

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

South and Central Asia

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

Afghanistan	3
Bangladesh	5
Bhutan	6
India	7
Kazakhstan	10
Kyrgyz Republic	13
Maldives	14
Nepal	16
Pakistan	18
Sri Lanka	19
Tajikistan	20
Turkmenistan	22
Uzbekistan	23

Afghanistan

Persons with Disabilities

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

Updated and comprehensive data on persons with disabilities continued to be lacking. Handicap International carried out a National Disability Survey in 2005, which remained the most up-to-date source of information. The survey estimated there were between 800,000 and 900,000 persons with disabilities in the country and 20 percent of all households had at least one such person. The MoLSAMD and NGOs, however, estimated in 2013 there were two million persons with disabilities in the country, 61 percent of whom were women or children. Approximately 128,000 persons with disabilities were registered with the ministry and received financial support from the government during the year.

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

Persons with disabilities faced challenges, such as limited access to educational opportunities, an inability to access government buildings, a lack of economic opportunities, and social exclusion. NGOs reported persons with disabilities faced difficulties accessing the majority of public buildings, including government ministries, health clinics, and hospitals. Society and even their own families mistreated persons with disabilities, since there was a common perception persons had disabilities because they or their parents had “offended God.”

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

Displaced Children

The Ministry of Labor, Social Affairs, Martyrs, and Disabled (MoLSAMD) and the AIHRC continued to estimate the number of street children in the country at six million, but the National Census Directorate had not conducted a recent survey. Street children had little or no access to government services, although several NGOs provided access to basic needs, such as shelter and food.

Discrimination, Societal Abuses and Trafficking of Persons

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

Discrimination with Respect to Employment or Occupation

The constitution prohibits discrimination and notes that citizens “man and woman” have equal rights and duties before the law. There are no specific provisions addressing discrimination regarding race, disability, language, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. The penal code prescribes a term of imprisonment of not more than two years for anyone convicted of spreading discrimination or factionalism.

Prohibition of Child Labor and Minimum Age for Employment

The labor law sets the minimum age for employment at 18 but permits 14-year-olds to work as apprentices, allows children who are 15 and older to do “light work,” and permits children 16 and 17 to work up to 35 hours per week. Children less than age 14 are prohibited from working under any circumstances. The law prohibits the employment of children in work likely to threaten their health or cause disability. In February the labor ministry released a list of “hazardous occupations” forbidden for children. The list includes mining, begging, and garbage collection; work in blast furnaces, waste-processing plants, and large slaughterhouses; work with hospital waste; drug-related work; security guard services; and work related to war.

Participation of Women and Minorities

The constitution provides seats for women and minorities in both houses of parliament. The constitution provides for at least 68 female members in the 249-member lower house of parliament, while 10 seats are provided for the Kuchi minority. According to the constitution, the president should appoint one-third of the 102 members of the upper house, including two members with physical disabilities and two Kuchis. Women must compose 50 percent of the president’s appointees to the upper house. One seat in the upper house is reserved for the appointment of a Sikh or Hindu representative. In September 2013, then president Karzai issued a presidential decree reserving a seat in the lower house for a Sikh or Hindu in the 2015 parliamentary elections. Although the lower house voted to reject the decree in December 2013, the upper house voted to approve it. The decree was sent to a joint committee; final resolution remained pending at year’s end.

Convention on the Rights of Persons with Disabilities

Afghanistan ratified the CRPD and the Optional Protocol on 18 September 2012.

Bangladesh

Persons with Disabilities

The Disability Rights and Protection Act of 2013 provides for equal treatment and freedom from discrimination for persons with disabilities; however, persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation, social protection, employment, transport accessibility, and advocacy.

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

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

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

The law contains extensive accessibility requirements for new buildings. Authorities approved construction plans for new buildings without compliance with these requirements. The law afforded persons with disabilities the same access to information rights as those without disabilities, but family and community dynamics often influenced whether or not these rights were exercised. The law contains provisions for information and communications technology to be accessible to persons with disabilities through video subtitling, sign language, screen readers, or text-to- speech systems in public and private media outlets. The state television channel used sign language, but general practice by the media did not meet the requirements of the law.

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

with disabilities.

