DPRK estimated persons with disabilities constituted 5.8 percent of the population.

While a 2003 law mandates equal access to public services for persons with disabilities, implementing legislation has not been enacted. Traditional social norms condone discrimination against persons with disabilities, including in the workplace. Although veterans with disabilities were treated well, other persons with physical and mental disabilities reportedly were sent from Pyongyang to internal exile, quarantined within camps, and forcibly sterilized. Persons with disabilities experienced discrimination in accessing public life. The Korean Federation for the Protection of the Disabled coordinated work with persons with disabilities countrywide.

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

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

UNICEF noted that very high levels of malnutrition indicated serious problems for both the physical growth and psychosocial development of young children. Final results from the 2012 *National Nutrition Survey* estimated 475,868 children (28 percent) were stunted and 68,225 children (4 percent) acutely malnourished. The report concluded that the acute nutritional status of children had improved moderately since 2009 when the last nationwide survey including nutrition indicators was carried out.

Other References

Employment: Although the law provides that all citizens "may enjoy equal rights in all spheres of state and public activities" and all "able-bodied persons may choose occupations in accordance with their wishes and skills," neither the general labor law nor KIC labor law prohibits discrimination with respect to employment or occupation on the basis of gender, sex, race, disability, language, sexual orientation, gender identity, HIV-positive status, other communicable diseases, or social status. Although there is no direct reference to employment discrimination in the law, classification based on the Songbun system has a bearing on equal employment opportunities and equal pay.

Although the law accords women equal social status and rights, societal and legal discrimination against women continued. The UN COI report noted that, despite the economic advancement of women, the state continued to discriminate against them and imposed many restrictions on the female-dominated market. Persons with disabilities also faced employment discrimination (also see section 6).

Convention on the Rights of Persons with Disabilities

The Democratic People's Republic of Korea or North Korea signed the CRPD on 3/07/2013.

Korea, South

Constitution and Laws

The law forbids discrimination based on race, gender, disability, sexual orientation, and social status, but not discrimination based on language or gender identity. There is no enforcement mechanism in the law, and it does not protect migrant workers against racial discrimination, pregnant women against employment discrimination, or pregnant school-age girls against being denied an education.

In February 2013, following the recommendation of the UN Human Rights Council Universal Periodic Review, legislators prepared comprehensive antidiscrimination legislation. The legislation was withdrawn, however, due to aggressive lobbying, primarily from conservative religious groups opposed to efforts to provide protection to gays and pregnant women.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. Legislation enacted in May, with implementation scheduled to start in 2016, also creates a special task force of prosecutors and police trained to work with persons with disabilities and increases support for persons with disabilities and their families. The government effectively enforced the law, although many local government ordinances and regulations still directly discriminate against persons with disabilities, according to media reports and NGOs. The government also implemented laws and programs to facilitate access to buildings, information, and communications for persons with disabilities. The law establishes penalties for deliberate discrimination of up to three years in prison and a fine of 30 million won (\$28,500). The Ministry of Health and Welfare continued to implement a comprehensive set of policies that included encouraging public and private buildings and facilities to provide barrier-free access, providing part-time employment, and employing a task force to introduce a long-term care system. The government operated rehabilitation hospitals in six regions, plus a national rehabilitation research center to increase opportunities and access for persons with disabilities.

Under the Mental Health Act, a mentally ill person may be hospitalized against his/her will with the consent of two guardians and the advice of a neuropsychiatrist. The constitutionality of these measures was under review at the Constitutional Court.

In September the government reported 81 laws and regulations contradicted antidiscrimination protections for persons with disabilities. The NHRC reported 671 discrimination cases against persons with disabilities in 2013.

In March, following media reports, the government investigated allegations of labor exploitation of disabled men on salt farms on west coast islands, to include verbal and physical abuse, nonpayment of wages, long work hours, and unsanitary working and living conditions. In September the Gwangju High Court sentenced two salt farm owners to two and a half and two years' imprisonment, but with suspended sentences. One trafficker received a suspended sentence of 18 months' imprisonment.

Any business with 50 or more full-time employees is required to meet an employment quota for persons with disabilities (3 percent for government agencies, 2.3 percent to 3 percent for public organizations, and 2.3 percent for private companies). Foreign companies operating in export processing zones are exempt from this requirement. Any private company or public organization with 30 to 100 full-time workers (expanded from 100 or more full-time workers in 2012) that does not meet its quota is subject to a monthly penalty ranging from 676,000 to 1.089 million won (\$645 to \$1,040) for each available qualified person with a disability whom it fails to hire. An additional penalty may be imposed if the employment rate of workers with disabilities does not reach 50 percent of the required quota. The Minimum Wage Act excludes "those who clearly lack the capacity to work." In October the UN Committee on the Rights of Persons with Disabilities stated its concern that many persons with disabilities who work, especially those with psychosocial disability, received compensation below the minimum wage. In 2013 a total of 7,549 companies were assessed penalties amounting to 334 billion won (\$318 million). A person with disabilities working for any company with 50 full-time employees can request a reasonable accommodation, such as adjusted working hours, and the denial of such a request could constitute discrimination.

To increase pressure for compliance on businesses, twice during the year the Ministry of Employment and Labor disclosed to the media and in the official gazette the names of businesses that failed to meet the employment quotas.

The government provided a pension system for adults and children with disabilities, an allowance for children with disabilities under age 18 whose household income was below or near the National Basic Livelihood Security Standard, and a disability allowance for low-income persons age 18 and older with mild disabilities. The National Pension Service decides the degree of the disability, and local governments provide the pension directly to qualified persons. Some NGOs noted the pension and allowance system for individuals with disabilities puts an undue burden on families and assumes more economically well-off families will support their relatives with disabilities. At the end of 2013, out of 2.5 million registered persons with disabilities, 48,335 persons were eligible under the pension and allowance system.

Children with disabilities qualified as special education beneficiaries and attended special, free schools for children between three and 17. Children with severe disabilities may receive hospitalized education. All public and private schools, child-care centers, educational facilities, and training institutions must provide equipment and other resources to accommodate students with disabilities. As an example, a private kindergarten assigns assistant teachers to ensure children with disabilities can participate in outdoor activities.

Other References

Employment: The constitution and laws prohibit discrimination in employment based on race, gender, disability, sexual orientation, and social status, but there is no comprehensive mechanism to enforce these provisions if discrimination occurs. The law states there shall be no discrimination in economic, social, or cultural life based on sex, religion, or social status. Labor laws generally provide foreign and migrant workers the same legal protections as nationals. Discrimination nonetheless occurred. The law requires equal pay for equal work when men and women do work of equal value in the same business, but wage inequality was a concern (see section 6, Women).

