

Consolidated Disability Findings from the 2015 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 2015 is based on research performed by the State Department, specifically the Bureau of Democracy, Human Rights and Labor. The reports focus on the role of government in establishing policies to protect the human rights of all citizens.

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

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

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

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East Asia and Pacific

Australia

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Federal laws prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or other communicable diseases. 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 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 (\$10,490) per person for early intervention services and treatment for eligible children with disabilities. The government also cooperated with state and territorial governments that ran programs to assist students with disabilities. The 2015 budget increased federal funding for students with a disability to a record A\$1.3 billion (\$923 million) for 2015-16 and more than A\$5 billion (\$3.55 billion) over 2014-17. The government announced a National Consistent Collection of Data on School Students with Disability so that all students with disability would be funded on the same basis.

The HRC's annual report stated that 830 complaints, citing 973 alleged grounds of discrimination, were filed under the Disability Discrimination Act from July 2013 to June 2014. Of these, 33 percent related to employment, and 39 percent involved the provision of goods and services (also see Section 7.d.). The HRC resolved 796 complaints during the period, including 404 through conciliation.

In 2013 the government launched the National Disability Insurance Scheme (NDIS), a national disability insurance program and allocated A\$14.3 billion (\$12.5 billion) more than seven years to the program. As of June there were eight NDIS trial sites and almost 20,000 insured persons.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

Federal and state and territory laws provide protections against employment discrimination based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or other communicable diseases. The HRC reviews complaints of discrimination on the ground of HIV/AIDS status under the category of disability-related complaints.

The law requires organizations with 100 or more employees to establish a workplace program to remove barriers to women entering and advancing in their organization. The law also prohibits discrimination against employees on the basis of family responsibilities, including breastfeeding, and requires equal pay for equal work. In 2014 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 younger than five years who can work for more than eight hours per week.

The government effectively enforced laws prohibiting employment discrimination, and penalties are sufficient to deter violations. Under the law the maximum penalty for contravention of the unlawful discrimination protections is A\$54,000 (\$38,340) per contravention for a corporation and A\$10,800 (\$7,670) per contravention for an individual.

Employment discrimination against women occurred, particularly with regard to pay. According to the government's Workplace Gender Equality Agency, the full-time gender pay gap was 17.9 percent in May.

Persons with disabilities also faced employment discrimination. In August a court awarded A\$170,000 (\$120,700) compensation to a woman diagnosed with Crohn's Disease after finding Corrective Services New South Wales failed to make "reasonable adjustments" to her work duties. During the year the government established the Business Services Wage Assessment Tool (BSWAT) Payment Scheme in response to a 2012 finding by the Federal Court that the BSWAT itself indirectly discriminated against employees with an intellectual disability. The government established the scheme to provide additional payment to eligible employees in certain circumstances for their previous work.

Convention on the Rights of Persons with Disabilities

Australia signed the CRPD on 30 Mar 2007. The government ratified the CRPD on 17 Jul 2008 and the Optional Protocol on 21 Aug 2009.

Brunei

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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 on 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 registered nongovernmental organizations (NGOs) represented persons with disabilities in the country. They worked to supplement services provided by the three government agencies that support persons with disabilities. The NGOs received some funding from the government through the Ministry of Culture, Youth, and Sports, the Yayasan Sultan Haji Hassanah Bolkiah Foundation, and through charitable events by local businesses. Public officials, including the sultan, called for persons with disabilities to be included in everyday activities. Access to buildings, information, and communications for persons with disabilities was inconsistent.

Convention on the Rights of Persons with Disabilities

Brunei signed the CRPD on 18 Dec 2007. The Government ratified the CRPD on 11 Apr 2016.

Burma

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, birth, religion, official position, status, culture, sex, and wealth, but the government did not effectively enforce antidiscrimination laws. Numerous laws, notably the 1982 Citizenship Law, contravene these provisions. The constitution and legal framework do not prohibit discrimination based on political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, and HIV-positive status or other communicable diseases.

Persons with Disabilities

The government passed a disability law in June to 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 law does not specifically prohibit discrimination against persons with disabilities in air travel and other forms of transportation, but it directs the government to ensure that persons with disabilities have easy access to public transportation. The government was in the process of drafting implementation guidelines for the disability law and did not effectively enforce these provisions. During the year the election commission adopted provisions in electoral law to provide special accommodations for persons with disabilities to participate in the electoral process.

The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training, education, and social

protection strategies. During the year the government recognized the Myanmar Council of Persons with Disabilities to serve as a ministerial committee to promote the rights of persons with disabilities.

According to the Myanmar Physical Handicap Association, a significant number of military personnel, armed-group members, and civilians had a disability because of conflict, including because of torture and landmine incidents. There were approximately 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.

Military veterans with disabilities received official 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. Although the new law provides job protection for workers who become disabled, authorities did not implement it. 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.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations do not specifically prohibit employment discrimination based on race, color, sex, religion, gender, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, HIV-positive status or other communicable diseases, or social status.

Convention on the Rights of Persons with Disabilities

Myanmar signed the CRPD on 7 Dec 2011.

Cambodia

Prison and Detention Center Conditions

Prisons did not have adequate facilities for persons with mental and physical disabilities.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, religion, or social status; however, the government generally did not effectively enforce these prohibitions.

Persons with Disabilities

The law prohibits discrimination, neglect, exploitation, or abandonment of persons with disabilities. It includes persons with mental and intellectual disabilities 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 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 to adopt sign-language interpretation for all programming. As of September one major television station had sign-language interpretation. The Council of Ministers approved four subdecrees to support the law.

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

Children with limited physical disabilities attended regular schools. Children with more significant disabilities attended segregated schools sponsored by NGOs in Phnom Penh. According to an NGO, education for students with more significant 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 their civic engagement. The MOSAVY is responsible for forming policy to protect the rights of persons with disabilities and for rehabilitation and vocational skills training for such persons.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

The law prohibits employment discrimination on the basis of race, color, sex, belief, disability, religion, political opinion, birth, social origin, or union membership. The Law on the Protection and the Promotion of the Rights of Persons with Disabilities and the Law on the Prevention and Control of HIV/AIDS (2002) explicitly prohibit discrimination based on HIV positive status. The law does not explicitly prohibit employment discrimination on the basis of sexual orientation and/or gender identity, age, language, communicable disease. The constitution stipulates that Khmer citizens of either sex shall receive equal pay for equal work.