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

Discrimination with Respect to Employment or Occupation

The labor law prohibits wage discrimination on the basis of sex or disability, but it does not prohibit other discrimination based on sex, disability, social status, or similar factors. The constitution prohibits adverse discrimination by the state on the basis of religion, race, caste, sex, or place of birth and expressly extends that prohibition to government employment; it allows affirmative action programs for the benefit of disadvantaged populations. The government generally enforced these laws and regulations.

Discrimination, Societal Abuses and Trafficking of Persons

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

Convention on the Rights of Persons with Disabilities

Bangladesh signed the CRPD on 9 May 2007. Bangladesh ratified the CRPD on 30 November 2007. Bangladesh ratified the Optional Protocol on 12 May 2008.

Bhutan

Persons with Disabilities

The constitution specifically protects the rights of citizens with disabilities. Legislation directs the government to attend to the security of all citizens in the “event of sickness and disability.” The law stipulates that new buildings must be constructed to allow access for persons with disabilities, but the government did not enforce this legislation consistently. There were reports that hospitals were generally accessible to persons with disabilities, but residential and office buildings were not.

Under the *Disability Prevention and Rehabilitation Program*, the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote

integration of children with disabilities in schools, and foster community awareness and social integration. There were approximately 22,000 persons with physical disabilities (3.4 percent of the population, according to a 2005 estimate) in the country. There was no government agency specifically responsible for protecting the rights of persons with disabilities.

There were special-education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates children with vision disabilities, and an education resource unit in Paro for persons with hearing disabilities. Children with disabilities often attended mainstream schools, although the resources needed to accommodate them varied among school districts. There were also special education facilities in Thimphu designed to meet the needs of children with physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to such persons. An NGO, the Disabled Persons' Association of Bhutan, was formed in 2011 with the goal to change the public perception of disability and assist persons with disabilities. In December 2014 the government observed the UN International Day of Persons with Disabilities, attended by the queen and other officials.

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

Discrimination, Societal Abuses and Trafficking of Persons

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

Acceptable Work Conditions

All citizens are entitled to free medical care. At its expense the government transported persons who could not receive adequate care in the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability. Upon the death of a citizen, family members are entitled to compensation.

Convention on the Rights of Persons with Disabilities

Bhutan signed the CRPD on 21 September 2010.

India

Persons with Disabilities

The constitution does not explicitly mention disability as a prohibited ground for discrimination. The Persons with Disabilities Act provides equal rights for persons with a variety of disabilities, including blindness, hearing disability, Hansen's disease (leprosy), mobility disability,

developmental disability, and mental illness. The law links implementation of programs to the “economic capacity and development” of the government. The act encourages governmental authorities to promote access, but it includes no specific enforcement provisions or sanctions for noncompliance

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

Discrimination against persons with disabilities in employment, education, and access to health care was more pervasive in rural areas. The Kolkata High Court passed an order in 2013 mandating the state government to provide accessibility to roads and buildings. Despite legislation that all public buildings and transport be accessible to persons with disabilities, there was limited accessibility. A Public Interest File was pending in the Supreme Court on accessibility to buildings and roads.

A Department of School Education and Literacy’s program provided special educators and resource centers for students with disabilities. There was no data available on whether these students remained within the education system or if the system denied any individualized supports needed for their education. The law allows mainstream schools to admit children with disabilities, but mainstream schools remained inadequately equipped with special educators, resource material, and appropriate curricula.

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

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

Patients in some mental-health institutions faced food shortages, inadequate sanitary conditions, and lack of adequate medical care. Human Rights Watch reported that women and girls with disabilities were sometimes forced into mental hospitals against their will.

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

Complying with a 2004 Supreme Court order, the government made efforts to ensure persons with disabilities cast their votes in a nonrestrictive and dignified manner. During the 2009 elections, activists filed questionnaires to state election commissions in 11 states asking what steps the government had taken to comply with the 2004 Supreme Court order. Based on the responses, disability rights groups filed petitions in the states of Uttar Pradesh, Jharkhand, and Andhra Pradesh to ensure accessible voting. Nevertheless, in the May general elections, persons with disabilities had trouble exercising their vote due to physical barriers.

The law requires that 3 percent of public sector jobs be reserved for persons with physical, hearing, or vision disabilities. NGOs reported that government annual reports did not provide any information on fulfillment of the quota, but activists and NGOs stated there were vacancies for persons with disabilities that had not been filled. The government continued to allocate funds to programs and NGO partners to increase the number of jobs filled. Private sector employment of persons with disabilities remained low, despite governmental incentives that private companies establish a workforce with more than 5 percent with disabilities.

