

# Consolidated Disability Findings from the 2015 United States Department of State Reports on Human Rights and Practices

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## Western Hemisphere

### 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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# Western Hemisphere

## Antigua and Barbuda

### Constitution and Laws

#### Persons with Disability

The constitution contains antidiscrimination provisions, but no specific laws prohibit discrimination against, or mandate accessibility for, persons with disabilities. There were anecdotal cases of children with disabilities who were unable to take themselves to the restroom and thus were denied entry to school, or who could not attend school as a result of inadequate transportation and classroom facilities. Additionally, anecdotal evidence suggested support for persons with mental disabilities was lacking. Advocates for persons with disabilities alleged that persons with mental disabilities often could not gain access to the sole overcrowded and poorly maintained outpatient mental health facility, and often lived on the street. In other cases persons with disabilities lived in poor conditions because their families could not provide for their needs. Public areas, including government buildings, often lacked wheelchair accessibility.

In July a blind man alleged he was beaten while in prison. The incident spurred the Antigua and Barbuda Association of Persons with Disabilities to protest at the police headquarters, demanding suspension of the police officers responsible. The government's investigation concluded that the man fled police custody and ran into a fence, an assertion that the Association denies. As of October 2015, the man intended to hire a private attorney to bring the matter to court in a civil case.

#### Other References

Employment: The law prohibits discrimination on the basis of race, sex, age, or political opinion in employment or occupation. In general the government effectively enforced these laws and regulations. The law does not prohibit employment discrimination on the basis of disability, language, sexual orientation and/or gender identity, HIV or other communicable disease status, or social origin, but the government encouraged employers not to discriminate on these grounds. There were anecdotal reports of employment discrimination against employees with HIV/AIDS (see section 6, HIV and AIDS Social Stigma).

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

Antigua and Barbuda signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD on 7 Jan 2016.

## Argentina

### Constitution and Laws

#### Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. A specific law also mandates

access to buildings by persons with disabilities. The NGO Access Now reported a notable improvement in school accessibility in the city of Buenos Aires during its most recent survey. As of October, 39 percent of public schools met most accessibility requirements and 78 percent met basic accessibility needs.

While the federal government has protective laws, many provinces had not adopted such laws and had no mechanisms to ensure enforcement. An employment quota law reserves 4 percent of federal government jobs for persons with disabilities, but NGOs and advocacy groups claimed the quota often was not respected. On June 19, the Ministry of Social Development launched a job opportunity initiative for persons with disabilities to perform clerical duties at the ministry.

A pattern of inadequate facilities and poor conditions continued in some mental institutions.

The National Advisory Committee for the Integration of People with Disabilities under the National Council for Coordination of Social Policies has formal responsibility for actions to accommodate persons with disabilities.

## **Other References**

Employment: The law prohibits discrimination with respect to employment or occupation on the basis of race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, and HIV-positive status or other communicable disease.

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

Argentina signed the CRPD on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 2 Sep2008.

## **Bahamas**

### **Constitution and Laws**

The constitution prohibits discrimination based on race, place of origin, political opinion, or creed, and the law prohibits discrimination based on disability or HIV status. The government did not always effectively enforce these prohibitions, and the constitution and the law contain provisions that discriminate based on gender.

Information in this report reflects the situation in the highly populated areas on New Providence and Grand Bahama. Limited information was available from other less-populated islands.

### **Persons with Disabilities**

During the year the government passed the implementing legislation for the 2014 Persons with Disabilities Act. The law addresses issues of employment, education, and access, and it gives businesses and public buildings two years to make needed access improvements. Although the previous law mandated access for persons with physical disabilities in new public buildings,

authorities rarely enforced this requirement, and very few buildings and public facilities were accessible to persons with disabilities. The Education Act affords equal access for students, but only as resources permit, with this decision made by individual schools. On less-populated islands, children with learning disabilities often sat disengaged in the back of classrooms because resources were not available. Other legislation prohibits discrimination based on disability.

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

## **Other References**

Employment: The law prohibits discrimination in employment based on race, creed, sex, marital status, political opinion, age, HIV status, or disability, but not in regard to language, sexual orientation and/or gender identity, or social status. The government did not effectively enforce the law. One individual reported being fired from a school security position due to his orientation. Discrimination in employment and occupation occurred with respect to persons with HIV/AIDS (see section 6). Foreign migrant workers were not consistently afforded legal protections.

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

The Bahamas signed the CRPD on 24 Sep 2013. The government ratified the CRPD on 28 Sep 2015.

## **Belize**

### **Constitution and Laws**

The constitution prohibits discrimination based on race, gender, disability, language, political opinion, national origin or citizenship, social origin, sexual orientation, and age, and the government generally enforced these prohibitions.

### **Persons with Disabilities**

The law does not expressly prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air or other transportation, access to health care, or the provision of other state services. The constitution provides for the protection of all citizens from any type of discrimination. The law does not provide for accessibility to persons with disabilities, and most public and private buildings and transportation were not accessible to them. Certain businesses, such as banks and government departments (social security offices), had designated clerks to attend to the elderly and persons with disabilities. There were no policies to encourage hiring of persons with disabilities in the private or public sectors.

Mental health provisions and protections generally were poor. Informal government-organized committees for persons with disabilities were tasked with public education and advocating for

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

The special envoy for women and children, First Lady Kim Simplis Barrow, continued advocacy campaigns on behalf of persons with disabilities and supported efforts to promote schools that made efforts to create inclusive environments for persons with disabilities.

## **Other References**

Employment: The law and regulations prohibit discrimination on the basis of race, sex, gender, language, HIV-positive status or other communicable diseases, or social status. The government did not effectively enforce those laws and regulations. The law does not explicitly prohibit discrimination in employment with respect to disability or to sexual orientation and/or gender identity. Nevertheless, there were reports that discrimination in employment and occupation occurred with respect to sexual orientation and/or gender identity as well as language. One NGO reported that members of the LGBTI community often had problems gaining and retaining employment due to discrimination in the workplace, but these claims could not be verified. Up to November there were no officially reported cases of discrimination at work based on ethnicity, culture, or skin color, although anecdotal evidence suggested that such cases occurred.