Convention on the Rights of Persons with Disabilities

Cambodia signed the CRPD and Optional Protocol on 1 Oct 2007. The government ratified the CRPD on 20 Dec 2012.

China (Including Tibet, Hong Kong and Macau)

EXECUTIVE SUMMARY

As in previous years, citizens did not have the right to change their government and had limited forms of redress against official abuse. Other human rights abuses during the year included alleged extrajudicial killings; executions without due process; prolonged illegal detentions at unofficial holding facilities known as “black jails”; torture and coerced confessions of prisoners; detention and harassment of lawyers who took on “sensitive” cases, journalists, writers, bloggers, dissidents, petitioners, and others whose actions the authorities deemed unacceptable ; lack of due process in judicial proceedings; political control of courts and judges; closed trials; the use of administrative detention; failure to protect refugees and asylum seekers; extrajudicial disappearances of Chinese and foreign citizens; restrictions on nongovernmental organizations (NGOs); discrimination against women, minorities, and persons with disabilities; a coercive birth-limitation policy that, despite the lifting of one-child-per-family restrictions, in some cases resulted in forced abortion (sometimes at advanced stages of pregnancy); and trafficking in persons.

Prison and Detention Center Conditions

d. Arbitrary Arrest or Detention

ARREST PROCEDURES AND TREATMENT OF DETAINEES

The criminal procedure law requires a court to provide a lawyer to a defendant who has not already retained one; who has sight, hearing, or speaking disabilities or is a minor; or who faces the death penalty. The 2013 revisions added defendants facing a life sentence or who have mental disabilities to this list. This law applies whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants who cannot afford them, although courts did not often do so.

e. Denial of Fair Public Trial

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 an April article in the *Legal Daily*, approximately 1.24 million cases received legal aid. 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.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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.

Children

Institutionalized Children: 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 usually had disabilities or were in poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into orphanages.

Persons with Disabilities

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, persons with disabilities “are entitled to enjoyment of equal rights as other citizens in political, economic, cultural, and social fields, in family life, and in other aspects.” Discrimination against, insult of, and infringement upon persons with disabilities 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. Government documents published during the year cited statistics of 85 million people with disabilities nationwide. According to 2014 government statistics, there were 6,154 vocational training institutions that trained 382,000 persons with disabilities. More than four million persons with disabilities were employed in urban areas, while more than 17 million were employed in rural areas, primarily in agriculture. Government statistics also stated that as of 2013, 6.28 million persons with disabilities received a “minimum subsistence allowance,” and that more than 20 million participated in urban and rural insurance programs.

The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juveniles. In 2012 the Ministry of Education reported that there were 1,853 schools for children with disabilities nationwide. According to NGOs there were approximately 20 million children with disabilities, only 2 percent of whom had access to education that met their needs.

According to the CDPF, in 2013 a total of 78,174 children with disabilities remained outside the state education system, an estimated 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 (see section 7.d.). 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.

The law forbids the marriage of persons with certain mental disabilities, such as schizophrenia. If doctors found that a couple was at risk of transmitting congenital disabilities to their children, the couple could 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.

Section 7. Workers Rights

d. Discrimination with Respect to Employment or Occupation

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 30 outlines employment protections available to carriers of infectious diseases. Enforcement clauses include the right to pursue civil damages through the courts. Other laws provide similar protections for women and persons with disabilities.

The government maintained a quota system to help provide employment for persons with disabilities, but some observers reported that the system had a perverse effect, with some employers putting such employees on the payroll simply to meet the quota but not requiring them to show up for work.

While the regulations would benefit many of the estimated 270 million migrant workers residing in urban centers, the unaltered half-century old hukou system remained the most pervasive form of employment-related discrimination by denying migrant workers access to the full range of social benefits, including health care, pensions and disability programs, on an equal basis with local residents.

Convention on the Rights of Persons with Disabilities

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

Fiji

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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.

Children

Sexual Exploitation of Children: The minimum age for consensual sex is 16. The Court of Appeal has ruled that 10 years is the minimum appropriate sentence in child rape cases, but, in such cases, police often charged defendants with “defilement” rather than rape because defilement is easier to prove in court. Defilement or unlawful carnal knowledge of a child under age 13 has a maximum penalty of life imprisonment, while the maximum penalty for defilement of a child between ages 13 and 15, or of a person with intellectual disabilities, is 10 years in prison. Women’s NGOs complained that magistrates imposed shorter sentences, from two to eight years, in child defilement cases.

Persons with Disabilities

The constitution considers all persons 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, however, does not further define “reasonable.” Additionally, the constitution provides that the law may limit these rights “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. Persons with disabilities continued to face employment discrimination (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 disabilities, had difficulty accessing public information. A number of community organizations assisted persons with disabilities, particularly children.

There were a number of separate 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 the Early Intervention Center monitored them.

Opportunities for a secondary school or higher education for persons with disabilities was 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. Society, however, separated most persons with such disabilities, and their families supported them at home. Institutionalization of persons with more significant 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.

Section 7. Worker Rights

d. Discrimination with Respect for Employment and Occupation

The 2007 Employment Promulgation prohibits employment discrimination based on ethnic origin, color, place of origin, gender, sexual orientation, birth, primary language, economic status, age, disability, HIV/AIDS status, social class, marital status, employment status, family status, opinion, religion, or belief.

Discrimination in employment and wages occurred with respect to women and persons with disabilities. Women generally were paid less than men for similar work. According to the Asian Development Bank, approximately 30 percent of the economically active female population engaged in the formal economy, and a large number of these women worked in semi-subsistence farming or were self-employed. 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.

Convention on the Rights of Persons with Disabilities

Fiji signed the CRPD and the Optional Protocol on 2 Jun 2010.