Child Abuse

The law prohibits child abuse, but it remained common, including in school and institutional settings. The government failed to educate the public adequately against child abuse or to enforce the law. Although corporal punishment is banned, teachers often used it. According to the Ministry of Home Affairs' 2013-14 annual report, there were 38,172 cases of crimes reported against children in 2012, an increase from 33,098 cases in 2011.

In January a teacher and administrator at Sharadchandra Pawar Deaf and Dumb school in Hingoli, Maharashtra, allegedly raped a seven-year-old mentally disabled, deaf, and nonvocalizing girl. The police made no arrests.

Discrimination with Respect to Employment or Occupation

The law and regulations prohibited discrimination regarding race, sex, gender, disability, language, sexual orientation, and/or gender identity, or social status. The law does not prohibit discrimination against individuals with HIV/AIDS. The government effectively enforced those laws and regulations within the formal sector. The law and regulations, however, do not protect those working within the informal sector, who made up 90 percent of the workforce.

Discrimination occurred in the informal sector with respect to Dalits and those with disabilities. Legal protections are the same for all, but gender discrimination with respect to wages was

prevalent. Foreign migrant workers were largely undocumented and typically do not enjoy the protection of labor laws available to domestic workers.

Discrimination, Societal Abuses, and Trafficking of Persons

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

Pretrial Detention

There were reported cases in which police denied suspects the right to meet with legal counsel, as well as cases in which police unlawfully monitored suspects' conversations and denied their right to confidentiality. The constitution mandates that defendants with "economic or other disabilities" will be provided free legal counsel, but need is not assessed systematically. By law authorities must allow family members access to detainees, but this was not always observed. Arraignment of detainees must occur within 24 hours unless the suspect is held under a preventive detention law.

The HRLN in Kochi, Kerala, noted that certain prisoners with mental disabilities in the Kerala central prison who were considered "not fit for trial" had been awaiting trial for 10 to 26 years. According to the NGO, the prisoners had been in detention far longer than their potential sentences. In June 2013 the HRLN filed a writ petition with the Kerala High Court for the release of those prisoners. The court responded by issuing an order directing the state government to provide adequate medical treatment to the accused in order to render them fit for trial.

Reproductive Rights

In community health centers, 69.7 percent of gynecologist positions remained unfilled, according to a 2012 report by the Ministry of Health and Family Welfare on rural health statistics. Only 13 percent of the centers had the requisite number of specialists. Poor health infrastructure disproportionately affected marginalized women, including homeless women, tribal women, women working on tea estates or in the informal labor sector, Dalit women, and women with disabilities.

Convention on the Rights of Persons with Disabilities

India signed the CRPD on 30 March 2007. India ratified the CRPD on 10 October 2007.

Kazakhstan

Persons with Disabilities

According to the Committee for Statistics, in 2013 there were 626,740 persons with disabilities (3.6 percent of the total population) in the country, although analysts argued the real number was higher. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, and access to health care, and in the

provision of other state services, but significant discrimination existed in the areas of employment, education, and access to government services.

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

The law requires companies to set aside 3 percent of their jobs for persons with disabilities. International and local observers noted some improvement regarding the rights of persons with disabilities. During the year the government showed commitment to addressing the rights of persons with disabilities, including high-level enforcement of measures to enhance economic opportunities for the disabled. Nevertheless, there were reports persons with disabilities faced difficulty integrating into society and finding employment. According to the Ministry of Healthcare and Social Development, in July only 95,642 persons with disabilities were employed, an increase of 9,727 people from the end of 2013. The law mandates access to buildings for persons with disabilities, but implementation remained poor. As of August the Ministry of Healthcare and Social Development reported 22,000 of 54,000 public buildings had provided access to persons with disabilities. The vice minister of labor and social protection identified the two biggest problems facing persons with disabilities as poor infrastructure and lack of access to education. Such persons had difficulty accessing public transportation. The government had enacted high-level enforcement of measures to enhance economic opportunities for citizens with disabilities, part of the president's *Strategy 2050*.