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

Belize signed the CRPD on 9 May 2011. The government ratified the CRPD on 2 Jun 2011.

## **Bolivia**

### **Constitution and Laws**

The constitution and the law prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, and HIV-positive status or other communicable diseases, but the government did not effectively enforce these provisions to protect all populations.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other government services. The law requires access for wheelchair users to all public and private buildings, duty-free import of orthopedic devices, and a 50 percent reduction in public transportation fares for persons with disabilities. The constitution and law also require communication outlets and government agencies to offer services and publications in sign language and Braille.

The government did not effectively enforce these provisions. Activists expressed concerns about the inadequacy of services and opportunities for persons with disabilities in the areas of employment, education, transportation, health care, justice, and recreation. They called for

greater investment in the area of medical prevention. In the March regional elections, voters with disabilities were in some instances unable to vote due to inadequate facilities for wheelchairs or other physical barriers. In addition, societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society and restricting their right to participate in civic affairs. Civil society contacts reported patterns of abuse in educational and mental health facilities.

A national law to protect disabilities rights exists, but it lacked full implementation and budget support. In addition, the law is more than 50 years old, and many of its protections and requirements are outdated. The law prescribes an annual payment of 4,000 bolivianos (\$583) to persons with disabilities, but activists reported this payment insufficient under current cost-of-living standards. Furthermore, most persons with disabilities were not able to access it. An individual must be deemed “less than 50 percent functional” to be eligible for the payment and must complete a burdensome and costly administrative process that was prohibitive for most applicants. Activists reported a minority of persons with disabilities benefit from the payment.

The National Committee for Persons with Disabilities, directed by the Ministry of Health, is responsible for protecting the rights of persons with disabilities.

Physical Conditions: On June 17, Director Lopez reported that from January to May, 1,122 prisoners in La Paz, Santa Cruz, and Cochabamba were subject to abbreviated trials under pre-existing pardon decrees. He did not indicate how many inmates were released because of the trials. On July 7, the Legislative Assembly passed a law providing for additional pardons to reduce overcrowding further. The law is to be valid for one year and provides special release for pregnant women in their third trimester and inmates with significant disabilities. Crimes such as murder, femicide, aggravated robbery, and kidnapping were excluded. Judges and prosecutors initiated trial proceedings within prisons to speed the process. NGOs expressed concern that the expedited processes encouraged innocent detainees to profess false guilt in order to enter into an abbreviated trial and secure release.

#### **d. Discrimination with Respect to Employment or Occupation**

Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. Despite these legal protections, discrimination with respect to employment and occupation occurred. Civil society leaders reported credible instances of employment discrimination against indigenous peoples, Afro-Bolivians, and members of the LGBTI community (see section 6).

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

Bolivia signed the CRPD and Optional Protocol on 13 Aug 2007. The government ratified the CRPD and Optional Protocol on 16 Nov 2009.

# **Brazil**

## **Constitution and Laws**

The law prohibits and penalizes discrimination 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 diseases, but discrimination continued against women and girls, Afro-Brazilians, indigenous persons, LGBTI persons, and persons with disabilities.

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, air travel and other transportation, education, and access to health care, and the federal government generally enforced these provisions. According to official sources, an estimated 24 percent of the population had some form of disability. While federal and state laws mandate access to buildings for persons with disabilities, states did not enforce them effectively.

In July, President Rousseff signed the Brazilian Inclusion of People with Disabilities Act, a legal framework on the rights of persons with disabilities. The law seeks to promote greater accessibility through expanded federal oversight of the Statute of Cities, harsher criminal penalties for discrimination based on disability, inclusive health services with provision of services near residences and rural areas, and a greater share of revenues given from federal lotteries for the Brazilian Paralympic Committee.

The National Council for the Rights of Persons with Disabilities and the National Council for the Rights of the Elderly, both within the SDH, have primary responsibility for promoting the rights of persons with disabilities. According to the SDH, specific problems included the short supply of affordable and up-to-date orthotics and prosthetics, scarcity of affordable housing with special adaptations, and a need for greater accessibility to public transport. Children with disabilities attended school (primary, secondary, and higher education), but there existed a shortage of schools with support for such persons. The lack of accessible infrastructure and schools significantly limited the ability of persons with disabilities to participate in the workforce.

Civil society organizations acknowledged that monitoring and enforcement of disability policies remained weak, and they criticized a lack of accessibility to public transportation, weak application of employment quotas, and a limited medical-based definition of disability that often excludes learning disabilities.

The government improved access for persons with disabilities in its infrastructure development and in retrofitting public sports venues to prepare for sporting events such as the 2014 Soccer World Cup and the 2016 Paralympics games.

## **Other References**

Government Human Rights Bodies: In October the federal government announced the creation of the Ministry of Women, Racial Equality, and Human Rights, resulting from the merging of three ministry-level secretariats covering these issues. The ministry has jurisdiction over issues regarding persons with disabilities, LGBTI persons, the elderly, women's issues, children, policies to combat racism and ethnic discrimination, and government representation in international and regional human rights forums in conjunction with the Ministry of External Relations. The Chamber of Deputies and the Senate had human rights committees that

operated without interference and participated in several activities nationwide in coordination with domestic and international human rights organizations. Most states had police ombudsmen, but their accomplishments varied, depending on such factors as funding and outside political pressure.

## **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape. Intimate partner violence remained both widespread and underreported to authorities, due to fear of retribution, further violence, and social stigma. In March, Congress passed a law that sets a prison sentence of 12 to 30 years for anyone convicted of killing a woman or girl in cases of domestic violence. Longer sentences can be set for killing a pregnant woman, girls under 14, or women who are over 60 or disabled.

Employment: Labor laws and regulations prohibit discrimination on the basis of race, sex, gender, disability, and sexual orientation or gender identity. Discrimination against individuals who are HIV-positive or suffer from other communicable diseases is also prohibited. The government generally enforced these laws and regulations, although discrimination in employment continued to occur with respect to Afro-Brazilians, women, persons with disabilities, indigenous persons, and transgender individuals. During the year the Ministry of Labor published new rules to integrate promotion of racial equality in its programs, including requiring that race be included in data for programs financed by the ministry, including unemployment insurance.