Indonesia

Section 3. Freedom to Participate in the Political Process

Political Parties and Political Participation: All adult citizens, age 17 or older, are eligible to vote except police and active members of the military, convicts serving a sentence of five years or more, persons suffering from mental disabilities, and persons deprived of voting rights by an irrevocable court verdict. Married juveniles (i.e., those under age 17) are legally adults and eligible to vote.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution does not explicitly prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, language, or HIV positive status or other communicable diseases. It provides for equal rights for all citizens, both native and naturalized. The government at times failed to defend these rights for some minority communities adequately.

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. In 2013 the KPU signed a memorandum of agreement with several NGOs to increase the participation of persons with disabilities in the national elections. As a result 3.6 million voters with disabilities were eligible to vote in the 2014 elections. According to the NGO Agenda's (The General Election Network for Disability Access) Monitoring Report of the 2014 Presidential Elections, however, only 74 out of 470 polling stations (16 percent) across Aceh, Central Java, Jakarta, South Kalimantan and South Sulawesi provinces were fully accessible to persons with disabilities.

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. According to a 2015 report by the magazine *Inside Indonesia*, children with disabilities were seven times less likely to attend school than their non-disabled counterparts.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination in employment based on sex, race, ethnicity, social origin, disability, religion, and political opinion. 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.

Women, migrant workers, and persons with disabilities commonly faced discrimination in employment, including often only being offered lower-status jobs. Transgender individuals faced discrimination in employment, as did persons with HIV/AIDS.

Convention on the Rights of Persons with Disabilities

Indonesia signed the CRPD 30 Mar 2007. The government ratified the CRPD on 30 Nov 2011.

Japan

EXECUTIVE SUMMARY

Other persistent human rights problems included detention of asylum seekers; domestic violence, sexual harassment, and workplace discrimination against women; trafficking in persons, including the exploitation of foreign trainee workers; the exploitation of children; societal discrimination against minority group members, indigenous persons, lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, and persons with disabilities.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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, LGBTI 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 disability 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). Disability rights advocates claimed that some companies preferred to pay the fine rather than hire persons with disabilities (see section 7.d.).

Accessibility laws mandate that new construction projects for public use must include provisions for persons with disabilities. 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.

Officials in tsunami-affected areas have alleged that they were not permitted to apply new standards to reconstruction projects, a claim that has not, however, been verified.

While there were some schools that provided inclusive education, 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.

Abuse of persons with disabilities was a serious concern. Persons with disabilities around the country suffered abuse by family members, care facility employees, or employers.

Section 7. Worker Rights

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on race, sex, personal or political beliefs, national origin or citizenship, social status or origin, disability, age, and some communicable diseases, such as leprosy. The law does not explicitly prohibit discrimination with respect to employment and occupation based on sexual orientation and/or gender identity, HIV-positive status, or language. The law also mandates equal pay for men and women. The law mandates that the government and private companies hire minimum proportions (2 percent) of persons with disabilities (including mental disabilities).

Government hotlines in prefectural labor bureau equal employment departments handled consultations concerning sexual harassment and mediated disputes when possible. By law, companies with more than 200 employees that do not comply with requirements to hire minimum proportions of persons with disabilities must pay a fine of 50,000 yen (\$472) per vacant position per month.

In 2014 the latest year for which such data were available, statistics from MHLW showed that while persons with disabilities comprised approximately 2.2 to 2.3 percent of public sector employees, the private sector did not reach minimum proportions required by law; persons with disabilities comprised approximately 1.8 percent of employees. Disability rights advocates claimed that some companies preferred to pay the fine rather than hire persons with disabilities.

Convention on the Rights of Persons with Disabilities

Japan signed the CRPD on 28 Sep 2007. The government ratified the CRPD on 20 Jan 2014.

Kiribati

EXECUTIVE SUMMARY

There were concerns regarding media independence, a lack of services and facilities for persons with disabilities, and allegations of commercial sexual exploitation of children.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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 specific needs of persons with disabilities. Accessibility of buildings, communications, and information for persons with disabilities is not mandated, and there were no specific accommodations for persons with disabilities.

Two NGOs were the principal supports and advocates 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 ages six to 14. Aside from this school, most children with disabilities 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.

Section 7. Worker Rights

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations do not prohibit discrimination regarding race, color, 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, although the law does require equal pay for equal work.

Convention on the Rights of Persons with Disabilities

Kiribati ratified the CRPD on 27 Sep 2013.

Korea, North

Persons with Disabilities

In 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 government 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 (also see section 7.d.). 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 about 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 stated 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.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

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 Kaesong Industrial Complex labor law prohibits discrimination with respect to employment or occupation on the basis of race, color, sex, religion, political opinion, national origin or citizenship, social status, disability, sexual orientation, gender identity, age, language, sexual orientation, gender identity, HIV-positive

status, or other communicable diseases. 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.

Persons with disabilities also faced employment discrimination.

Convention on the Rights of Persons with Disabilities

The Democratic People's Republic of Korea or North Korea signed the CRPD on 3 Jul 2013. The government ratified the CRPD on 6 Dec 2016.

Korea, South

Section 1. Respect for the Integrity of the Person, Including Freedom from:

e. Denial of Fair Public Trial

POLITICAL PRISONERS AND DETAINEES

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, although the MND may grant exemptions for health, disability, or other reasons.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

The Ministry of Gender Equality and Family funded integrated support centers for victims of sexual violence at hospitals, providing counseling, medical aid, case investigations, and legal assistance. Government-subsidized and non-subsidized counseling centers also operated across the country. These provided victims with free medical services, legal services, support during investigations and trials, and therapy and rehabilitation programs. A number of the facilities offered specialized services for victims with disabilities. There were also protection facilities for victims of sexual violence, including for victims with disabilities and for child and juvenile victims.

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 2014, with implementation scheduled to start in 2016, created a special task force of prosecutors and police trained to work with persons with disabilities and increased support for persons with disabilities and their families. The government also implemented laws and programs to facilitate access to buildings, information, and communications for persons with disabilities. Many local government ordinances and regulations still directly discriminate against persons with disabilities, especially those with intellectual and mental disabilities, according to media reports and NGOs.

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 person with mental disabilities 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.

The Ministry of Health and Welfare reported 1,097 discrimination cases against persons with disabilities in 2014, a significant increase over the previous year.