The law prohibits discrimination against irregular workers (those who do not have full-time, permanent employment and who do not receive benefits at the same level as permanent workers) and requires the conversion of those employed longer than two years to permanent status. Nonetheless, subcontracted workers (known as “dispatched workers”) and temporary workers comprised approximately one-third of waged workers in the labor force and faced discriminatory working conditions. The Ministry of Employment and Labor reported the Act on the Protection of Fixed-Term and Part-Time Workers enacted in March guarantees overtime pay for these workers.

Both labor and business groups complained the two-year conversion provision forced many businesses to limit the contract terms of irregular workers to two years and incur the cost for entry of new workers every two years. NGOs and the local media reported irregular workers were at greater risk for discrimination because of their status. In a case pending against the country’s largest automaker for almost four years, the Seoul Central District Court ruled in September that the nearly 1,000 in-house subcontractors dispatched to Hyundai for more than two years should be considered “regular” workers. Under the Dispatched Workers Act, anyone employed as a dispatched worker for more than two years must be hired directly by the employer. The court also ordered Hyundai to pay approximately 23 billion won (\$20.5 million) in back pay wages to the 994 workers, whose annual income was approximately sixty percent of that of Hyundai’s regular employees.

Women: The Ministry of Gender Equality and Family funded 33 integrated support centers for victims of sexual violence at hospitals, providing counseling, medical aid, case investigations, and legal assistance. The government also subsidized 96 counseling centers, and there were 76 nonsubsidized counseling centers, for a total of 172 counseling centers in the country. These provided victims with free medical services, legal services, support during the investigation and trial, and therapy and rehabilitation programs. As of August, 23 of the 172 facilities were for victims with disabilities. As of August there were a further 25 protection facilities for victims of sexual violence, of which seven were for victims with disabilities and two for child and juvenile victims of sexual violence.

Political Prisoners: The Ministry of Justice stated there were no persons incarcerated solely

because of their political beliefs. Some NGOs, however, argued that individuals arrested for violations of the NSL, for conscientious objection to military service, or for strike activities qualified as political prisoners.

The law requires military service by all male citizens and does not distinguish conscientious objectors from others who do not report for duty; the penalty for failing or refusing to report is up to three years in prison. There is no provision for alternative service by conscientious objectors. The Ministry of National Defense reported granting 4,050 exemptions for health, disability, or other reasons as of July. Amnesty International reported there were 680 persons in prison for conscientious objection as of September. The NGO Watchtower stated that as of September 30, 576 Jehovah's Witnesses were in prison. The government reported that, as of July, 336 persons were convicted for failing to report for military service and were sentenced to 18 months in prison. During the year an increasing number of individuals prosecuted for failure to meet their mandatory military service requirements claimed conscientious objector status on political or moral, not religious, grounds. One NGO reported Canada, France, and Australia granted political asylum to Korean conscientious objectors seeking exemption from military service, including a January case in Australia.

Convention on the Rights of Persons with Disabilities

The Republic of Korea or South Korea signed the CRPD on 30/03/2007. On 11/12/2008 the government ratified the CRPD.

Laos

Constitution and Laws

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

Persons with Disabilities

The Ministry of Labor and Social Welfare has primary responsibility for protecting the rights of persons with disabilities. The Ministry of Health is also involved in addressing health-related needs of persons with disabilities. Although constitutional protections against discrimination do not apply specifically to persons with disabilities, regulations promulgated by the Ministry of Labor and Social Welfare and the Lao National Commission for the Disabled generally sought to protect such persons against discrimination. The prime minister's Decree on the Rights of People with Disabilities covers discrimination in employment, education, air travel and other

transportation, access to health care, and provision of state services. Nonetheless, these regulations were rarely enforced.

Because of the large number of disabilities resulting from traffic accidents and unexploded ordnance accidents, the Ministry of Health continued to work extensively on the problem, especially in coordination with international NGOs. The nongovernmental Cooperative Orthotic and Prosthetic Enterprise supplies prosthetic limbs, corrects clubfeet, and provides education to persons with hearing and vision disabilities.

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

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

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

Other References

Employment: The law prohibits direct or indirect discrimination against workers in the workplace but does not distinguish between discrimination based on race, disability, language, sexual orientation, or gender identity. The law requires equal pay for equal work and prohibits discrimination in hiring based on a female employee's marital status or pregnancy, and it protects against dismissal on these grounds. The law also prohibits the employment of pregnant women and new mothers in occupations deemed hazardous to women's reproductive health. The law requires the transfer of women working in such jobs to less demanding positions, and they are entitled to maintain the same salary or wage.

Women faced some challenges in equal access to employment.

Acceptable conditions of work: The law provides for safe working conditions and higher compensation for dangerous work, but it does not explicitly protect a worker's right to self-remove from a hazardous situation. In case of injury or death on the job, employers are responsible to compensate a worker or the worker's family. Employers generally fulfilled this

requirement in the formal economic sector but not in most informal businesses. The law requires employers to report accidents causing major injury to or death of an employee, or requiring an employee to take a minimum of four days off work, to the Labor Administration Agency within three and four days, respectively. The law also mandates extensive employer responsibility for those were disabled while at work, and the Ministry of Labor and Social Welfare appeared to enforce this provision effectively. The law does not specify penalties for noncompliance, but they could include warnings, fines, “re-education,” or suspension of business license.

Convention on the Rights of Persons with Disabilities

Laos signed the CRPD on 15/01/2008. Laos ratified the CRPD on 25/09/2009.

Malaysia

Constitution and Laws

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

Persons with Disabilities

Neither the constitution nor other laws explicitly prohibit discrimination based on physical or mental disabilities, but the government promoted public acceptance and integration of persons with disabilities. The Ministry of Women, Family, and Community and Development is responsible for safeguarding the rights of persons with disabilities.

In November 2013 disability rights activist Bathmavathi Krishnan was sworn in as the country’s second-ever senator with a disability.

The law states that persons with disabilities should be treated equally with access to public services and facilities and that the government and other providers should make improvements to ensure the availability of services. New government buildings were generally outfitted with a full range of facilities for persons with disabilities. The government, however, did not mandate accessibility to transportation for persons with disabilities, and few older public facilities were adapted for such persons. Recognizing public transportation was not “disabled- friendly,” the government maintained its 50 percent reduction of the excise duty on locally made cars and motorcycles adapted for persons with disabilities.

A code of practice guides all government agencies, employers, employee associations, employees, and others in placing persons with disabilities in private sector jobs. A regulation reserves 1 percent of public sector jobs for persons with disabilities. Nonetheless, disability rights NGOs reported that employers were reluctant to hire individuals with disabilities. Special education schools existed but were not sufficient to meet the needs of persons with disabilities. Students with disabilities attended mainstream schools, but accessibility remained a serious problem.

Other References

Employment: The law does not prohibit discrimination with respect to employment, although the director general of labor may investigate discrimination in the terms and conditions of employment for both foreign and local employees.

Migrant workers face discrimination because to obtain and renew work permits, they must undergo mandatory testing for more than 16 illnesses (as well as pregnancy). Employers may immediately deport pregnant or ill workers.