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

Brazil signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 1 Aug 2008.

## **Canada**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation, age, language, HIV-positive status, or other communicable diseases. Provincial or territorial statutes in seven provinces and one territory prohibit discrimination on the basis of gender identity. The government enforced these laws effectively.

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services, and the government effectively enforced these prohibitions. Federal and provincial governments effectively implemented laws

and programs mandating access to buildings, information, and communications for persons with disabilities, but regulation varies by jurisdiction, and there is no comprehensive federal legislation that protects the rights of persons with disabilities.

Children with disabilities attended primary, secondary, and higher education, and the majority attended classes with nondisabled peers or a combination of nondisabled and special education classes with parental consent. Disparities in educational access for students with disabilities existed between provinces and among school boards within provinces. Policy differences included types of services, criteria to determine eligibility, allocation of resources, access to inclusive versus segregated classes or facilities, and the number of teachers, teacher's aides, and therapists.

Disability rights nongovernmental organizations (NGOs) reported that persons with disabilities experienced higher rates of unemployment and underemployment, lower rates of job retention, and higher rates of poverty and economic marginalization than the broader population.

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

## **Other References**

Employment: The law and regulations prohibit discrimination with respect to employment or occupation on the basis of race, color, sex, religion, national origin or citizenship, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or other communicable diseases. Some provinces, including Quebec, New Brunswick, and Newfoundland and Labrador, as well as the Northwest Territories, prohibit employment discrimination on the grounds of social origin, "social condition," or political opinion. Federal law requires equal pay for equal work for four designated groups in federally regulated industries enforced through the Canadian Human Rights Commission on a complaint basis: women, persons with disabilities, Aboriginal people, and visible minorities. Ontario and Quebec have pay equity laws that cover both the public and private sectors, and other provinces require pay equity only in the public sector.

Authorities encouraged individuals to resolve employment-related discrimination complaints through internal workplace dispute resolution processes as a first recourse, but federal and provincial human rights commissions investigated and mediated complaints and enforced the law and regulations. The government enforced the law effectively, but some critics complained that the process was complex and failed to issue rulings in a timely manner. Foreign migrant workers have the same labor rights as citizens and permanent residents, although NGOs alleged that discrimination occurred against migrant workers.

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

Canada signed the CRPD on 30 Mar 2007. The government ratified the CRPD on 11 Mar 2010.

# **Chili**

## **Constitution and Laws**

The constitution states that all persons are equal in terms of the law and dignity; however, it does not specifically identify groups protected from discrimination. The 2012 antidiscrimination law provides civil legal remedies to victims of discrimination based on race, ethnicity, nationality, socioeconomic situation, language, ideology or political opinion, religion or belief, association or participation in union organizations or lack thereof, gender, sexual orientation, gender identification, marriage status, age, affiliation, personal appearance, and sickness or physical disability. The law also increases criminal penalties for acts of violence based on discrimination.

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services, and the government effectively enforced these provisions. Nevertheless, persons with disabilities suffered forms of de facto discrimination (also see section 7.d.). The law provides for universal and equal access to buildings, information, and communications. Most public buildings did not comply with legal accessibility mandates. The public transportation system, particularly outside Santiago, did not adequately provide accessibility for persons with disabilities. In recent years, however, TranSantiago, the main system of public transportation within Santiago, instituted changes to improve compliance with the law, including new ramp systems and elevators at certain metro stations as well as improved access to some buses. Nevertheless, many metro stations and most buses remained inaccessible to persons with physical disabilities.

The National Service for the Disabled (SENADIS) reported that children with disabilities attended school (primary and secondary) but noted difficulties in ensuring equal access to schooling at private institutions. SENADIS also reported that persons with disabilities had fewer opportunities to continue their education following secondary school.

SENADIS operates under the jurisdiction of the Ministry of Planning, has responsibility for protecting the rights of persons with disabilities, and advocates and promotes integration and protection policies throughout all government agencies.

## **Other References**

Employment: The law and regulations prohibit employment discrimination based on race, sex, disability, language, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. The law also provides civil legal remedies to victims of employment discrimination based on race, ethnicity, nationality, socioeconomic situation, language, ideology or political opinion, religion or belief, association or participation in union organizations or lack thereof, gender, sexual orientation, gender identification, marriage status, age, affiliation, personal appearance, and sickness or physical disability.

By law sexual harassment is cause for immediate dismissal from employment. The law requires employers to define internal procedures for investigating sexual harassment, and employers may face fines and additional financial compensation to victims if internal procedures are not met. The law provides protection to those affected by sexual harassment by employers and

coworkers. It also provides severance pay to those individuals who resign due to sexual harassment if they have completed at least one year with the employer.

The government effectively enforced applicable laws and regulations prohibiting employment discrimination. Authorities generally enforced the law in cases of sexual harassment, and there was no evidence of police or judicial reluctance to act. Companies may receive “special sanctions” for infractions such as denying maternity leave. Such penalties were generally sufficient to deter violations.

Nevertheless, discrimination in employment and occupation continued to occur. Persons with disabilities often faced discrimination in hiring; they constituted approximately 7.6 percent of the working-age population but only 0.5 percent of the workforce. Indigenous people experienced societal discrimination in employment.

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

Chile signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 29 Jul 2008.

## **Columbia**

### **Constitution and Laws**

The 2011 antidiscrimination law specifically prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, but many of these prohibitions were not universally enforced. It also adds a chapter on discrimination to the penal code that includes not only racism but discrimination based on ethnic origin, religion, nationality, political ideology, sex, and sexual orientation. The law imposes a penalty of one to three years in prison or a fine of approximately COP 5.3 million to 8 million (\$1,780 to \$2,680).

During the year through June, the law was applied in 19 cases. On February 27, an official in Pereira was convicted under the law, sentenced to 16 months in prison, and fined COP 6 million (\$2,000).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities but not sensory or intellectual disabilities in employment, education, access to public buildings, air travel and other transportation, access to health care, or the provision of other government services. There is no law mandating access to information and telecommunications for persons with disabilities. The Office of the Presidential Advisor for Human Rights under the Minister Counselor for Post-Conflict, Public Security, and Human Rights, along with the Human Rights Directorate at the Ministry of Interior, is responsible for protecting the rights of persons with disabilities. Somos Defensores and other NGOs claimed these laws were seldom enforced.