Citizens with mental disabilities could be committed to state-run institutions without their consent or judicial review, and the government committed persons at a young age with the permission of their families. Institutions were poorly managed and inadequately funded. There are no regulations regarding the rights of patients in mental hospitals. Human rights observers believed this led to widespread abuse of patients' rights. NGOs reported that patients often were drugged and isolated for minor infractions, and experienced poor conditions and a complete lack of privacy. NGOs reported that orphanages for children with physical and mental disabilities were overcrowded and unsanitary, with insufficient staff to care adequately for children's needs. Members of NPM may visit mental hospitals to monitor conditions and signs of torture of patients, but orphanages were not on the list of institutions NPM members can visit.

The government did not legally restrict the right of persons with disabilities to vote and arranged home voting for individuals who could not travel to polling places inaccessible to them.

The Ministry of Healthcare and Social Development was the primary government agency responsible for protecting the rights of persons with disabilities.

Discrimination with Respect to Employment or Occupation

Law and regulations prohibit discrimination regarding origin, social, official, and property status, gender, race, ethnicity, language, religion, convictions, place of residence, or any other circumstances. The government effectively enforced those laws and regulations.

Discrimination, however, occurred based on the above categories with respect to employment and occupation for disabled persons, orphans, and former convicts. In Aktau young people raised in orphanages stated they could not find jobs in the specialties they had studied and were only offered low-paid jobs as loaders and cleaners. Disability NGOs reported despite government's efforts, it was hard to obtain employment.

Discrimination, Societal Abuses, and Trafficking of Persons

While the law prohibits discrimination based on race, gender, disability, language, or social status, the government did not effectively enforce the law. Violence against women, trafficking in persons, and discrimination against persons with disabilities and LGBT persons were reported.

Arrest Procedures and Treatment of Detainees

The law states that the government must provide an attorney for an indigent suspect or defendant when the suspect is a minor, has physical or mental disabilities, or faces serious criminal charges, but public defenders often lacked the necessary experience and training to assist defendants. Defendants are barred from freely choosing their defense counsel if the cases against them involve state secrets; the law allows only lawyers who have special clearance to work on such cases.

Trial Procedures

Indigent defendants in criminal cases have the right to counsel and to a government-provided attorney. Under the criminal procedure code, a defendant must be represented by an attorney when the defendant is a minor, has mental or physical disabilities, does not speak the language of the court, or faces 10 or more years of imprisonment. Defense attorneys, however, reportedly participated in only one-half of criminal cases, in part because the government failed to pay them.

Convention on the Rights of Persons with Disabilities

Kazakhstan signed the CRPD and the Optional Protocol on 11 December 2008. Kazakhstan ratified the CRPD on 21 April 2015.

Kyrgyz Republic

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but such persons faced discrimination in employment, education, air travel and other transportation, access to health care, and the provision of other state services. The law mandates access to buildings for persons with disabilities, requires access to public transportation and parking, and authorizes subsidies to make mass media available to persons with hearing or vision disabilities, and free plots of land for the construction of a home. The government generally did not ensure proper implementation of the law. In addition, persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population.

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

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

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

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

The country does not have centralized statistics on persons with disabilities, but authorities estimated their number at between 20,000 and 30,000 in a population of 5.5 million persons. Several activists noted authorities have not implemented the 2008 law requiring employers to

provide special hiring quotas (approximately 5 percent of work positions) for persons with disabilities.

Discrimination, Societal Abuses, and Trafficking of Persons

The constitution prohibits discrimination based on race, gender, disability, language, ethnic origin, creed, age, political or other beliefs, education, background, property, or other status. The government did not effectively enforce these prohibitions. Although women were active in government, education, civil society, the media, and small business, they encountered gender-based discrimination. Rights activists claimed authorities failed to investigate or punish perpetrators of crimes of discrimination during the year. Members of the LGBT community have reported systematic-police led harassment and beatings. NGOs reported ethnic Uzbeks were attacked by ethnic Kyrgyz because of their ethnicity.

Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum legal age for basic employment at 16 years, except for work considered to be “light,” such as selling newspapers. Children as young as 14 years old may work with the permission of a parent or guardian. The law prohibits employment of persons under the age of 18 years at night, underground, or in difficult or dangerous conditions, including in the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine building. Children who are 14 or 15 years old may work up to five hours a day; children who are 16 to 18 years old may work up to seven hours a day. These laws also apply to children with disabilities.

Convention on the Rights of Persons with Disabilities

Kyrgyz Republic signed CRPD on 21 September 2011.