Discrimination in employment and occupation occurred with respect to women; members of national, racial, and ethnic minorities; and persons with disabilities.

Convention on the Rights of Persons with Disabilities

Malaysia signed the CRPD on 8/04/2008. The government ratified the CRPD on 19/07/2010.

Marshall Islands

Constitution and Laws

Persons with Disabilities

The constitution states that no person may be treated in a discriminatory manner under law or by public officials, but it does not include disability in its listing of specific prohibited grounds of discrimination. In practical terms, persons with physical, sensory, intellectual, and mental disabilities faced difficulties in obtaining employment and accessing health care and other state services. There were no laws or policies designed to ensure access for individuals with disabilities to buildings, education, communications, or information, although some government offices and private businesses took the initiative to remove barriers to access. Hospitals and two major grocery stores had ramps for persons with disabilities. The Ministry of Education began to incorporate awareness programs for students with disabilities, in particular those with hearing difficulties. In 2013 the courthouse completed a ground-level courtroom to address concerns about accessibility.

Government support for persons with mental and other disabilities was increasing. During the year the session of the legislature endorsed the Marshall Islands Policy on Disabled Persons and budgeted for its implementation. There were no dedicated psychiatric facilities in the country

or community-based supports for persons with mental disabilities, although patients were given short-term care at the Majuro Hospital or in facilities off-island through the Ministry of Health. Police held persons deemed as exhibiting psychotic behavior in a standard detention cell until a health-care worker could see them.

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

Other References

Employment: The constitution states that no person may be treated in a discriminatory manner under law or by public officials. Labor laws and regulations do not specifically prohibit employment discrimination based on race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. There were no claims of discrimination with respect to employment or occupation, nor were there any enforcement actions.

Convention on the Rights of Persons with Disabilities

Marshall Islands ratified the CRPD on 17/03/2015.

Micronesia, Federated States of

Constitution and Laws

The constitution and law provide explicit protection against discrimination based on race, gender, or language, but societal discrimination against women remained a problem. Kosrae state passed a Family Protection Act, but the other three states have no laws against family violence. All four state governments have laws to implement the national anti-trafficking law enacted in 2012. There are no specific legal protections regarding social status, sexual orientation, or gender identity. There are limited protections for persons with disabilities.

Persons with Disabilities

The law prohibits discrimination in public service employment against persons with physical disabilities. No law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in private sector employment, education, air travel and other public transportation; access to health care; or provision of other state services (see section 7.d.). Neither laws nor regulations mandate accessibility to public buildings or services for persons with disabilities. Many buildings had ramps. There was one elevator in the two-story Pohnpei

State government building. No policies or programs ensured access to information and communications for persons with disabilities.

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

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

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

Other References

Employment: Labor law provides explicit protection against discrimination in employment or occupation based on race, gender, or language. There are no specific legal protections regarding social status, sexual orientation, or gender identity, HIV positive status or other communicable diseases, or social status. There are some protections for persons with disabilities, but they are limited in scope. Discrimination in employment and occupation occurred with respect to disability.

Prison and Detention Centers: At year's end the four states' prisons held 132 inmates, all male, including 22 pretrial detainees, in facilities with a total capacity of 150 inmates. Authorities usually held pretrial detainees in the same facilities but separately from convicted prisoners. Due to a lack of medical facilities and/or community-based support services for treating persons with mental disabilities, the government housed four individuals with mental disabilities but no criminal background in jails.

Convention on the Rights of Persons with Disabilities

Micronesia signed the CRPD on 23/09/2011.

Mongolia

Constitution and Laws

The law states that no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status and that men and women shall be equal politically, economically, socially, culturally, and within the family. The government generally enforced these provisions. The law also protects persons with disabilities from discrimination in all social relations, and the labor law prohibits discrimination on the basis of disability in

employment. These rights were not always enforced. The law does not address sexual orientation or gender identity.

Persons with Disabilities

The labor law prohibits discrimination in employment against persons with disabilities “unless the condition of such person prevents him from performing a specified activity or would otherwise be contrary to established working conditions at the workplace” (see section 7.d.). There is no explicit prohibition of discrimination in education, although the law charges the government with creating conditions to ensure students with disabilities receive an education. The law defines the types of disabilities as including those concerning physical, sensory, and mental but not intellectual disabilities. The law gives provincial governors and the Ulaanbaatar governor the responsibility to implement measures to protect the rights of persons with disabilities. The government continued to devote increasing attention to improving conditions for persons with disabilities. A broad-based government and civil society working group initiated a comprehensive review of existing legislation regarding people with disabilities, focusing on ways to transition from a benefits-based approach to disability to a rights-based approach. Implementation and enforcement of existing law remained weak, and most persons with disabilities faced significant barriers to employment, education, and participation in public life.

The law mandates standards of physical access for persons with disabilities to newly constructed public buildings; however, most new buildings had not complied with the law. Government buildings and public transportation remained largely inaccessible to persons with disabilities. Despite a law introducing standards for road construction, the persistence of open manholes and protruding obstacles (as well as crosswalks unheeded by motorists) prevented many persons with disabilities from moving freely.

The Department for the Development of Persons with Disabilities within the Ministry of Population Development and Social Protection is responsible for developing and implementing policies and projects designed to improve the quality of life of persons with disabilities. The Ministry of Labor allocated 1.9 billion tugrugs (\$1.01 million) to fund a program to increase employment opportunities for persons with disabilities, ministry officials reported, the first time a program was specifically dedicated to persons with disabilities. The government also provided tax benefits to enterprises that hired persons with disabilities.

Additionally, the law requires workplaces with more than 25 employees to employ a minimum 4 percent of persons with disabilities or pay a fine. For each person with disabilities that a company should have hired under the law, a company is assessed a fine between 30 and 50 percent of the monthly minimum wage. NGOs reported growing interest among companies in hiring persons with disabilities, although reluctance to hire persisted and many companies preferred to pay the fine.

Members of the disability community also reported that even when persons with disabilities secured jobs, they were sometimes unable to keep them because public transportation was

inaccessible and the cost of taking taxis to work became prohibitive. Furthermore, the government failed to employ persons with disabilities in the ratio required of other employers. Three employment agencies were established in 2013 to find jobs for persons with disabilities. The Mongolian Federation of Persons with Disabilities stated that these agencies continued to operate but remained underutilized, in part because many persons with disabilities lacked the skills required for available jobs. The overwhelming majority of working-age persons with disabilities remained unemployed.