The constitution establishes education as a fundamental right. Although children with disabilities attended school at all levels, advocates noted the vast majority of teachers and schools were neither trained nor equipped to educate children with disabilities successfully. Advocacy groups also stated children with disabilities entered the education system later than children without disabilities and dropped out at higher rates. Advocates also noted that children with disabilities

were more vulnerable to sexual and other forms of abuse and that citizens with disabilities were hampered in their ability to vote and participate in civic affairs due to lack of adequate transportation or adequate access to voting facilities in numerous locations throughout the country. Persons with disabilities were unemployed at a much higher rate than the general population (see section 7.d.).

In March 2014 the Constitutional Court issued a decision upholding the legality of forced surgical sterilization of children with cognitive and psychosocial disabilities in certain cases.

In 2013 the State Council ordered all public offices to make facilities accessible to persons with disabilities and asked public officials to include requirements for accessibility when granting licenses for construction and occupancy. The State Council also asked every municipality to enforce rules that would make all public offices accessible to persons with disabilities “in a short amount of time.” No information was available on how many public offices and facilities complied with the order and undertook accessibility reconstruction projects during the year.

## **Other References**

Employment: The law prohibits discrimination in respect to employment or occupation regarding race, sex, religion, political opinion, national origin or citizenship, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. Complaints of quid pro quo sexual harassment are filed not with the Ministry of Labor but with the criminal courts. The government reported in 2012 that a system to follow up cases of sexual harassment at the workplace was developed to enable labor inspectors to intervene. This system was created with a protocol for receiving sexual harassment complaints for the purpose of providing legal advice and informing labor inspectors and public prosecutors. The government did not effectively enforce the law in all cases.

Unemployment disproportionately affected women. They faced hiring discrimination and received salaries that generally were not commensurate with their education and experience. According to the NGO Sisma Mujer, on average women were paid 20.2 percent less than men. Among employees with a university education, women on average received between 11 and 23 percent less than the average wages of their male counterparts. A senior government official estimated that 85 percent of persons with disabilities were unemployed.

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

Colombia signed the CRPD on 30 Mar 2007. The government ratified the CRPD on 10 May 2011.

## **Costa Rica**

### **Constitution and Laws**

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, and HIV-positive status or other communicable diseases, and the government mostly enforced these prohibitions.

## **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services; however, the government did not effectively enforce the law. Discriminatory practices were reported in access to education, employment, information, public buildings, and transportation. On May 26, the president signed the law creating the National Council of Persons with Disabilities, the government entity, accountable to the Ministry of Labor, in which NGOs will have a more active role. The law establishes a clear right to employment for persons with disabilities and sets a hiring quota of 5 percent of vacant positions in the public sector, but the government did not implement it. Presidential orders restricted the creation of new job positions, but the executive order did not establish which positions were exclusively for persons with disabilities (see section 7.d.).

Although the law mandates access to buildings for persons with disabilities, the government did not enforce this provision, and many buildings remained inaccessible to persons with disabilities. Both the government policy on education and the national plan for higher education establish the right to education for students with special needs. The Ministry of Education operated a program for persons with disabilities that provided support services to students with special needs in both regular and special education systems.

A political party, Accessibility without Exclusion, represented the interests of persons with disabilities and held one seat in the legislative assembly. The Supreme Elections Tribunal took measures (voting procedures, facilities, materials, and trained personnel) to provide for fully accessible elections for all persons with disabilities.

## **Other References**

Employment: The laws and regulations prohibit discrimination regarding 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 status. The government effectively enforced these laws and regulations and penalties were sufficient to deter violations. The Labor Ministry reported four cases of discrimination; as of June 30, two cases were under investigation.

Discrimination in employment and occupation occurred with respect to persons with disabilities and the LGBTI population (see section 6). Discrimination against migrant workers occurred (see section 7.e.). The Ombudsman's Office received no reports of discrimination against migrant workers at year's end; however, the permanent forum on migrant and refugee populations commented about situations of discrimination or violation of labor rights of migrant workers, but without providing any specific details.

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

Costa Rica signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 1 Oct 2008.

# **Cuba**

## **Constitution and Laws**

### **Persons with Disabilities**

No known law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The Ministry of Labor and Social Security is in charge of the Employment Program for Persons with Disabilities. A ministry resolution accords persons with disabilities the right to equal employment opportunities and equal pay for equal work. There was no information available on compliance with this resolution. The law recommends that buildings, communications facilities, air travel, and other transportation services accommodate persons with disabilities, but these facilities and services were rarely accessible to persons with disabilities, and information for persons with disabilities was limited.

The Special Education Division of the Ministry of Education is responsible for the education and training of children with disabilities. Children with disabilities attended school; there was no information available on whether there were patterns of discriminatory abuse in educational facilities or in mental health facilities during the year.

### **Other References**

Employment: The law prohibits workplace discrimination based on skin color, gender, religious belief, sexual orientation, nationality, “or any other distinction harmful to human dignity,” but it does not explicitly protect political opinion, social origin, disability, age, language, gender identity, or HIV-positive status or other communicable diseases. There was no information available on government enforcement of these provisions during the year.

Discrimination in employment and occupation occurred with respect to persons with HIV and members of the Afro-Cuban population. Leaders within the Afro-Cuban community noted that some Afro-Cubans could not get jobs in sectors such as tourism and hospitality because they were “too dark.” Afro-Cuban leaders explained that fairer-skinned citizens filled jobs in sectors that deal with tourists, and these jobs were often among the best-paying ones available. Afro-Cubans more frequently obtained lower-paying jobs, including cleaning and garbage disposal, that excluded them from close contact with tourists, a major source of hard currency.

There were no statistics stating whether the government effectively enforced applicable laws.

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

Costa Rica signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 1 Oct 2008.

# **Dominica Republic**

## **Constitution and Laws**

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

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

In the case of the CRCs, some prisoners with mental disabilities were separated and received treatment, including therapy, for their conditions. There were no efforts to provide services to prisoners with mental disabilities in traditional prisons.