In March following media reports, the government investigated allegations of labor exploitation of men with disabilities on salt farms on west coast islands, including verbal and physical abuse, non-payment 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 (see section 7.d.). Government agencies and NGOs noted many improvements in the industry following intensive investigations during the year.

The government provided a pension system for registered 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 determines the degree of the disability, and local governments provide the pension directly to qualified persons. Some NGOs noted the pension and allowance system for persons with disabilities put an undue burden on families and assumed more economically well-off families would support their relatives with disabilities.

Children with disabilities qualified as special education beneficiaries and there was a separate system of public special education schools for children from age three to 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. For example, schools assigned teacher's aides to ensure children with disabilities could participate in outdoor activities.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

The constitution and laws prohibit discrimination in employment based on race, gender, disability, sexual orientation, and social status, but there was no comprehensive mechanism to enforce these provisions if discrimination occurred. The law states there shall be no discrimination in economic, social, or cultural life based on sex, religion, or social status.

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 that does not meet its quota is subject to a monthly penalty ranging from 710,000 to 1.166 million won (\$595 to \$978) 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 2014, 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 2014, 7,807 companies were assessed penalties amounting to 376 billion won (\$315 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. According to the Korea Employment Agency for the Disabled’s latest report, about one-half of the approximately 1.39 million persons between ages 15 to 64 with disabilities were employed.

Convention on the Rights of Persons with Disabilities

The Republic of Korea or South Korea signed the CRPD on 30 Mar 2007. The government ratified the CRPD on 11 Dec 2008.

Laos

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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. A decree 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.

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. 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 supplied prosthetic limbs, corrected clubfeet, and provided 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 separate 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.

Section 7. Worker Rights

d. Discrimination with Respect to Employment and Occupation

The law prohibits direct or indirect discrimination by employers against employees in the labor unit and prohibits all action by the employer that hinders, is biased, or limits opportunities for promotion and confidence on the part of the employee. The law, however, does not explicitly prohibit employment discrimination based on race, disability, language, sexual orientation, gender identity, political opinion, national origin or citizenship, social origin, age, language, HIV-positive status, or other communicable diseases.

Convention on the Rights of Persons with Disabilities

Laos signed the CRPD on 15 Jan 2008. Laos ratified the CRPD on 25 Sep 2009.

Malaysia

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law is silent on discrimination based on disabilities and sexual orientation.

Persons with Disabilities

The law gives persons with disabilities the right to equal access and use of public facilities, amenities, services, and buildings open or provided to the public. The Ministry of Women, Family, and Community Development is responsible for safeguarding the rights of persons with disabilities.

New government buildings generally had 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 disabled persons. Recognizing public transportation was not “disabled-friendly,” the government maintained its 50 percent reduction of excise duty on locally made cars and motorcycles adapted for persons with disabilities.

Employment discrimination occurred in relation to persons with disabilities (see section 7.d.). Separate education facilities 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.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

A regulation reserves 1 percent of public sector jobs for persons with disabilities.

Discrimination in employment and occupation occurred with respect to women; members of national, racial, and ethnic minorities; and persons with disabilities. A code of practice guides all government agencies, employers, employee associations, employees, and others with respect to placement of persons with disabilities in private sector jobs. Disability rights NGOs reported that employers were reluctant to hire individuals with disabilities.

Convention on the Rights of Persons with Disabilities

Malaysia signed the CRPD on 8 Apr 2008. The government ratified the CRPD on 19 Jul 2010.

Marshall Islands

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of sex, race, color, religion, language, national or social origin, political opinion, place of birth, and family status or descent, and the government generally observed these provisions. The constitution does not specifically prohibit

discrimination on the basis of disability, sexual orientation, gender identity, age, HIV or other communicable disease status.

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. 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 removed barriers to access. Hospitals and two major grocery stores had ramps for persons with disabilities.

Government support for persons with mental and other disabilities increased during the year. In 2015, two ministers introduced the Rights of Persons with Disabilities Act to declare the equal rights and freedoms of persons with disabilities by implementing the UN Convention on the Rights of Persons with Disabilities. The legislation remained in legislative committee hearings at the end of the 2015 session. There were no dedicated psychiatric facilities in the country or community-based supports for persons with mental disabilities, although the Ministry of Health provided patients with short-term care at the Majuro Hospital or facilities off-island. Police held persons deemed as exhibiting psychotic behavior in a standard detention cell until a health-care worker could see them.

The 92-member NGO Marshall Islands Disabled Persons Organization (MIDPO) promoted and protected the rights and interests of persons with disabilities. MIDPO works with the Ministry of Internal Affairs' disability officer as needed. The organization held a "Disability Week" event in December 2014 to raise public awareness of persons with disabilities and provide workshops for the community.

The assistant secretary of the Ministry for Internal Affairs serves as the focal point for disability issues and a Disability Coordinator's Office authorized by the Cabinet advises the government. The Ministry of Health is charged with addressing the health needs of persons with mental and physical disabilities, and the Public School System (formerly the Ministry of Education) is responsible for supporting special education for children with disabilities and continued to incorporate awareness programs for students with disabilities, in particular those with hearing difficulties. The public schools provided special education classes in urban and outer island schools. There is also a small foreign-funded class providing instruction for the hearing disabled 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.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

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, color, sex, religion, political opinion, national origin or citizenship, social origin, age, disability, language, sexual orientation and/or gender identity, HIV-positive

status, or other communicable diseases. The government took no workplace discrimination enforcement actions during the year.

Convention on the Rights of Persons with Disabilities

Marshall Islands ratified the CRPD on 17 Mar 2015.

Micronesia, Federal State of

Section 1. Respect for the Integrity of the Person, Including Freedom from:

Prison and Detention Center Conditions

Physical Conditions: Authorities usually held pretrial detainees in the same facilities but separate from convicted prisoners. Due to a lack of medical facilities and/or community-based support services for treating persons with mental disabilities, the government used separate jail cells to house individuals with mental disabilities who had no criminal background.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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, although many buildings had ramps. 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 until they attain 21 years. There were no separate 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. Funding was available, but special education programs had 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 continued to provide 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 Department of Health and Social Affairs is responsible for protecting the rights of persons with disabilities but does not provide significant services.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

The law also provides for some protections for persons with disabilities, but they are limited in scope. The government effectively enforced existing laws related to employment discrimination. Discrimination in employment and occupation occurred with respect to persons with disabilities.