The law requires companies with more than 20 transportation carriers to equip least 10 percent of those carriers to be accessible to persons with disabilities. Companies that fail to comply with this provision are supposed to pay a fee. The law further requires that public transportation have the capability to announce the names of the bus stops for blind persons and that bus stops have names, conspicuously displayed on signs, and bus routes posted for persons who are deaf or hard of hearing. During the year eight claimants sued the Ulaanbaatar city governor and the Mongolian Authority for Standardization and Measures for failure to approve regulations enforcing legal provisions requiring accessibility for disabled people and for a provision in existing regulations requiring persons with disabilities using public transportation to travel with a personal assistant. In September an Ulaanbaatar administrative court ruled in favor of the claimants on both counts. According to sources involved in the case, the standardization authority struck the provision requiring persons with disabilities to travel with a caretaker, and the Ulaanbaatar governor's office accepted the verdict.

Persons with sight and hearing disabilities had difficulty remaining informed about public affairs due to a lack of accessible broadcast media. Such persons also faced barriers to accessing emergency services, as service providers lacked trained personnel and appropriate technologies to reach these populations. None of the country's domestic violence shelters was accessible to persons with disabilities.

Although the government increased efforts to accommodate voting by persons with disabilities in the 2013 presidential election, such persons faced barriers to participation in the political process, including a high number of inaccessible polling stations and insufficient Braille ballot covers.

There were six specialized schools for youth with disabilities, all located in Ulaanbaatar. Students with disabilities can by law also attend mainstream schools. Nevertheless, children with disabilities faced significant barriers to education.

NGOs dedicated to promoting rights for persons with disabilities reported, and government officials acknowledged, that schools lacked teachers trained to work with children with disabilities. Further, the NHRC reported inadequate textbooks and other training materials, with some teachers simply using lower-level textbooks designed for mainstream schools or developing their own materials with the available resources. The NHRC's report stated that most mainstream schools did not have appropriate facilities (including school buses) to make them accessible to children with disabilities and that the government allocated insufficient

resources for such renovations.

According to NGOs there was not a common understanding regarding what constituted a disability. Educational institutions frequently failed to identify mental and developmental disabilities. In particular, NGOs organized by parents of children with Down syndrome and autism noted a complete absence of professionals--medical, educational, or otherwise--who specialized in these conditions. Representatives of the NGO "And Children: Autism Mongolia" stated they advised parents to send their children abroad to be diagnosed because there was no diagnostic capability in the country.

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

Other References

Employment: The law prohibits discrimination based on nationality, race, sex, social origin or status, wealth, religion, or ideology. It also prohibits employers from refusing to employ a disabled person except on certain broadly defined grounds (see section 6). The law prohibits gender discrimination (defined as discrimination on the basis of sex or marital status) in political, economic, social, cultural, and family spheres. The law prohibits any stigmatization and discrimination against people with HIV/AIDS. The law contains no language prohibiting discrimination on the basis of sexual orientation and/or gender identity.

Discrimination in employment and occupation occurred with respect to sex, disability, sexual orientation and/or gender identity, and HIV-positive status (see section 6). The ILO noted in 2013 that wages for female workers were 85.5 percent those of male workers. Foreign migrant workers did not receive the same level of protection against labor violations as the general population.

Prison and Detention Centers: The GEACD reported that as of September 10, there were prisoners serving sentences, of whom 286 were women and 35 were juveniles. In addition, a total of 1,145 people were in pretrial detention, of whom 62 were women and 27 were juveniles. The GEACD's 25 prisons were intended to hold 5,307 inmates, and its 25 arrest and pretrial detention centers had a capacity of 2,295. Conditions for men and women were similar. Except for inmates of the women's prison, prisoners were assigned a security level based on the severity of crimes they committed and may be housed only in a prison of the corresponding security level. The women's prison was an exception. Other detention facilities continued to house violent and nonviolent offenders together. Detention facilities lacked accommodations for persons with disabilities.

Women: Couples and individuals have the right to decide freely the number, spacing, and timing of their children; to have the information and means to do so, free from discrimination, coercion, and violence. Observers cited long waiting times, a lack of confidentiality, and

unprofessional treatment by medical personnel as problems at public reproductive health care facilities. A local NGO that supports teenage mothers reported that social stigma and poor knowledge of reproductive health impeded young women's access to prenatal care. Additionally, although reproductive health information was widely available, it was rarely produced in a format accessible to persons with disabilities. According to the

Mongolian National Federation of Wheelchair users, it was virtually impossible for women in wheelchairs to go to the hospital for prenatal checks, both because of a lack of physical access and negative attitudes.

Convention on the Rights of Persons with Disabilities

Mongolia ratified the CRPD and Optional Protocol on 13/05/2009.

Nauru

Constitution and Laws

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

Persons with Disabilities

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

There is no government agency with specific responsibility for protecting the rights of persons with disabilities. There are no formal mechanisms to protect persons with mental disabilities. There were no reports of discrimination against persons with disabilities with regard to employment, but social stigma likely led to decreased opportunities for decent work. In December 2013 the government commemorated the UN's International Day of Persons with Disabilities as a national holiday for the first time.

Other References

Employment: Labor laws and regulations do not prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation, gender identity, HIV-positive status or other communicable diseases, or social status, and these persons sometimes experienced discriminatory practices. Discrimination in employment and wages occurred with respect to women (see section 6).

Convention on the Rights of Persons with Disabilities

Nauru ratified the CRPD on 27/06/2012.

New Zealand

Constitution and Laws

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

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment; education; access to places and facilities, including air travel and other transport; and the provision of goods, services, housing, and accommodation. The government is prohibited from discriminating on the basis of physical, sensory, intellectual, or mental disability, unless such discrimination can be “demonstrably justified.” There are laws and programs designed to provide access to communications and information for persons with disabilities. The government effectively enforced applicable laws. Most school-age children with disabilities attended school.

From July 2013 to June 2014, the HRC received 455 disability-related complaints, which represented 30 percent of the total complaints received. The government’s Office for Disability Issues worked to protect and promote the rights of persons with disabilities. Additionally, both the HRC and the Mental Health Commission continued to address mental health problems in their antidiscrimination efforts.

Other References

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

Government Human Rights Bodies: The Ministry of Justice funded the Human Rights Commission (HRC), which operated as an independent agency without government interference. The HRC had a staff of 70 and adequate resources to perform its mission. It submitted 76 legal and policy interventions during the 12- month period ending June 30. It also continued to investigate two significant cases from 2012 relating to discrimination against persons with disabilities. The government responded to its recommendations, which led to several policy changes. The HRC was considered effective and enjoyed high public confidence.

Convention on the Rights of Persons with Disabilities

New Zealand signed the CRPD on 30/03/2007. On 25/09/2008 the government ratified the CRPD.

Palau

Constitution and Laws

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

Persons with Disabilities

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

Other References

Employment: The constitution prohibits discrimination with respect to employment or occupation regarding race, sex, language, or social status or clan affiliation. The law prohibits employment discrimination against those who are disabled. The government effectively enforced these laws. The law does not prohibit discrimination with respect to employment or occupation regarding sexual orientation and/or gender identity, HIV-positive status or other communicable diseases.