### **Persons with Disabilities**

Although the law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, these individuals encountered discrimination in employment, education, and in obtaining health care and transportation services. The law provides for physical access for persons with disabilities to all new public and private buildings and access to basic services. It also specifies that each ministry should collaborate with the National Disability Council to implement these provisions. Authorities worked to enforce these provisions, but a gap in implementation persisted. Very few public buildings were fully accessible.

During the year the Ministry of Public Works and Communications completed the comprehensive placement of ramps at intersections along Avenida Maximo Gomez, a major thoroughfare. In addition, the government mandated the installation of ramps as part of any building renovation throughout Santo Domingo.

The Dominican Association for Rehabilitation received support from the Secretariat of Public Health and from the Office of the Presidency to provide rehabilitation assistance to persons with physical and learning disabilities as well as to run schools for children with physical and mental disabilities. Lack of accessible public transportation for persons with disabilities was still a major impediment for the mobility of persons with disabilities.

The law states that the government should provide for persons with disabilities to have access to the labor market as well as to cultural, recreational, and religious activities, but it was not consistently enforced (see section 7.d.). A 2012 UNESCO study reported that 70 percent of children with disabilities were not in school. The Santo Domingo Center for Integrated Care for Children, which assisted more than 200 children during the year, remained the only facility serving children with developmental disabilities.

The National Council on Disability Equality reported that prejudice against persons with disabilities was pervasive across the country, as was poor familial empowerment and a lack of inclusive policies in both public and private sector institutions. Few resources were dedicated to those with mental disabilities.

In August, Labor Minister Maritza Hernandez launched a campaign to raise awareness of inequality and discrimination at work. The education campaign informed persons of their right to work in the labor market irrespective of perceived disabilities. The campaign included workshops, talks, and visits to workplaces to promote a culture of equal opportunity in the

workplace. It also addressed the inclusion and permanence, at a dignified job, of those under vulnerable conditions, including those with HIV/AIDS and of different race, gender, or sexual orientation.

#### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits all forms of discrimination, exclusion, or preference in employment based on gender, age, language, race, color, nationality, social origin, political or union affiliation, religious belief, and against persons with HIV/AIDS. The government did not effectively enforce these provisions. There is no law against discrimination in employment based on sexual preference.

Discrimination in employment and occupation occurred with respect to LGBTI persons, especially transgender persons, against HIV/AIDS-positive persons, against persons with disabilities, persons of darker skin color, and women (also see section 6). For example, the ILO noted its concern regarding continued sexual harassment in the workplace and urged the government to take specific steps to address existing social and cultural stereotypes contributing to discrimination in the country. Discrimination against Haitian migrant workers and Dominicans of Haitian descent occurred across sectors. Many Haitian irregular migrants did not have full access to benefits, including social security and health care (also see sections 7.b. and 7.e.).

In August the Ministry of Labor announced a campaign against labor discrimination, “Let’s All Work from Equality.” The program provided support to vulnerable groups, including persons with disabilities, women, those with a different sexual orientation, and individuals with HIV/AIDS.

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

The Dominican Republic signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 18 Aug 2009.

## **Dominica**

### **Constitution and Laws**

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

A number of domestic and international human rights and advocacy organizations generally operated without government restriction. Several of these groups, such as the Association of Disabled People, the Dominica National Council of Women, and a women’s and children’s self-help organization, operated freely and without government interference. Some civil society groups complained the government had blacklisted them and attacked their members in the media.

Government Human Rights Bodies: According to the constitution, a parliamentary commissioner has responsibility for investigating complaints against the government. This position, however, has never been filled and remained vacant as of October.

## **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with disabilities. There is no legal requirement mandating access to buildings for such persons. Although persons with disabilities have the right to vote, polling stations were often inaccessible. Civil society stated that unemployment numbers were very high, in part, because employers refused to hire persons with disabilities (see section 7.d.).

The government funded one special school for children with intellectual or mental disabilities. Children with physical disabilities and those with hearing and vision disabilities were integrated into mainstream schools. Under an Education Enhancement Project, the government worked to increase the human resource capacity at schools to provide further services to students with disabilities, such as providing the services of a clinical psychologist and speech and language therapist. Primary and secondary schools operated special education programs.

## **Indigenous People**

There is a Kalinago, or Carib, population estimated at 3,000 persons, most of whom lived in the 3,782-acre Carib Territory. They actively participated in decisions affecting themselves, their land, and their resources. Their rights are protected in law and practice.

The Ministry of Carib Affairs was headed by a Kalinago. There were four preschools and two primary schools in the Carib Territory and two secondary schools in nearby communities attended by Kalinago children. This included Isulukati Special Needs School, which provided specialized curricula for students with intellectual or mental disabilities in the Carib Territory. Government support programs existed for Kalinago students in the areas of school feeding, transport, and transition into higher education.

## **Section 7. Worker Rights**

### **d. Discrimination with Respect to Employment or Occupation**

The constitution specifically prohibits discrimination based on race, gender, place of origin, color, creed, and political opinion, and the government generally enforced this provision.

Discrimination in employment and occupation occurred with respect to women and persons with disabilities. The labor law permits employers to pay people with disabilities less money (see section 6).

### **e. Acceptable Conditions of Work**

The minimum wage law establishes no universal minimum wage but rather varies base wages depending on the category of workers, with the lowest minimum wage set at 4.00 XCD (\$1.48) per hour and the highest minimum wage at 5.50 XCD (\$2.04) per hour. A 2009 study by the Dominica Central Statistical Office, the most recent data available, estimated the poverty income level at 6,230 XCD (\$2,307) annually and found that 29 percent of the population lived below this threshold. Labor laws provide that the labor commissioner may authorize the employment of a person with disabilities at a wage lower than the minimum rate to enable that person to be employed gainfully. The labor commissioner did not authorize subminimum wages during the year.

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

Dominica signed the CRPD on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 1 Oct 2012.

## **Ecuador**

### **Constitution and Laws**

The constitution and the law prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation, gender identity, age, language, HIV-positive status, or health condition. The government did not fully enforce these prohibitions. Women, persons with disabilities, indigenous persons, Afro-Ecuadorians, LGBTI persons, and those with HIV-positive status or other communicable diseases continued to face discrimination.