Convention on the Rights of Persons with Disabilities

Micronesia signed the CRPD on 23 Sep 2011. The government ratified the CRPD on 7 Dec 2016.

Mongolia

EXECUTIVE SUMMARY

Other human rights problems observed included police abuse of prisoners and detainees; poor conditions in detention centers; arbitrary arrests; government interference with the media; religious discrimination; exit bans; trafficking in persons; discrimination against persons with disabilities; and discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

Prison and Detention Center Conditions

Physical Conditions: Prison and detention center conditions varied. NGOs reported that overcrowding and insufficient medical care, clothing, bedding, food, water quality, lighting, ventilation, sanitary facilities, and accommodations for persons with disabilities were often problems in older prisons and pretrial detention centers. These problems were often worse in rural areas. New or newly renovated facilities generally had better conditions. Conditions in police-operated detoxification centers were often poor.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law also protects persons with disabilities from discrimination in all social relations and in employment. These rights were not always enforced.

Women

Reproductive Rights: 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.

Persons with Disabilities

Legal prohibitions against discrimination in employment against persons with disabilities are limited, applying "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 disabilities as restrictions due to permanent impairment of the body or intellectual, mental, or sensory capacities. Governors are responsible for implementing the law.

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 for persons with disabilities. The government devoted increased attention to the needs of persons with disabilities, including through a comprehensive review of existing legislation, focusing on ways to transition from a benefits-based approach 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.

Although the law mandates standards of physical access for persons with disabilities to newly constructed public buildings, most new buildings were not built in compliance with the law. The law also requires that at least 10 percent of the fleets of transport firms with more than 20 vehicles be accessible, to include accommodations for the blind and deaf. Nevertheless, public transport remained largely inaccessible to persons with disabilities, although the Ulaanbaatar City Transportation Department purchased 50 new buses accessible to passengers using wheelchairs during the year. Open manholes, protruding obstacles, and crosswalks unheeded by motorists also prevented many persons with disabilities from moving freely.

Persons with visual 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, since service providers lacked trained personnel and appropriate technologies to reach these populations. The country's domestic violence shelters were not accessible to persons with disabilities.

Inaccessible polling stations and a lack of ballots in braille undermined participation by persons with disabilities in previous elections.

Students with disabilities are by law allowed to attend mainstream schools, although there are also specialized schools in Ulaanbaatar. Nevertheless, children with disabilities faced significant barriers to education. According to NGOs, there was no common understanding of what constituted a disability, and partly as a result, schools frequently failed to identify mental and developmental disabilities. Schools lacked teachers trained to work with children with disabilities, especially, parents' organizations noted, autism or Down syndrome. Further, the NHRC reported inadequate textbooks and other training materials, with some teachers using lower-level textbooks designed for mainstream schools or developing their own materials with available resources. The NHRC 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 renovations.

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 a distribution system.

Section 7. Worker Rights

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on nationality, race, sex or marital status, social origin or status, wealth, religion, or ideology. It also prohibits employers from refusing to employ a person with disabilities but provides broad exceptions (see section 6).

Discrimination in employment and occupation occurred with respect to sex, disability, sexual orientation or gender identity, and HIV-positive status (see section 6).

Discrimination in employment occurred with respect to persons with disabilities. The government provided tax benefits to persons with disabilities, and the law requires workplaces with more than 25 employees to employ a minimum of 4 percent of persons with disabilities or pay a fine of between 30 and 50 percent of the monthly minimum wage. NGOs reported, however, that reluctance to hire persisted, and many companies preferred to pay the fine. They also said that the government itself did not meet the 4-percent quota. The overwhelming majority of working-age persons with disabilities remained unemployed.

Members of the disability community noted that, even when hired, the lack of accessible public transport made it difficult for persons with disabilities to hold a job (see section 6, "Persons with Disabilities").

Convention on the Rights of Persons with Disabilities

Mongolia ratified the CRPD and Optional Protocol on 13 May 2009.

Nauru

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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 efforts to promote participation in society by 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. The Mentally Disordered Persons Ordinance 1963 grants some legal protections for 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 employment.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

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.

Convention on the Rights of Persons with Disabilities

Nauru ratified the CRPD on 27 Jun 2012.

New Zealand

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Government Human Rights Bodies: The Ministry of Justice funded the HRC, which operated as an independent agency without government interference. The HRC had adequate staff and resources to perform its mission. It 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 public considered the HRC effective and it enjoyed high public confidence.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, or HIV or other communicable disease status, 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 2014 to June 2015, disability-related complaints decreased to 354 from the previous year’s total of 455. Disability-related complaints comprised 28 percent of the total complaints received by the HRC. 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 disabilities in their anti-discrimination efforts.

Section 7. Worker Rights

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination on the basis of race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV positive status or other communicable diseases.

Convention on the Rights of Persons with Disabilities

New Zealand signed the CRPD on 30 Mar 2007. The government ratified the CRPD on 25 Dec 2008.

Palau

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, and 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 \$70 to \$100 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 separate programs to address the education needs of students with disabilities that included mainstreaming them with other students.

Section 7. Worker Rights

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination against persons with disabilities. The government effectively enforced these laws.

Convention on the Rights of Persons with Disabilities

Palau signed the CRPD on 20 Dec 2011. The government ratified the CRPD and Optional Protocol on 11 Jul 2013.

Papua New Guinea

EXECUTIVE SUMMARY

Other human rights problems included poor prison conditions; lengthy pretrial detention; infringement of citizens' privacy rights, particularly in highland areas; government corruption; abuse and sexual exploitation of children; trafficking in persons; discrimination against persons with disabilities; intertribal violence; and ineffective enforcement of labor laws.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Persons with Disabilities

The constitution prohibits discrimination against persons with physical or mental disabilities. 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. On May 27, the government launched a national disability policy aimed to remove barriers faced by persons, including children, with disabilities. Most buildings and public infrastructure remain inaccessible for individuals with disabilities. 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 underresourced 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 (see section 7.d.).