Convention on the Rights of Persons with Disabilities

Palau signed the CRPD on 20/09/2011. The government ratified the CRPD and Optional Protocol on 11/06/2013.

Papua New Guinea

Constitution and Laws

Persons with Disabilities

Although the constitution prohibits discrimination against persons with physical or mental disabilities, there are no antidiscrimination laws. Persons with physical, sensory, intellectual, and mental disabilities faced discrimination in employment, education, access to health care, air travel and other transportation, and provision of other state services. No legislation mandates accessibility to buildings, and most buildings were not accessible for individuals with disabilities. There are no policies or programs to assist such persons in obtaining access to communications and information. Generally, families took care of persons with disabilities at home, and abuse in educational or mental health facilities was not reported in any formal way. Children with disabilities suffered from the under-resourced educational system and attended school in disproportionately low numbers.

Through the National Board for the Disabled, the government grants funds to a number of NGOs that provide services to persons with disabilities. The government provides free medical consultations and treatment for persons with mental disabilities, but such services were rarely available outside major cities. In several provinces, apart from the traditional clan and family system, services and health care for persons with disabilities did not exist. Most persons with disabilities did not find training or work outside the family structure (also see section 7.d.).

Other References

Employment: Widespread discrimination with respect to women occurred, especially in the attainment of management positions. The law bans discrimination on the basis of gender for employment and wages in the workplace and mandates an employer found guilty of the offense be charged K107 (\$45). The government did not effectively enforce this law. The constitution bars discrimination on the basis of disability, but the government did not enforce the protection. The law and regulations do not prohibit discrimination regarding race, language, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government did not effectively enforce laws and regulations prohibiting discrimination. Discrimination occurred based on the above categories with respect to employment and occupation (see section 6.).

Convention on the Rights of Persons with Disabilities

Papua New Guinea signed the CRPD on 2/06/2011. The government ratified the CRPD on 26/09/2013.

Philippines

Constitution and Laws

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

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and other social services, but the government did not effectively enforce these provisions. The law provides for equal physical access for persons with both physical and mental disabilities to all public buildings and establishments, but many barriers remained (see section 7.d).

The National Council for the Welfare of Disabled Persons formulated policies and coordinated the activities of all government agencies for the rehabilitation, self- development, and self-reliance of persons with disabilities and their integration into the mainstream of society. DOLE's

Bureau of Local Employment maintained registers of persons with disabilities that indicate their skills and abilities, monitored private and public places of employment for violations of labor standards regarding persons with disabilities, and promoted the establishment of cooperatives and self-employment projects for persons with disabilities. One NGO reported that the government continued to have limited means to assist persons with disabilities in finding employment, and such persons had limited recourse when prospective employers violated their rights, because of the financial barriers to filing a lawsuit.

The DSWD operated two assisted-living centers in the Manila area and five community-based vocational centers for persons with disabilities nationwide. From January to June, the DSWD provided services to 2,632 persons with disabilities. Persons with disabilities frequently solicited donations in the streets, an indicator of the limited options available for livelihood. Advocates for persons with disabilities contended that equal-access laws were ineffective due to continued weak implementing regulations, insufficient funding, and inadequately focused integrative government programs. Many public buildings, particularly older ones, lacked functioning elevators. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

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

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

The constitution provides for the right of persons with physical disabilities to vote, with the assistance of other persons if necessary. The Commission on Elections (COMELEC) determines the capacity of persons with mental disabilities to vote during the registration process, and citizens may appeal exclusions and inclusions in court. A federal act authorizes COMELEC to establish accessible voting centers exclusively for persons with disabilities and senior citizens. Many persons with disabilities did not vote in the 2013 mid-term elections, however, because of the lack of accessible voting facilities. The nongovernmental Legal Network for Truthful Elections reported that only 82,000 of 365,000 registered persons with disabilities were able to vote during the May 2013 elections, a turnout far below that of the general population. Media reports confirmed the turnout of some persons with disabilities and the elderly in regular

precincts, noting that the implementation of express lanes and the provision of poll assistance facilitated their participation. During the October 2013 village council elections, COMELEC designated pilot polling precincts in four malls in Luzon, Visayas, Mindanao, and the national capital region for the elderly and persons with disabilities. COMELEC reported high voter turnout in these special voting centers.

Other References

Employment: The law prohibits discrimination with respect to employment or occupation regardless of sex, race, or creed, but the government does not effectively monitor and enforce these laws. Moreover, the law does not prohibit employment discrimination with respect to disability, language, sexual orientation, gender identity, HIV positive status or other communicable diseases, or social status. Although the law requires all government agencies and government-owned corporations to reserve one percent of their workforce for persons with disabilities, implementing rules and regulations remained pending as of October.

Persons with disabilities also reportedly experienced employment discrimination during the year.

Convention on the Rights of Persons with Disabilities

The Philippines signed the CRPD on 25/09/2007. On 15/04/2008 the government ratified the CRPD.

Samoa

Constitution and Laws

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

Persons with Disabilities

There is no law pertaining specifically to the status of persons with disabilities or regarding their access to buildings and public services. Tradition dictates that families care for persons with disabilities, and this custom was observed widely.

In 2012 the death of a man with mental disabilities in Tafaigata Prison raised concerns about the treatment of persons with mental disabilities while in police custody. The victim, Hans Dalton, initially was transported to the National Hospital for treatment but was subsequently transferred to police custody because of his erratic and violent behavior and held in a jail cell,

where he was later found dead. A fellow inmate was charged with Dalton's murder and found guilty by a panel of assessors in February, but the judge overturned the verdict. At year's end the case remained unsolved. The Dalton family sued the government for WST 33 million (\$14 million). The case had not gone to trial by year's end.

Some children with disabilities attended regular public schools, while others attended one of three schools created specifically to educate students with disabilities. Many public buildings were old, and only a few were accessible to persons with disabilities. Most new buildings provided better access, including ramps and elevators in most multi-story buildings. The Ministry of Women, Community, and Social Development has responsibility for protecting the rights of persons with disabilities.

Other References

Employment: The law prohibits discrimination, direct or indirect, against an employee or an applicant for employment in any employment policies, procedures, or practices based on ethnicity, race, color, sex, gender, religion, political opinion, national extraction, sexual orientation, social origin, marital status, pregnancy, family responsibilities, real or perceived HIV status, and disability.

Observers believed the government effectively enforced the law. During the year, the Ministry of Labor received 121 industrial complaints, and 75 of those required corrective action to comply with the Labor and Employment Relations Act. No cases drew public attention.

Convention on the Rights of Persons with Disabilities

Samoa signed the CRPD on 24/09/2014.

Singapore

Constitution and Laws

Persons with Disabilities

The Ministry of Social and Family Development is responsible for protecting the rights of persons with disabilities. There was no comprehensive legislation addressing equal opportunities for persons with disabilities in education or employment. The Ministry of Social and Family Development's enabling master plan for 2012-16 outlined a five-year policy plan for the programs and services in the disability sector.