Maldives

Persons with Disabilities

The constitution and law provide for the rights and freedom from discrimination of persons with disabilities. The purpose of the 2010 Disabilities Act is to protect the rights of persons with disabilities and to provide financial assistance. A National Registry of People with Disabilities was established in 2011. Since its establishment, 5,476 people had been registered as of the end of October. The act mandates the state to provide a monthly financial benefit of not less than Maldivian Rufiyaa (MVR) 2,300 (\$150) to each registered individual.

The Ministry of Law and Gender published regulations in October 2013 detailing the standards to be maintained at facilities serving persons with disabilities. The regulations cover health service providers (hospitals, health centers, health posts, public and private clinics and pharmacies); public and private institutions providing education, training, and therapy for persons with disabilities; institutions for children; and other care facilities. These institutions

were given until July to implement the standards, while institutions established after the implementation date must be built to the standards. Most of the institutions had implemented the standards, according to the ministry.

Government services for persons with disabilities included special educational programs for those with sensory disabilities. Inadequate facilities made it difficult for persons with disabilities to participate in the workforce. In October the Ministry of Law and Gender endorsed the National Disability Policy.

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

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

The government did not fund any awareness and empowerment programs, although the Ministry of Law and Gender appointed a director from the NGO Care Society as a deputy minister to enhance focus on disability issues. A disability unit was established with mechanisms to train on disability issues, including media, advocacy, and awareness programs. Families usually cared for persons with disabilities. When family care was unavailable, individuals with disabilities lived in the health ministry's Home for People with Special Needs, which during the year housed 160. The home accepted elderly persons as well. The government also provided assistance devices, such as wheelchairs, crutches, spectacles, hearing aids, and special seats for children with cerebral palsy. In September a disability awards program recognized contributions of people with disabilities.

Discrimination with Respect to Employment or Occupation

The law and regulations 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 government effectively enforced those laws and regulations. There was no evidence that discrimination occurred based on the above categories with respect to employment and occupation. In September-October the air traffic controllers filed a complaint with the LRA and Employment Tribunal on discrimination over salary and promotion structure. They won the case.

Sexual Harassment

The law bans sexual harassment in the workplace, but there were allegations of sexual harassment in government ministries and the private sector. The Ministry of Law and Gender reported no filed cases of sexual harassment.

To streamline the process of reporting abuse against women and children, there were family and children's centers on every atoll. According to the HRCM, these centers also provided services for neglected children, support for families unable to take care of their children, and women with mental illness or disabilities. The centers had a shortage of trained staff and faced legal challenges, such as collecting evidence about abuse cases.

Convention on the Rights of Persons with Disabilities

Maldives signed the CRPD on 2 October 2007. Maldives ratified the CRPD on 5 April 2010.

Nepal

Persons with Disabilities

The 2007 interim constitution addresses the rights of persons with disabilities, but government efforts to enforce laws and regulations to improve rights and benefits for persons with disabilities were not effective. In 2012 the Supreme Court ordered the government to do more for persons with physical and mental disabilities, such as providing a monthly stipend, building shelters, and appointing one social welfare worker in each district. In July the government extended disability allowances to persons with a broader array of disabilities. The government also used a mandatory 5 percent public employment quota to hire 175 persons with disabilities as teachers.

The Ministry of Women, Children, and Social Welfare was responsible for the protection of persons with disabilities. Additionally, the Ministry of Education provided scholarships for 62,000 children with disabilities to attend public or private schools at the primary level. Far fewer attended at successive levels of education, largely due to accessibility problems, school locations, and financial burdens on parents. Although incidents of abuse of children with disabilities reportedly occurred in schools, no incidents were filed in the courts or with the relevant agencies during the year.

The Ministry of Local Development allocated 5 percent of the budget of local development agencies for disability programs. Some NGOs working with persons with disabilities received funding from the government, but most individuals with physical or mental disabilities relied almost exclusively on family members for assistance.

There are no restrictions in law on the rights of persons with disabilities to vote and participate in civic affairs. According to the Ministry of Women, Children, and Social Welfare, however,

there were obstacles to exercising these rights, especially the lack of accessibility to public facilities.

The NHRC received 37 complaints of discrimination based on mental illness. Access to mental health services was available in larger cities, and the Ministry of Women, Children, and Social Welfare doubled its allocation for mental health organizations during the year from 500,000 rupees to one million rupees (\$5,000 to \$10,000).