### **Persons with Disabilities**

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

The law grants persons with disabilities the right to cost and fee reductions from several public and private entities, including utilities, transportation, and taxes. It also stipulates rights to health facilities and insurance coverage, increases access and inclusion in education, and creates a new program for scholarships and student loans for persons with disabilities. On July 31, the government-owned newspaper *El Telegrafo* cited a study by the Technical Secretariat for the Inclusive Management of Disabilities that 65 percent of persons with disabilities finished primary education and 7 percent pursued university studies. The law provides for special job security for those with disabilities or those who care for a person with disabilities, and it entitles employees who acquire a disability to rehabilitation and relocation. A national system evaluates and registers persons with disabilities. Many of the benefits in the law are transferable to a parent or primary caregiver. The law also gives the Office of the Human Rights Ombudsman responsibility for following up on alleged violations of the rights of persons with disabilities and stipulates a series of fines and punishments for lack of compliance with the law.

Advocates for persons with disabilities reported procedural regulations that went into effect in 2013 reduce coverage, protection, and the legal recognition of some persons with disabilities. Individuals with disabilities considered less inhibitive--those that restrict their capacity to perform less than 40 percent of essential everyday activities--lost access to certain economic benefits, including health care, home loans, special retirement and disability payments, and reduced fees in utility services.

The government continued a campaign to create jobs for persons with disabilities, to provide funding to municipalities to improve access to public buildings, and to open training and rehabilitation centers. The initiative also monitored the degree of compliance by companies that hire persons with disabilities. The caregivers of persons with more significant disabilities received a monthly government subsidy of \$240. The Technical Secretariat for Disabilities reported that between 2010 and 2014, there were 353,000 persons with disabilities registered, and 73,500 were incorporated into the labor market. According to a government study, the poverty rate for persons with disabilities fell from 42.1 percent in 2006 to 28.2 percent during the year.

The law directs the electoral authorities to provide access to voting and to facilitate voting for persons with disabilities, and international observers commended the government's accommodations for persons with disabilities in the 2014 local elections. The CNE initiated a program to allow in-home voting for those with more significant disabilities.

## **Other References**

Freedom of Speech and Expression: Article 176 of the new criminal code that went into effect August 10 establishes a prison sentence of up to three years for those who “disseminate, practice, or incite any distinction, restriction, or preference on grounds of nationality, ethnicity, place of birth, age, sex, gender identity or sexual orientation, cultural identity, marital status, language, religion, ideology, socioeconomic status, immigration status, disability, or health status with the aim of nullifying or impairing the recognition, enjoyment, or exercise of equal rights.” According to some legal experts, the article could restrict freedom of speech.

Birth Registration: Citizenship is acquired through birth in the country, birth to an Ecuadorian mother or father abroad, or by naturalization. In December 2013 a study by the vice presidency revealed that 5.5 percent of the population were not registered at birth. On September 25, officials of the Social Security Institute announced the availability of an electronic database in all its medical centers to register all newborns; previously it was done manually. According to 2014 statistics, ethnic minority families with limited economic resources continued to show registration rates significantly lower than those of other groups. Government brigades traveled to remote rural areas in 2014 and 2015 to register families and persons with disabilities. While the law prohibits schools from requesting civil registration documents for children to enroll, some schools, mostly public schools, continued to require them. Human rights organizations reported that this problem particularly affected refugee children. Other government services, including welfare payments and free primary health care, require some form of identification.

Employment: The law and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. The law prohibits employers from using discriminatory criteria in hiring, discriminating against unions, and retaliating against striking workers and their leaders. The government did not effectively enforce those laws and regulations.

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

Ecuador signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 3 Apr 2008.

# **El Salvador**

## **Constitution and Laws**

Although the constitution and other laws provide that all persons are equal before the law and prohibit discrimination based on race, sex, disability, language, sexual orientation and/or gender identity, social origin, national origin, or religion, the government did not effectively enforce these prohibitions. There was discrimination against women, persons with disabilities, LGBTI persons, and indigenous people.

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services. According to CONAIPD the government did not allocate sufficient resources to enforce these prohibitions effectively, particularly in education, employment, and transportation. The government did not effectively enforce legal requirements for access to buildings, information, and communications for persons with disabilities. There were almost no access ramps or provisions for the mobility of persons with disabilities. Children with disabilities generally attended primary school, but attendance at higher levels was more dependent on their parents' financial resources.

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

According to CONAIPD only 5 percent of businesses and nongovernment agencies fulfilled the legal requirement of hiring one person with disabilities for every 25 hires. There was no information available regarding abuse in educational or mental health facilities, although CONAIPD previously reported isolated incidents, including sexual abuse, in those facilities.

CONAIPD reported employers frequently fired persons who acquired disabilities and would not consider persons with disabilities for work for which they qualified. Some schools would not accept children with disabilities due to a lack of facilities and resources. There is no formal system for filing a complaint of disability discrimination with the government.

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

On January 13, the TSE and CONAIPD signed an agreement to promote the rights of persons with disabilities during the municipal and legislative elections. As part of the agreement, the TSE hired persons with disabilities and sign-language interpreters to guide voters with disabilities on how to exercise their right to vote, and provided Braille ballots during the elections.

On November 13, the Ministry of Labor held a job fair for persons with disabilities. Reportedly, the fair offered approximately 450 jobs exclusively for persons with disabilities across 40 private companies in the commercial services and trade industries.

On October 8, the Legislative Assembly reformed the Land Transportation and Traffic Safety Law to include fines against those who inappropriately use parking spaces exclusively designated for disabled persons.

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

## **Other References**

Prison and Detention Center Conditions, Physical Conditions: Prisoners conducted criminal activities from their cells, at times with the complicity of prison guards. Smuggling of weapons, drugs, and other contraband such as cell phones and cell-phone SIM cards was a major problem in the prisons. As of September 2, prison authorities removed 11 guards from prisons for carrying illegal objects and sanctioned 29 guards for misconduct. As of September 12, six external contractors responsible for food services were arrested for passing illegal contraband, including cell phones, SIM cards, cables, cigarette lighters, and other illicit items. There was no information available regarding abuse of persons with disabilities in prisons, although the government's National Council for Comprehensive Attention to Persons with Disability (CONAIPD) previously reported isolated incidents, including sexual abuse.