During the 2011 presidential elections, voters with visual impairments could cast their vote independently through the use of stencils, and electoral law allows voters who are unable to vote in the manner described by law to receive assistance to mark and cast their ballots. The government maintained a comprehensive code on barrier-free accessibility; it established standards for facilities for persons with physical disabilities in all new buildings and mandated the progressive upgrading of older structures. The National Council of Social Services, in conjunction with various voluntary associations, provided an extensive job training and

placement program for persons with disabilities. A tax deduction of up to S\$100,000 (\$80,000) was available to employers to defray approved expenditures incurred in modifying buildings to accommodate employees with disabilities. The government also provided a tax deduction of up to S\$7,500 (\$6,000) for families caring for a sibling, spouse, or child with a disability and up to S\$14,000 (\$11,200) for a parent or grandparent. The country allows guide dogs for the blind (but not for other service animals) into public places and on trains, but the laws do not cover buses and taxis. Public trains were 100 percent wheelchair accessible as were 68 percent of public buses.

Informal provisions permitted university matriculation for those with visual or hearing impairments or other physical disabilities. Approximately 13,500 children with disabilities attended mainstream schools in 2012. There were 20 special education schools, which enrolled 5,580 students in 2013. All primary and secondary schools were equipped with basic accessibility facilities, such as accessible toilets and first-level wheelchair ramps. Approximately 30 percent of all primary and 20 percent of secondary schools were equipped with facilities to address access for persons with disabilities. The staffs of all primary schools included at least one special needs educator to support students with mild special education needs, and 69 secondary schools were resourced to support students with mild special needs. As of the end of 2013, 10 percent of teachers in all primary school and 20 percent of teachers in all secondary school were trained in special needs.

The government provided funds for two distinct types of early education programs for children with disabilities. The Early Intervention Program for Infants and Children provided educational and therapy services for children up to age six with moderate to severe disabilities. As of October, 2,300 children participated. The government also sponsored a Development Support Program (DSP) to provide learning support and therapy services in mainstream schools for children up to the age of six with mild developmental needs. Approximately 1,000 children received services from the DSP in 2013.

Other References

Convention on the Rights of Persons with Disabilities

Singapore signed the CRPD on 30/11/2012. On 18/07/2013 the government ratified the CRPD.

Solomon Islands

Constitution and Laws

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

the male-dominated society. Unemployment remained high, and there were limited job opportunities for persons with disabilities.

Persons with Disabilities

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

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

Other References

Employment: No laws regarding employment and occupation prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV positive status or other communicable diseases, or social status. Discrimination in employment and occupation occurred with respect to women, especially in the attainment of management positions. Discrimination in employment and occupation also is likely through social attitudes regarding disability, language, sexual orientation and gender identity and HIV status (see section 6).

Convention on the Rights of Persons with Disabilities

The Solomon Islands signed the CRPD on 23/09/2008. The government signed the Optional Protocol on 24/09/2009.

Taiwan

Constitution and Laws

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation services, access to health care, or the provision of other state services (see section 7.d.). According to the Eden Social Welfare Foundation and the United Way of Taiwan, the unemployment rate of persons with disabilities was triple the rate of individuals without disabilities. The local labor affairs bureau intervenes and investigates complaints of employment discrimination. The fine for employment discrimination ranges from NT\$300,000 (\$9,700) to NT\$1.5 million (\$48,000). The law sets minimum fines for violations, and authorities enforced the law effectively. Authorities enacted and effectively implemented laws and programs to ensure access to buildings, information, and communications. In August the legislature passed the Law for Implementation of the Convention on the Rights of Persons with Disabilities to enhance protection of persons with disabilities. The law stipulates that new public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and this requirement was generally met. The Ministry of Transportation and Communications subsidized procurement of disabled-friendly taxis for drivers.

NGOs alleged that the lack of barrier-free spaces and accessible transportation systems continued to place limits on civic engagement by citizens with disabilities. Disability rights groups raised the problem of older facilities not catering to the needs of disabled students and claimed that 50 percent of primary and secondary schools were not barrier free. Children with disabilities attended school, and officials noted no patterns of abuse during the year. Students with disabilities mostly attended mainstream schools. NGOs claimed that services for students with disabilities remained largely inadequate, and disabled students at mainstream schools often relied on the assistance of maids, parents, or grandparents to attend schools and use school facilities due to a lack of barrier-free facilities or adequate alternative facilities.

Primary and secondary schools and higher education were available for children with disabilities. There were occasional reports of sexual assaults in educational and mental health facilities. Persons with disabilities have the right to vote and participate in civic affairs. The Ministry of Health and Welfare and the Ministry of Labor are responsible for protecting the rights of persons with disabilities. The law stipulates that authorities must provide services and programs to members of the population with disabilities. The government provided free universal medical care to persons with disabilities. NGOs continued to assert the need for more public nursing homes and expansion of current programs, such as home care services, to meet the growing needs of those with disabilities, an increasing number of whom were elderly persons.

Other References

Employment: Labor laws and regulations prohibit discrimination based on race, gender, disability, language, sexual orientation or gender identity, social status, or HIV or other communicable disease status. The law also prohibits potential employers from requesting health examination reports from job candidates to prove they do not have HIV or other communicable diseases (see section 6). Workers who encounter discrimination can file

complaints with two independent committees composed of scholars, experts, and officials in city and county departments of labor affairs. Authorities enforced decisions made by those committees. Employers can appeal rulings to the Ministry of Labor and the Administrative Court.

Persons with disabilities and persons with HIV/AIDS remained vulnerable to discrimination in employment and occupation (see section 6). Women were promoted less frequently, occupied fewer management positions, and worked for lower pay than their male counterparts. According to the Ministry of Labor, in 2013, women comprised 44.1 percent of the workforce, and women's labor participation rate was 50.5 percent. On average, women's salaries were 83.9 percent of that of men performing comparable jobs. Household caregivers and domestic workers did not enjoy the same legal protections as other workers (see section 7.e.). According to law any foreign national in Taiwan who is found to have contracted a communicable disease, including those who test positive for HIV (except as noted in section 6), are subject to deportation. Foreign migrant workers were required to have annual health examinations and were deported if they tested positive for HIV.

Arrest Procedures: The Judicial Yuan (JY, or court system) and the NPA operated a program to provide legal counsel during initial police questioning to qualifying indigent suspects who have a mental disability or have been charged with a crime punishable by three or more years in prison.

Convention on the Rights of Persons with Disabilities

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

Thailand

Constitution and Laws

Persons with Disabilities

Prior to the coup, the constitution and law prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, air travel and other transportation, access to health care, or the provision of other government services. Although coup leaders suspended the constitution, laws pertaining to persons with disabilities remained intact.