Discrimination with Respect to Employment or Occupation

The 2007 interim constitution prohibits discrimination on the basis of religion, race, sex, caste, tribe, original language, or ideological conviction. The interim constitution also stipulates that the government may make special provisions for the protection, empowerment or advancement of women, Dalits, indigenous peoples, persons with disabilities, and those “who belong to a class which is economically, socially or culturally backward.” Labor regulations prohibit discrimination in payment or remuneration based on gender. There are no provisions in the interim constitution, law, or regulations explicitly prohibiting discrimination, including labor discrimination, regarding sexual orientation or gender identity, HIV-positive status, or other communicable disease.

Despite these legal protections, discrimination in employment and occupation occurred with respect to gender, caste, ethnicity, disability, sexual orientation, and gender identity, as well as with respect to HIV-positive status (see section 6). Such discrimination was most common in the informal sector, where monitoring by the government and human rights organizations was weak or absent, and those in disadvantaged categories had little leverage or recourse. In the formal sector, labor discrimination generally took the form of upper-caste, able-bodied men being favored in hiring and promotions.

Discrimination, Societal Abuses and Trafficking of Persons

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

Human trafficking persisted.

Rape and Domestic Violence

Violence against women remained a problem. Under the civil code, prison sentences for rape vary between five and 15 years, depending on the victim’s age. The law also mandates five years’ additional imprisonment in the case of gang rape, rape of pregnant women, or rape of a woman with disabilities. The victim’s compensation depends on the degree of mental and physical abuse. The legal definition of rape includes marital rape for which the husband can be jailed for three to six months. The statute of limitations for filing rape charges is 35 days.

Human rights groups highlighted concerns with the statute and implications for addressing sexual violence committed during the country's 10-year conflict.

Convention on the Rights of Persons with Disabilities

Nepal signed the CRPD and Optional Protocol on 3 January 2008. Nepal ratified the CRPD and Optional Protocol on 7 May 2010.

Pakistan

Persons with Disabilities

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

In the provinces social welfare departments worked for the welfare and education of persons with disabilities. In Sindh the minister for bonded labor and special education is mandated to address the educational needs of persons with disabilities. According to the Leonard Cheshire Foundation, most children with disabilities did not attend school; at the primary level, 50 percent of girls and 28 percent of boys with disabilities were out of school. At the higher education level, Llama Iqbal Open University, the University of the Punjab, and Karachi University had departments that provided special education.

The government's 2003 National Disability Policy declared the federal capital and provincial capitals as disability-friendly cities and granted permission to persons with disabilities to take central superior service exams to compete for entry to the civil service. It also established 127 special education centers in main cities. Employment quotas at the federal and provincial levels require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. This right was only partially implemented due to a lack of adequate enforcement mechanisms. Families cared for most individuals with physical and mental disabilities.

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

Discrimination with Respect to Employment or Occupation

While regulations 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 government did not effectively enforce those laws and regulations.

Discrimination with respect to employment and occupation occurred based on these factors.

Infanticide or Infanticide of Children with Disabilities

According to the Edhi Foundation, its staff recovered more than 1,300 dead infants in 2013. By law anyone found to have abandoned an infant may be jailed for seven years, while anyone guilty of secretly burying a child may be imprisoned for two years. Murder is punishable by life imprisonment, but the crime of infanticide was rarely prosecuted.

Convention on the Rights of Persons with Disabilities

Pakistan signed the CRPD on 25 September 2008. Pakistan ratified the CRPD on 5 July 2011.

Sri Lanka

Persons with Disabilities

The law forbids discrimination against any person with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other public transportation, and access to health care. In practical terms, however, discrimination occurred in employment, education, and provision of state services, including public transportation. Authorities generally permitted children with disabilities to attend mainstream schools, but due to societal stigma against persons with disabilities, many parents of children with disabilities chose to keep their children out of school. There were regulations on accessibility, but accommodation for access to buildings and public transportation for persons with disabilities was rare. The government supported participation by persons with disabilities in civic affairs.