Rape and Domestic Violence: The law criminalizes rape, and the criminal code's definition of rape may apply to spousal rape. The law requires the FGR to prosecute rape cases whether or not the victim presses charges, and the law does not permit the victim to nullify the criminal charge. Generally, the penalty for rape is six to 10 years' imprisonment, but the law provides for a maximum sentence of 20 years for raping certain classes of victims, including children and persons with disabilities.

Employment: The constitution and regulations prohibit discrimination regarding race, sex, gender, disability, language, HIV-positive status or other communicable diseases, or social status. The government did not effectively enforce those laws and regulations. Sexual orientation and gender identity are not included in the constitution, although the PDDH and Ministry of Labor actively sought to protect such rights.

Discrimination in employment and occupation occurred with respect to gender, disability, and sexual orientation and/or gender identity (see sections 6 and 7.e.). According to the Ministry of Labor, migrant workers have the same rights as citizens, but the ministry did not enforce these rights.

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

El Salvador signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 14 Dec 2007.

# **Grenada**

## **Constitution and Laws**

### **Persons with Disabilities**

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

### **Another Reference**

Employment: The law prohibits discrimination in respect to employment or occupation regarding race, color, national extraction, social origin, religion, political opinion, sex, age, or disability. The law does not prohibit discrimination in respect to employment or occupation regarding language, HIV-positive status or other communicable diseases, sexual orientation, and/or gender identity. In general the government effectively enforced these laws and regulations. There were no reports of discrimination with respect to employment and occupation occurred.

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

Grenada signed the CRPD on 12 Jul 2010. The government ratified the CRPD on 28 Aug 2014.

# **Guatemala**

## **Constitution and Laws**

The constitution and law prohibit discrimination based on race, gender, religion, political opinion, national origin or citizenship, social origin, disability, age, or language. The government frequently did not enforce these provisions.

### **Persons with Disabilities**

The constitution contains no specific prohibitions against discrimination based on physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The law, however, mandates equal access to public facilities and provides some other legal protections. In many cases, however, the law was not enforced, and the government devoted few resources to addressing the needs of persons with

disabilities. The law does not mandate that persons with disabilities have access to information or communications.

The National Council for Persons with Disabilities reported few persons with disabilities attended educational institutions or held jobs. The council, composed of representatives of relevant government ministries and agencies, is the principal government entity responsible for protecting the rights of persons with disabilities. The council met regularly to discuss initiatives and had a budget of 10.6 million quetzales (\$1.38 million). There were no reports on what, if any, effect the council had on meeting the needs of persons with disabilities.

There were minimal educational resources for persons with disabilities. Most universities did not have facilities accessible to persons with disabilities.

The Federico Mora National Hospital for Mental Health, the only public health provider for persons with mental illness, lacked basic supplies, equipment, hygienic living conditions, and adequate professional staff. In 2012 Disability Rights International filed a complaint with the Inter-American Commission on Human Rights and documented mistreatment of patients. Later that year the commission found the charges credible and ordered preventive measures aimed at protecting all patients, particularly women and children, from physical, psychological, and sexual violence by other patients, guards, and hospital staff. In 2013 the government agreed to initiate a series of reforms and implement new legal protections for mentally ill persons and those with disabilities; however, there was little progress until the BBC released a documentary about the institution in December 2014. Subsequently, the government fired several employees and took steps to separate those awaiting criminal proceedings from the general population. As of September disability rights organizations noted little else had changed.

## **Another Reference**

Employment: The law explicitly prohibits discrimination with respect to employment or occupation on the basis of race, color, sex, religion, political opinion, national origin or citizenship, age, and disability. The government did not effectively enforce the law and related regulations.

Discrimination in employment and occupation occurred. Anecdotally, wage discrimination based on race and sex occurred often in rural areas.

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

Guatemala signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 7 Apr 2009.

## **Guyana**

### **Constitution and Laws**

The constitution and law prohibit discrimination based on race, sex, political opinion, disability, language, social status, religion, or national origin or citizenship, and the government effectively enforced these provisions. The law does not prohibit discrimination based on HIV status or other

communicable disease. There is no constitutional protection against discrimination based on sexual orientation or gender identity.

## **Persons with Disabilities**

The constitution mandates that the state “take legislative and other measures” designed to protect disadvantaged persons and persons with disabilities. The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, but civil society groups stated the law was not fully enforced. The law provides for a National Commission on Disabilities (NCD) to advise the government, coordinate actions on problems affecting persons with disabilities, and implement and monitor the law. The NCD focused its attention on sensitizing the public about the law and on compliance, as well as performing sensitization workshops with the Ministries of Labor, Human Services and Social Security, Education, and Health.

There were segregated schools for the blind and segregated schools for persons with other disabilities in regions four and six, the most populous regions of the country. Children with disabilities rarely attend mainstream schools, as these lacked the curriculum and infrastructure necessary to accommodate children with disabilities. Lack of appropriate transportation and infrastructure to provide access to both public and private facilities made it difficult for persons with disabilities to be employed outside their homes. The NCD received very few complaints of discrimination.

## **Another Reference**

Employment: The law prohibits discrimination with respect to employment and occupation based on race, sex, gender, disability, language, social status, and national origin or citizenship. The government did not effectively enforce the law. The law does not prohibit discrimination based on sexual orientation or gender identity. Discrimination in employment and occupation occurred with respect to women and to persons based on their sexual orientation or gender identity (see [section 6](#)).

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

Guyana signed the CRPD on 11 Apr 2007. The government ratified the CRPD on 10 Sep 2014.

## **Haiti**

### **Constitution and Laws**

The law does not specifically prohibit discrimination on the grounds of race, sex, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, HIV-positive status, or other communicable diseases, but the preamble to the constitution specifically reiterates the importance of adhering to the Universal Declaration of Human Rights, which prohibits all forms of discrimination. Nonetheless, no effective

governmental mechanism administered or enforced such provisions, including provisions called for in various regional and international agreements.