The government modified many public accommodations and buildings to accommodate persons with disabilities, but government enforcement was not consistently effective. The law mandates that persons with disabilities have access to information, communications, and newly constructed buildings, but these provisions were not uniformly enforced. The law does not require government entities to install accessible street curbs when they repaired or constructed streets or roads.

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

The Community-based Rehabilitation Program and the Community Learning Center for People with Disabilities project operated in all provinces. There were 162 learning centers nationwide, two in each of the 76 provinces and 10 in Bangkok, as well as 76 rehabilitation centers nationwide with one in each province and 50 in Bangkok. The annual government subsidy was approximately 25,000 baht (\$750) per learning center and 10,000 baht (\$300) per rehabilitation center.

The government maintained 46 special schools for students with disabilities, 77 centers offering special education programs for preschool-age children, and 77 educational centers for persons with disabilities. The law requires all government schools nationwide, approximately 31,000, to accept students with disabilities, but only 5,026 schools (16 percent) taught such students during the year. An estimated 200,000 students with disabilities, of a total of 7.2 million students, attended school. There were some reports of schools turning away students with disabilities, although the government claimed that such incidents occurred because schools did not have appropriate facilities to accommodate them. The government reported that it did not receive any complaints during the year. There were also nine government-operated and at least 23 NGO-operated training centers for persons with disabilities, including both full-time and part-time or seasonal centers. The government operated 13 government shelters specifically for persons with disabilities, including two day-care centers for autistic children. In addition there were private associations providing occasional training for persons with disabilities.

Some employers subjected persons with disabilities to wage discrimination (see section 7.d.). Government regulations require private firms either to hire one person with a disability for every 100 other workers or contribute to a fund that benefits persons with disabilities, but this provision was not uniformly enforced. Officials estimated that 77 percent of firms complied with the law, and the chair of the Universal Foundation for People with Disabilities concurred with that figure. Some private firms preferred to contribute to the fund rather than hire a person with a disability because they believed it was less costly.

Other References

Employment: Labor laws do not prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The 2007 constitution included guarantees of equality and equal protection under the law and prohibited discrimination against a person on the grounds of national origin, race, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education, or political views. The military abolished the constitution, however, after it seized power in the May 22 coup. The law requires that workplaces with more than 100 employees hire at least one disabled worker for every 100 workers. The government did not effectively enforce these laws in all cases.

Discrimination in respect to employment occurred against LGBT persons, persons with disabilities, and migrant workers (also see sections 6 and 7.e.). In June the International Labor Organization reported that persons of diverse sexual orientations and gender identities in the country faced frequent discrimination in the workplace, partly due to common prejudices and a lack of protective laws and policies on discrimination. The report found discrimination occurred at all stages of the employment process, including education and training, access to jobs, advancement opportunities, social security and partner benefits. Transgender workers reportedly faced even greater constraints, and their participation in the workforce was often limited to a few professions such as beauticians and entertainers.

Acceptable Work Conditions: During 2013 there were 111,894 reported incidents of diseases and injuries from workplace accidents, including 76,776 minor injuries (resulting in no more than three days' work missed) and 35,118 injuries resulting in more than three days' work missed (including permanent disabilities and deaths). The rate of incidents occurring in the informal and agricultural sectors and among migrant workers was believed to be higher but underreported. Occupational diseases were rarely diagnosed or compensated, and few doctors or clinics specialized in them. Migrant workers and their dependents in formal and informal sectors were eligible to buy health insurance. Some migrant workers, however, did not purchase health insurance because they did not understand their rights due to language barriers, an insufficient number of health-care personnel, and other factors. Medium and large factories often applied government health and safety standards, but overall enforcement of safety standards continued to be lax. In the informal sector, health and safety protections continued to be substandard.

Children: There were reports of abuse in orphanages or other institutions. For instance, authorities arrested a teacher in August for allegedly beating a mentally ill 12-year-old child at a school for children with disabilities in Chaiyaphum. The investigation continued at year's end.

Political Participation: The Election Commission and civil society organizations continued to work together to enhance voting opportunities for the elderly, persons with disabilities, hill tribe members, and youth.

Prison and Detention Centers: Judicial authorities often imposed alternative penalties (e.g., probation, suspended sentence, fine, or restriction on movement) rather than imprisonment on nonviolent offenders, minors, and convicts with disabilities. The Department of Probation used personal electronic monitoring devices during the year to detain 190 persons at their homes instead of in prisons.

Convention on the Rights of Persons with Disabilities

Thailand signed the CRPD on 30/03/2007. The government ratified the CRPD on 29/07/2008.

Timor -Leste

Constitution and Laws

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a major problem, and discrimination against women, persons with disabilities, and the lesbian, gay, bisexual, and transgender (LGBT) community occurred.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, and there is no specific legislation regarding persons with disabilities. The government had not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities. There are no known provisions with regard to access to air travel or other forms of transportation.

Training and vocational initiatives did not address the needs of persons with disabilities, but electoral regulations makes accommodations for persons with disabilities and permits them to request assistance with voting. There were reports that persons with mental disabilities sometimes faced discriminatory or degrading treatment due in part to a lack of appropriate community support or lack of referral to existing resources. In many districts children with disabilities were unable to attend school due to accessibility problems. Authorities incarcerated persons with mental disabilities with the general prison population.

According to the 2010 government census, there were 48,243 persons with disabilities in the country. An office in the Ministry of Social Solidarity is responsible for protecting the rights of persons with disabilities.

Other References

Women: The law provides protection and defense to vulnerable groups, including women, children, the elderly, and persons with disabilities, against all forms of violence, exploitation, discrimination, abandonment, oppression, sexual abuse, and mistreatment. While many cultural and institutional obstacles hinder implementation of the law, local NGOs viewed the law as having a positive effect by encouraging victims of domestic violence to report their situations to police. Domestic violence offenses were the most commonly charged crimes in the criminal justice system. Several NGOs that monitored the courts' treatment of such cases, and those providing services to victims in such cases, criticized how these cases were handled, although there were significant improvements in the past year. Prosecutors routinely charged cases involving aggravated injury and use of deadly weapons as low-level simple assaults. Police conducted only the most perfunctory of investigations. Often the victim had to leave her home during investigation and prosecution of the case. Police, prosecutors, and judges routinely ignored many parts of the law that protect victims. Finally, even after a case is successfully prosecuted, judges almost universally issued suspended sentences involving no prison time, including cases involving significant injury to the victim. During the year, however, judges sentenced defendants charged with domestic violence offenses to incarceration in at least two cases.

Convention on the Rights of Persons with Disabilities

Timor-Leste has not signed or ratified the CRPD or Optional Protocol.