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

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

Discrimination with Respect to Employment or Occupation

The constitution has provisions that prohibit discrimination regarding race, religion, language, caste, sex, political opinion, place of birth, or any one of such grounds. These are considered fundamental rights and justifiable in the Supreme Court. Such conditions, however, would not prevent special provisions being made by law for the advancement of women, children, or disabled persons. In addition, the penal code provides for protection from sexual harassment in the workplace; it could apply equally to male or female employees. The Protection of Disabled Persons Law addresses the protection of disabled workers in the workplace. Wage boards have equal minimum wages for male and female workers. In the white-collar categories, wages are largely set for the job irrespective of sex. Legal provisions relating to leave and holidays apply equally to men and women other than for one or two minor exceptions. Employment in government service may require a person to acquire proficiency in any language within a reasonable period of time. While the government effectively enforced these laws and regulations, discrimination occurred based on the above categories with respect to employment and occupation. Some institutions would regularly specify particular positions as requiring male or female recruits.

There were reports of discrimination based on HIV/AIDS status where a person lost his job. There were two national policies on HIV/AIDS, but there were no laws to protect HIV/AIDS-affected persons in the workplace. Several private-sector companies jointly established the Lanka Business Coalition of HIV/AIDS and AIDS (LBCH). Workplace policies among LBCH members included nondiscrimination against HIV/AIDS-affected persons.

Allegations that some workplaces did not recruit women of reproductive age who might potentially request maternity leave emerged, but the claims were difficult to prove.

Discrimination, Societal Abuses, and Trafficking of Persons

The law prohibits discrimination based on race, sex, gender, disability, language, or social status, and the government generally respected these rights in practice.

There were instances, however, in which gender, religious, and ethnic-based discrimination occurred.

Convention on the Rights of Persons with Disabilities

Sri Lanka signed the CRPD on 30 March 2007. Sri Lanka ratified the CRPD on 8 February 2016.

Tajikistan

Persons with Disabilities

The law on social protection of persons with disabilities applies to individuals having either physical or mental disabilities, including sensory and developmental disabilities. The law

prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not commit resources to implement the law. It requires government buildings, schools, hospitals, and transportation, including air travel, to be accessible to persons with disabilities, but the government did not enforce these provisions.

Many children with disabilities were not able to attend school because doctors must first deem them “medically fit,” and they were not so considered. Children deemed medically unfit had the chance to attend special state-run schools specifically for persons with physical and mental disabilities. Observers noted that the capacity of these institutions probably did not meet demand. Mainstream schools and state-run schools for persons with physical and mental disabilities use the same curriculum. Doctors decide which subjects students are capable of studying, and directors of state-run schools may change the requirements for students to pass to the next grade at their discretion. Some children with Down syndrome and autism are allowed to attend mainstream schools. Up to 10 percent of families kept children with disabilities at home and provided home education or tutors.

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

Discrimination, Societal Abuses, and Trafficking of Persons

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

Discrimination with Respect to Employment or Occupation

The law and regulations prohibit discrimination based on race, sex, gender, disability, language, sexual orientation, gender identity, HIV-positive status, other communicable diseases, or social status. There were no official complaints of such discrimination with respect to employment and occupation. Nevertheless, employers discriminated against individuals based on sexual orientation and HIV- positive status, and police generally did not enforce these laws. LGBT persons and HIV-positive individuals opted not to file complaints due to fear of harassment from law enforcement and the belief that police would not take action.

Amnesty

On October 30, President Rahmon signed a new amnesty law that would make prisoners with disabilities, World War II veterans, military deserters, convicts older than 55, women and minors, those suffering from cancer or other serious illnesses, foreign nationals, and participants of political and armed conflicts in Tajikistan eligible for release. The law reportedly does not grant amnesty to those convicted of murder, rape, terrorism, espionage, or treason.

Convention on the Rights of Persons with Disabilities

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

Turkmenistan

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of state services in other areas. Despite the law persons with disabilities encountered discrimination and denial of work, education, and access to health care and other state services because of strong cultural biases (see section 7.d.).

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

Some students with disabilities were unable to obtain education because there were no qualified teachers, and facilities were not accessible for persons with disabilities. Although the law requires universities to provide specialized entrance exams to applicants with disabilities, students with disabilities experienced difficulties in gaining admission to universities. The government placed children with disabilities, including those with mental disabilities, in boarding schools where they were to receive education and, if able to work, employment. In practice, however, the schools provided neither. Special schools for those with sensory disabilities existed in the larger cities. Boarding schools with rehabilitation centers for persons with disabilities existed in each province and in Ashgabat. In September and October, the government opened six combined education and rehabilitation centers, one in each of the five provinces and one in the capital. Each center was designed to serve 420 students with disabilities.