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

The constitution bars discrimination on the basis of disability, but the government did not take measures to protect persons with disabilities from discrimination.

Convention on the Rights of Persons with Disabilities

Papua New Guinea signed the CRPD on 2 Jun 2011. The government ratified the CRPD on 26 Sep 2013.

Philippines

EXECUTIVE SUMMARY

Other human rights problems included allegations of prisoner/detainee torture and abuse by security forces; harassment, including allegations of violence against human rights activists by local security forces; warrantless arrests; lengthy pretrial detentions; overcrowding and inadequate prison conditions; killings and harassment of journalists; mistreatment of internally

displaced persons (IDPs); violence against women; abuse and sexual exploitation of children; trafficking in persons; limited access to facilities for persons with disabilities; lack of full integration of indigenous people into political and economic structures; absence of law and policy to protect persons from discrimination based on sexual orientation and gender identity; child labor; and ineffective enforcement of worker rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, disability, language, or minority status, but not discrimination based on sexual orientation or gender identity. 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. Laws, such as the Magna Carta for Disabled Persons, provide for equal access for persons with both physical and mental disabilities to all public buildings and establishments, but many barriers remained.

The National Council for Disability Affairs (NCDA) 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. Persons with disabilities continued to face discrimination and other challenges in finding employment (see section 7.d.).

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 September, the DSWD provided services to 2,057 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 weak implementing regulations, insufficient funding, and inadequately focused integrative government programs. Many public buildings, particularly older ones, lacked functioning elevators. In its 2010 audit, the Department of Public Works and Highways found that 1,291 of 6,285 government buildings were accessible to people with disabilities. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Some children with disabilities attended schools in mainstream or inclusive education settings. Children with a disability living in poverty or rural areas, 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 Department of Education's 448 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. The government lacked a clear system for informing the parents of children with disabilities of their educational rights, nor did they have a well-defined procedure for reporting discrimination in education.

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 had unrepaired, out-of-service elevators. Most buses lacked wheelchair lifts. 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. In preparation for the 2016 national elections, COMELEC forged agreements with two major mall chains, SM and Robinsons, to utilize their malls as polling locations for people with disabilities. Malls tend to be some of the country's most accessible public locations. During the year, several malls served as locations for COMELEC's biometrics voting registration.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination with respect to employment or occupation regardless of sex; race; creed; disability; and HIV, tuberculosis, hepatitis B, or marital status.

The law requires all government agencies and government-owned corporations to reserve 1 percent of their workforce for persons with disabilities, and for government agencies engaged in social development, the law increases that ratio to 5 percent. The Magna Carta for Disabled Persons also commits the government to providing "sheltered employment" to people with disabilities, such as income-producing projects or in workshops providing special facilities.

The government does not effectively monitor and enforce laws prohibiting discrimination with respect to employment discrimination based on disability, and the NCDA and DOLE did not monitor the regulation regarding the employment of persons with disabilities effectively.

Persons with disabilities also reportedly experienced employment discrimination during the year. 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. DOLE estimated that only 10 percent of employable people with disabilities are able to find work. The government had limited means to assist persons with disabilities in finding employment, and the cost of filing a lawsuit and lack of effective administrative means of redress limited the recourse of such persons when prospective employers violated their rights.

Convention on the Rights of Persons with Disabilities

The Philippines signed the CRPD on 25 Sep 2007. The government ratified the CRPD on 15 Apr 2008.

Samoa

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these provisions. 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. There is a law against discrimination with respect to employment based on disability (see section 7.d.). Tradition dictates that families care for persons with disabilities, and the community observed this custom widely.

In 2012 the death of a man with mental disabilities in Tafaigata Prison raised concerns about treatment of persons with mental disabilities while in police custody. The victim, Hans Dalton, initially went to the National Hospital for treatment but the hospital subsequently transferred him to police custody because of erratic and violent behavior. Authorities placed him in a jail cell where they later found him dead. Police charged a fellow inmate with Dalton's murder and a panel of assessors found him guilty in February 2014, but the judge overturned the verdict. The Dalton family sued the government for WST \$33 million (\$13.2 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 multistory buildings.

The Ministry of Women, Community, and Social Development has responsibility for protecting the rights of persons with disabilities.

Section 7. Worker Rights

d. Discrimination With Respect to Employment and Occupation

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. The country ratified the Convention on Rights for Persons with Disabilities in 2014.

Convention on the Rights of Persons with Disabilities

Samoa signed the CRPD on 24 Sep 2014. The government ratified on CRPD on 2 Dec 2016.

Singapore

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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 disabilities 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 from election officials to mark and cast their ballots.

The government maintained a comprehensive code on barrier-free accessibility, established standards for facilities for persons with physical disabilities in all new buildings, and mandated the progressive upgrading of older structures. In 2013 the Ministry of Social and Family Development established SG Enable to take over the role of providing an extensive job training and placement program for persons with disabilities. A tax deduction of up to S\$100,000 (\$72,000) 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 (\$5,400) for families caring for a sibling, spouse, or child with a disability and up to S\$14,000 (\$10,000) for a parent or grandparent. The country allows guide dogs for the blind (but not other service animals) into public places, on buses and on trains. Although the laws do not cover taxis, the government worked with the taxi industry to develop guidelines. Public trains were 100 percent wheelchair accessible, and approximately 85 percent of bus routes were wheelchair accessible.

Informal provisions permitted university matriculation for those with visual, hearing, or physical disabilities. Approximately 13,500 children with disabilities with mild special education needs 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 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 education.

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 more significant disabilities. As of October 2014, 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 age six with mild developmental disabilities. Approximately 1,000 children received services from the DSP in 2013.

Section 7. Worker Rights

d. Discrimination with respect to Employment or Occupation

The constitution upholds the principle of equality in employment, but no specific antidiscrimination legislation existed. Government guidelines call for eliminating language referring to age, gender, ethnicity, religion, marital status, family responsibility and disability in employment advertisements.

e. Acceptable Conditions of Work

Female domestic workers are excluded from the Work Injury Compensation Act, which provides for medical treatment, medical leave, and compensation for permanent disability.