Tonga

Constitution and Laws

Persons with Disabilities

No laws specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities, and there are no legally mandated provisions for services for them. There were no programs to ensure access to buildings for persons with disabilities, and most buildings were not accessible. There also were no programs to ensure access to communications and information for persons with disabilities. The Tonga Red Cross Society (TRCS) operated a school for children with disabilities and conducted occasional home visits. A program of the Ministry of Education, Women, and Culture to assimilate children with disabilities into primary schools continued during the year. Many school buildings, however, were not accessible to students with physical disabilities, and attendance rates of children with disabilities at all educational levels were lower than those of students without disabilities. It was possible for some children with disabilities to attend regular schools, depending on the nature and degree of the child's disability, but children with more severe disabilities generally attended the TRCS-run school.

In May the cabinet adopted the National Policy on Disability Inclusive Development 2014 to 2018 and the Action Plan for the National Policy on Disability Inclusive Development. Under the policy the government established a National Council on Disability and designated the Ministry of Internal Affairs to work on disability-related problems.

Other References

Employment: The law does not prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation, gender identity, HIV-positive status or other communicable diseases, or social status. Discrimination with respect to employment and wages occurred with respect to women (see section 6, Women). Reports indicated that discrimination against foreign domestic workers occurred during the year. Some employers reportedly confiscated foreign domestic workers' passports and subjected the workers to exploitative practices.

Prison and Detention Center: As of July the country's four prisons and other detention facilities held 176 inmates, including eight women. There were 17 juveniles and three prisoners with disabilities. Authorities held two nonviolent prisoners with disabilities at the Vaiola Hospital and one prisoner with disabilities in the Hu'atolitoli prison. The official prison capacity grew to between 300 and 400 inmates after the construction of two new facilities during the year. Authorities held pretrial detainees at police headquarters in Nuku'alofa and Hu'atolitoli prison. As of July there were 13 pretrial detainees at Hu'atolitoli prison. As of July 2013, 372 pretrial detainees (360 men and 12 women) were held at the police headquarters. During the year one death occurred in the Hu'atolitoli pretrial detention center due to natural causes (heart attack).

Prisoners had access to potable water and sufficient quantities of food. Sanitation and medical care were adequate.

Convention on the Rights of Persons with Disabilities

Tonga signed the CRPD on 15/11/2007.

Tuvalu

Constitution and Laws

Persons with Disabilities

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

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

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

Other References

Employment: Labor laws and regulations do not prohibit discrimination regarding race, gender, disability, language, sexual orientation, gender identity, HIV-positive status or other communicable diseases, or social status, and these persons sometimes experienced discriminatory practices. Discrimination in employment and wages occurred with respect to women (see section 6).

Convention on the Rights of Persons with Disabilities

Tuvalu ratified the CRPD on 18/12/2013.

Vanuatu

Constitution and Laws

Persons with Disabilities

No law specifically prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. In 2013 Parliament passed a building-code to ensure access for person with disabilities in existing and new facilities. There is a national policy designed to protect the rights of persons with disabilities, but the government did not implement it effectively. There was no specific legislation mandating access to information or communications. Some provinces had care centers, but the government generally relied upon the traditional extended family and NGOs to provide services and support to persons with disabilities. In practice persons with disabilities could not access most buildings. The high rate of unemployment in the general population, combined with the social stigma attached to disabilities, meant that few jobs were available for persons with disabilities (see section 7.d.). Persons with mental disabilities generally did not have access to services. They usually relied on members of their extended families for assistance. In general, school officials rejected many potential students with disabilities.

Other References

Employment: Laws regarding employment and occupation prohibit discrimination based on gender, but they do not prohibit discrimination in regard to race, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. Discrimination in employment and occupation occurred with respect to women, especially in the attainment of management positions, and among those with disabilities (see section 6).

Convention on the Rights of Persons with Disabilities

Vanuatu signed the CRPD on 17/05/2007. On 23/10/2008 the government ratified the CRPD.

Vietnam

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement of these prohibitions was uneven, and the law did not specifically address discrimination based on sexual orientation or gender identity. During the year the government demonstrated an increased tolerance and respect for rights for lesbian, gay, bisexual, and transgender persons, compared with previous years.

Persons with Disabilities

The constitution provides for the protection of persons with mental and physical disabilities. The law prohibits discrimination against or maltreatment of persons with physical and mental disabilities, encourages their employment, and requires equality for them in accommodation, access to education, employment, health care, rehabilitation, local transportation, and

vocational training. In November the government ratified the UN Convention on the Rights of Persons with Disabilities and increased coordination with foreign governments and international organizations to review legal provisions governing implementation of the treaty, conduct feasibility studies, share international best practices, conduct informational workshops, and hold awareness activities.

While the law requires that the construction of new or major renovations of existing government and large public buildings include access for persons with disabilities, enforcement continued to be sporadic. The Ministry of Construction maintained units to enforce barrier-free codes and provide training on construction codes for inspectors and architectural companies in more than 22 provinces. Some new buildings and facilities in large urban cities included ramps and accessible entries.

Access to education for children with disabilities, particularly deaf children and those with intellectual disabilities, remained extremely limited. There was no information available on attendance by children with disabilities at the primary, secondary, and tertiary levels.

The law promotes and encourages the employment of persons with disabilities; however, social and attitudinal barriers remained problems. MOLISA issued guidance to its provincial branches to adjust job skills training for persons with disabilities tailored to the group's diversified needs. Companies with a workforce composed of at least 51 percent employees with disabilities may qualify for special government-subsidized loans.

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

While the provision of social services to persons with disabilities remained limited, the government made some efforts to support the establishment of organizations of persons with disabilities and consulted them in the development or review of national programs, such as the National Poverty Reduction Program, vocational laws, and various educational policies. The National Coordination Committee on Disabilities and its members from various ministries continued to work with domestic and foreign organizations to provide protection, support, physical access, education, and employment; however, the coordination committee was gradually given a diminished role, while the Vietnam Federation on Disability was expected to pick up some of its functions. The government operated a small network of rehabilitation centers to provide long-term, inpatient physical therapy. Several provinces, government agencies, and universities had specific programs for persons with disabilities.

Other References

Employment: The law prohibits discrimination with respect to employment or occupation based on sex, race, disability, social class, marital status, religion, and HIV/AIDS- positive status. By law

an enterprise may not dismiss a female employee who is engaged to be married or is pregnant, on maternity leave, or caring for a child under one year of age unless the enterprise closes. Female employees who are at least seven months pregnant or are caring for a child under one year of age may not be compelled to work overtime, at night, or in locations distant from their homes. The government did not effectively enforce these laws. The law does not prohibit discrimination based on political opinion, national origin, or sexual orientation and gender identity.

Discriminatory hiring practices existed, usually related to gender, age, and marital status (also see section 6).

Arrest Procedures: By law only cases involving juveniles, individuals with mental or physical disabilities, and persons formally charged with capital crimes require authorities to request the local bar association or the VFF to appoint an attorney.

Convention on the Rights of Persons with Disabilities

Vietnam signed the CRPD on 22/10/2007. The government ratified the CRPD on 5/02/2015.