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

Discrimination with Respect to Employment or Occupation

The law prohibits discrimination regarding nationality, race, gender, language, disability, HIV status, and social status. The law does not prohibit discrimination regarding sexual orientation. The government did not always successfully enforce the law; certain government positions required language exams and a family background check going back three generations.

Discrimination in employment and occupation occurred with respect to gender, language, and disability (see section 6). There was no information on discrimination against internal migrant workers.

Acceptable Conditions of Work

The minimum monthly wage for all sectors was 485 manat (\$170). An official estimate of the poverty-level income was not available. The standard legal workweek is 40 hours with weekends off. The law states that overtime or holiday pay should be double the regular wage. Maximum overtime in a year is 120 hours and cannot exceed four hours in two consecutive days. The law prohibits pregnant women, women that have children up to age three, women with disabled children under age 16, and single parents with two or more children from working overtime.

Discrimination, Societal Abuses, and Trafficking of Persons

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

Convention on the Rights of Persons with Disabilities

Turkmenistan ratified the CRPD on 4 September 2008. Turkmenistan ratified the Optional Protocol on 10 November 2010.

Uzbekistan

Persons with Disabilities

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

According to official statistics, there were 550,000 persons with disabilities, but activists believed the actual number may be more than three million. The government continued efforts to confirm the disability levels of citizens who received government disability benefits. Officially, authorities did so to ensure the legitimacy of disability payments, but unconfirmed reports suggested that, in the process, authorities unfairly reduced benefits to some persons with disabilities.

The law allows for fines if buildings, including private shops and restaurants, are not accessible, and activists reported that authorities fined individuals or organizations in approximately 2,500 cases during the year. A 2013 law reduced the fine for failing to create the necessary conditions for persons with disabilities from 6.4 to 9.2 million soum (\$2,680 to \$3,830) to 2.2 million soum (\$920).

Disability activists reported that accessibility remained inadequate, noting, for example, that many of the high schools constructed in recent years had exterior ramps but no interior modifications to facilitate access by wheelchair users.

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

The labor law states that all citizens enjoy equal employment rights, but disability rights activists reported that discrimination occurred (see section 7.d.) and estimated that 90 percent of persons with disabilities were unemployed. The government indicated 17,000 jobs were set aside for persons with disabilities. There were no government programs to ensure access to buildings, information, and communications, and activists reported particular difficulties with access. Activists also reported instances in which persons with disabilities were not provided sign language interpreters during police investigations and court hearings.

According to the government, of the 78,964 children with disabilities in the country, 9,739 attended public schools, 17,328 attended 84 specialized schools, 10,064 were home schooled, and 21,291 attended one of 195 specialized preschool centers. Students studied braille books published during Soviet times. There were computers adapted for people with vision disabilities.

Discrimination with Respect to Employment or Occupation

The law and regulations prohibit discrimination based on race, gender, and language. The labor code states that differences in the treatment of individuals deserving of the state's protection or requiring special accommodation, including women, children, and the disabled, are not to be considered discriminatory. Laws do not prohibit discrimination on the basis of sexual orientation or gender identity. HIV-positive individuals are legally prohibited from being employed in certain occupations, including those in the medical field that require direct contact with patients, with blood or blood products, as well as in cosmetology or haircutting. The government generally did not effectively enforce those laws and regulations.

Discrimination, Societal Abuses, and Trafficking of Persons

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

Arrest Procedures and Treatment of Detainees

Amnesty: In December the Senate approved the annual prisoner amnesty. According to its terms, women, underage offenders, men over 60, foreign citizens, and persons with disabilities or documented serious illnesses were eligible for amnesty. The bill also included first-time offenders convicted of participation in banned organizations and the commission of crimes against peace or public security who “have firmly stood on the path to recovery.” As in previous years, the amnesty foresaw (with some exceptions) reducing sentences by one-third for all convicts sentenced to up to 10 years’ imprisonment and by one-fourth for those sentenced to more than 10 years. The resolution excludes from the amnesty persons sentenced to life and “lengthy” terms in prison, repeat offenders, and those who “systemically have violated the terms of incarceration.” Amnesty options included release from prison, transfer to a work camp. Courts were also permitted to dismiss criminal cases at the pretrial or trial stage. Amnesty for those eligible would actually be implemented in the coming year, subject to official, case-by-case review.

Convention on the Rights of Persons with Disabilities

Uzbekistan signed the CRPD on 27 February 2009.