Convention on the Rights of Persons with Disabilities

Singapore signed the CRPD on 30 Nov 2012. The government ratified the CRPD on 18 Jul 2013.

Solomon Islands

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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 shall 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 operated 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 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.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

No laws regarding employment and occupation prohibit discrimination on the basis of 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 was likely due to societal 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 Sep 2008. The government signed the Optional Protocol on 24 Sep 2009.

Taiwan

Section 1. Respect for the Integrity of the Person, Including Freedom from:

d. Arbitrary Arrest or Detention

While courts are required to appoint counsel after an indictment is filed, the law does not specify what lawyers could or should do to protect the rights of indigent criminal suspects during initial

police questioning. The judicial branch (Judicial Yuan) 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. Detained persons may request the assistance of the Legal Aid Foundation (LAF), which provides professional legal assistance through its 21 branch offices to persons who would not otherwise have legal representation. LAF is a non-profit entity funded by the Judicial Yuan.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and gender identity, age, language, or HIV or other communicable disease status, and the authorities effectively enforced these prohibitions.

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, and the provision of other state services (see section 7.d.).

Authorities enacted and effectively implemented laws and programs to ensure access to buildings, information, and communications. The Ministry of Transportation and Communications subsidized drivers' procurement of accessible taxis. A law passed in 2014 to adhere voluntarily to the UN Convention on the Rights of Persons with Disabilities stipulates that new public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and this requirement was generally met. The law established a taskforce to coordinate among ministries, examine existing laws for compliance to the UN convention, and compile a list of regulations to be amended or abolished. The law also requires the authorities to publish periodic reports on efforts to protect the rights of persons with disabilities beginning two years after enactment.

Persons with disabilities have the right to vote and participate in civic affairs. NGOs, however, contended that the lack of barrier-free spaces and accessible transportation systems continued to place limits on civic engagement by citizens with disabilities, particularly outside Taipei. Advocacy groups raised the problem of older buildings and parking garages not catering to the needs of persons with disabilities and said 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, although there were occasional reports of sexual assaults in educational and mental health facilities. 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. Special primary, secondary, and vocational schools were available for students with disabilities.

MOHW and the Ministry of Labor (MOL) are responsible for protecting the rights of persons with disabilities. The law stipulates that authorities must provide services and programs to persons with disabilities. The authorities 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.

Section 7. Worker Rights

d. Discrimination With Respect to Employment or Occupation

Labor laws and regulations prohibit discrimination with respect to employment and occupation on the basis of race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or other communicable disease status.

The law requires 3 percent of the workforce in the public sector and 1 percent of the workforce in the private sector to be individuals with disabilities.

Persons with disabilities and HIV-positive persons remained vulnerable to discrimination in employment and occupation. The unemployment rate of persons with disabilities was much higher than that of individuals without disabilities. Non-profit and advocacy groups said many public and private sector employers opted to pay fines rather than meeting hiring quotas for persons with disabilities. There were also reports of indirect discrimination in the hiring process, such as employers failing to provide assistive devices in pre-employment tests.

Convention on the Rights of Persons with Disabilities

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

Thailand

EXECUTIVE SUMMARY

Other human rights problems included arbitrary arrests and detention; poor, overcrowded, and unsanitary prison and detention facilities; restrictions on freedom of expression, assembly, and association; corruption; insufficient protection for vulnerable populations, including refugees; violence and discrimination against women; sex tourism; sexual exploitation of children; trafficking in persons; discrimination against persons with disabilities, minorities, hill tribe members, and foreign migrant workers; child labor; and some limitations on worker rights.

Institutionalized Children: There were limited reports of abuse in orphanages or other institutions. For example, the Chaiyaphum Provincial Court sentenced a teacher to two months

in prison and a 2,000-baht fine (\$55) for beating a 12-year-old child with a mental disability at a school for children with disabilities in Chaiyaphum in August 2014.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Persons with Disabilities

Prior to the May 2014 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 consistent. The law mandates persons with disabilities have access to information, communications, and newly constructed buildings, but authorities did not uniformly enforce these provisions. The law does not require government entities to install accessible street curbs when they repaired or constructed roads.

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

The government's 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 (\$690) per learning center and 10,000 baht (\$280) per rehabilitation center.

The government maintained 46 separate schools for students with disabilities and 77 educational centers for persons with disabilities. The law requires all government schools nationwide to accept students with disabilities, and a majority of schools taught students with disabilities during the year. According to the Ministry of Education, an estimated 376,000 students with disabilities attended school nationwide. 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 11 government shelters and nine rehabilitation centers specifically for persons with disabilities, including two day-care centers for autistic children. Additionally, private associations provided occasional training for persons with disabilities.

Some employers subjected persons with disabilities to wage discrimination (see section 7.d.).

Section 7. Worker Rights

d. Discrimination with Respect to Employment and Occupation

In past years labor laws did not prohibit discrimination regarding race, sex, gender, disability, language, political opinion, religion, age, social origin, national origin or citizenship, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. In September the 2014 Gender Equality Act came into effect, imposing a maximum jail term of six months or a maximum fine of 20,000 baht (\$550), or both, for anyone committing gender or gender identity discrimination, including in employment decisions. The law requires workplaces with more than 100 employees hire at least one worker with disabilities for every 100 workers. The government did not effectively enforce these laws in all cases.

Discrimination in respect to employment occurred against LGBTI persons, persons with disabilities, migrant workers, and women (see section 7.e.).

Convention on the Rights of Persons with Disabilities

Thailand signed the CRPD on 30 Mar 2007. The government ratified the CRPD on 29 Jul 2008.

Timor-Leste

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and relevant legislation prohibit discrimination based on grounds of color, race, marital status, gender, heritage, language, social or economic status, political or ideological convictions, religion, education, and physical or mental condition. Nonetheless, violence against women was a major problem, and discrimination against women, persons with disabilities, some minorities and the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community occurred. Violence against children--both at home and in schools--and child labor were common.

Persons with Disabilities

The constitution grants equal rights to and prohibits discrimination against persons with disabilities in addition to requiring the state to protect the disabled. No specific legislation addresses the rights and/or support of persons with disabilities.

The Ministry of Social Solidarity is responsible for protecting the rights of persons with disabilities. The Ministry of Health is responsible for treating mental illness. In many districts, children with disabilities were unable to attend school due to accessibility problems. There are no special educational services for children with mental or learning disabilities. Training and vocational initiatives did not address the needs of persons with disabilities.

Electoral regulations provide accommodations, including personal assistance, to enable persons with disabilities to vote.

Service providers noted that domestic violence and sexual assault against those with disabilities was a growing concern. They indicated further that such cases have been slow to receive support from the justice sector. Persons with mental illness accused of crimes are entitled to special protections by law. The public defender worked closely with the police to ensure mentally ill suspects received prompt access to a lawyer, the prosecution worked to ensure proper protections in proceedings, and all justice sector actors noted that they engage with service providers on these cases. Prisons do not have separate facilities for persons with mental disabilities.

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. There is a deficit of qualified psychologists in the country, and no long-term treatment facilities for those with mental disabilities. There is one Ministry of Health professional per district; however, lack of transportation hinders access. District offices often do not have proper supplies of effective drugs, and many with mental disabilities must wait several months for drugs.

Convention on the Rights of Persons with Disabilities

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

Tonga

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits general discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status or other communicable diseases. The government did not effectively enforce this provision, however, and the law confirms the special status of members of the royal family and the nobility.

Persons with Disabilities

Beyond the constitution's inclusion of disability as a prohibited basis for discrimination, 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 2014 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.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

The law does not prohibit discrimination regarding race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, HIV-positive status or other communicable diseases, or language.

Convention on the Rights of Persons with Disabilities

Tonga signed the CRPD on 15 Nov 2007.

Tuvalu

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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. Government services to address the specific needs of persons with disabilities were very limited. There were no mandated building accessibility provisions for persons with disabilities. The one multistory government building had nonoperational elevators, and there were no elevators in other multistory buildings. Persons with disabilities had limited access to information and communications. The Fusi Alofa Association of Tuvalu (FAA Tuvalu) (the 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 advocated 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 FAA Tuvalu operates a separate school for children

with disabilities in Funafuti. Parents make the decision concerning which school a child with disabilities attends after consultation with an FAA Tuvalu advisor.

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

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations do not prohibit discrimination based on race, gender, disability, language, sexual orientation, gender identity, HIV or other communicable disease status, or social status, and these persons sometimes experienced discriminatory practices.

Convention on the Rights of Persons with Disabilities

Tuvalu ratified the CRPD on 18 Dec 2013.

Vanuatu

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

While the law prohibits discrimination based on race, religion, place of origin, political opinion, language, or sex, women remained victims of discrimination in the tradition-based society. The law does not specifically prohibit discrimination based on disability, sexual orientation and/or gender identity age, HIV positive status, or other communicable diseases.

Persons with Disabilities

No law specifically prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. Although Parliament passed a building code in 2013 to provide access for person with disabilities in existing and new facilities, persons with disabilities still could not access most buildings. 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. The high rate of unemployment in the general population, combined with social stigma attached to disabilities, meant few jobs were available to 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. School officials rejected many potential students with disabilities.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

The law does not prohibit employment discrimination with respect to race, color, religion, political opinion, national origin or citizenship, disability, language, sexual orientation and/or gender identity, age, language, HIV or other communicable disease status, or social status.

Although several laws provide for equal employment opportunities for persons with disabilities, such as the Teaching Services Act and the Maritime Authority Act, the law also provides for removal of persons who hold senior positions in some sectors, usually in public service or on Public Sector Boards, if they had a disability.

Persons with disabilities also faced discrimination with respect to employment and occupations. The ILO noted that legislation allowing for the removal of persons with disabilities from some senior positions appeared to reflect an inherent assumption that a person is incapable of holding such a position if they have any form of disability, and encouraged the government to prohibit explicitly discrimination against persons with disabilities in employment.

Convention on the Rights of Persons with Disabilities

Vanuatu signed the CRPD on 17 May 2007. The government ratified the CRPD on 23 Oct 2008.

Vietnam

Section 1. Respect for the Integrity of the Person, Including Freedom from:

d. Arbitrary Arrest or Detention

Arrest Procedures And Treatment Of Detainees

By law authorities must request the local bar association, legal aid center, or the VFF to appoint an attorney for cases involving juveniles, individuals with mental or physical disabilities, and persons formally charged with capital crimes.

The new law does not require defense counsels to be lawyers, and they could be a personal representative of the defendant or a member of a legal aid organization.

Trial Procedures

The government provided a lawyer to defendants unable to afford one only in cases involving a juvenile offender or someone with mental or physical disabilities, or with possible sentences of life imprisonment or capital punishment.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement of these prohibitions was uneven.

Persons with Disabilities

The constitution provides for the protection of persons with mental and physical disabilities. The law prohibits discrimination against or mistreatment 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. The government continued to increase coordination with foreign governments, international organizations, NGOs, and private companies to review legal provisions governing implementation of the treaty, conduct feasibility studies, share international best practices, conduct informational workshops, promote the hiring of persons with disabilities, 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. The Ministry of Education and Technology estimated approximately 500,000 children with disabilities had some access to education 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 (see section 7.d.).

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, the Vietnam Federation on Disability, and their members from various ministries continued to work with domestic and foreign organizations to provide protection, support, physical access, education, and employment. 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.

Section 7. Worker Rights

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on sex, race, disability, social class, marital status, religion, and HIV/AIDS-positive status. The law promotes and encourages the employment of persons with disabilities.

The government took some action during the year to address employment discrimination against persons with disabilities. For example, MOLISA issued guidance to its provincial branches to adjust job skills training for persons with disabilities tailored to the group's diversified needs. MOLISA also issued a directive to request all provinces to set aside 20 percent of vocational training budget for persons with disabilities and targeted 10 percent of total trainees to be persons with disabilities. Companies with a workforce composed of at least 51 percent employees with disabilities may qualify for special government-subsidized loans.

Convention on the Rights of Persons with Disabilities

Vietnam signed the CRPD on 22 Oct 2007. The government ratified the CRPD on 5 Feb 2015.