## **Persons with Disabilities**

The constitution stipulates that persons with disabilities should have the means to provide for their autonomy, education, and independence. The law prohibits discrimination in employment practices against persons with disabilities, requires the government to integrate such persons into the state's public services, and imposes a 2 percent quota for persons with disabilities in the workforces of private sector companies. There was no information available on the extent of government enforcement of these legal protection mechanisms. Government officials also took steps to include protections for persons with disabilities to vote.

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

The BSEIPH has several departmental offices outside the capital and continued to refine a strategic development plan to guide the institution's efforts. The BSEIPH also offered scholarships and grants to students with disabilities and initiated a program to help fund the study of disabilities-related issues at the Haitian State University.

The BSEIPH ensured that existing efforts to craft or reform legislation took into account the needs of persons with disabilities. The BSEIPH provided technical assistance to governmental efforts to harmonize the labor code to the law on the integration of persons with disabilities, reform domestic adoptions framework, and conform the building code (in partnership with representatives from the Ministry of Social Affairs and Labor, IBESR, and Ministry of Public Works, Transport, and Communications) to standards of universal accessibility. Similarly, the BSEIPH worked with international NGO Handicap International and the Ministry of Public Health to develop standardized training protocols for physical therapists and other health practitioners.

## **Another Reference**

Employment: The constitution provides for freedom of work for all citizens and prohibits discrimination based on sex, origin, religion, opinion, or marital status. For public-sector employment, the constitution sets a minimum quota of 30 percent for women. The labor code does not define employment discrimination, although it sets out specific provisions with respect to the rights and obligations of foreigners and women such as the conditions to obtain a work

permit, foreign worker quotas, and provisions related to maternity leave. The law does not prohibit discrimination based on disability, language, sexual orientation and/or gender identity, social status, and HIV-positive status.

The government took some steps to enforce the laws through administrative methods, through the Ministry of Women's Conditions and the Secretary of State for the Integration of the Disabled. In the private sector, several work areas, which used to be predominantly male oriented, began engaging female workers at the same pay scale, including the public transportation and construction industries. Despite these improvements, discrimination related to gender remained a major concern, although there was no governmental assessment or report of work abuses. In the garment industry, ILO Better Work Haiti reported that two factories were noncompliant with discrimination standards based on one finding of sexual harassment and one case of unlawful dismissal of a pregnant worker.

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

Haiti ratified the CCRPD and Optional Protocol on 23 Jul 2009.

## **Honduras**

### **Constitution and Laws**

#### **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. Enforcement in the area of employment is the responsibility of the Secretariat of State of Labor and Social Security (STSS), but was not effective due to limited resources and the secretariat's focus on workplace safety and pay problems. The Public Ministry is responsible for prosecuting violations. The law requires access to buildings for persons with disabilities, but few buildings were accessible, and the national government did not effectively implement laws or programs to provide access.

Some students with disabilities attended school (primary, secondary, and higher education). The law includes provisions for inclusive education for students with disabilities. The STSS promulgated regulations to implement the law and created a separate division to manage special education. According to the STSS, the national educational system served 49,981 students with disabilities in 2013. Some parents filed complaints against schools that allegedly refused to register students with disabilities. In 2014 CONADEH estimated 27 percent of economically active individuals with disabilities had no education, while 56 percent had only a primary education.

Patterns of abuse reported in mental health facilities included degrading treatment, arbitrary commitment, inappropriate use of physical restraints, unhygienic conditions, inadequate or dangerous medical care, and sexual or other violence.

The government did not implement its policy on persons with disabilities. The government had a disabilities unit in the Secretariat of State of Development and Social Inclusion. In the

postelection government restructuring, the government eliminated its Office of the Special Commissioner for Disabilities of the Secretariat of State of the Presidency.

## **Other References**

Freedom of Speech and Press: The constitution and laws provide for freedom of speech and press, with some restrictions, and the government generally respected these rights. A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the major news media and in some cases influenced the reporting in their outlets.

Freedom of Speech and Expression: In 2013 the National Congress amended the penal code to punish persons who directly or through public media incites discrimination, hate, contempt, repression, or violence against a person, group, or organization for reasons of their sex, gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance or anything else that is against the human dignity of the victim.

Employment: The law prohibits discrimination on the basis of sex, gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance, or anything else that is against the human dignity of the victim. Penalties include a sentence of three to five years and monetary fines. The law prohibits employers from requiring pregnancy tests as a prerequisite to employment; violators are subject to a fine of 5,000 lempiras (\$227). The government did not effectively enforce these laws and regulations.

Employers discriminated against women. According to a 2013 study by the National Institute for Women, employers paid women 16 percent less on average than men for comparable work. Female workers in the textile export industries continued to report that they were required to take pregnancy tests as a condition for employment. Persons with disabilities, indigenous and Afro-Honduran persons, LGBTI persons, and persons with HIV/AIDS also faced discrimination in employment and occupation (also see section 6, Children).

Prison and Detention Center Conditions (Physical Conditions): Authorities held persons with mental illnesses or disabilities, as well as those with tuberculosis and other infectious diseases, together with the general prison population. In 2014 the National Penitentiary in Tamara reported their facility was the only prison with an antiretroviral treatment program. It did not have necessary materials to test for or diagnose HIV/AIDS, tuberculosis, or diabetes. In addition, the surgical unit lacked anesthesia, surgical gloves, and needles.

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

Honduras signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD on 14 Apr 2008 and Optional Protocol on 16 Aug 2010.

## **Jamaica**

### **Persons with Disabilities**

While the law prohibits discrimination against persons with disabilities, it does not mandate accessibility standards. The 2014 Disabilities Act provides for the “full and effective participation and inclusion in the society for persons with disabilities on an equal basis with others” and establishes a disabilities rights tribunal to hear complaints. Persons with disabilities nevertheless continued to encounter discrimination in employment and access to schools, usually due to the state of the infrastructure, which limited access to buildings and provided few special facilities.

Limitations in access to education were particularly pronounced at the primary school level, due to insufficient access to facilities for persons with disabilities. There was also a lack of suitably trained faculty to care for and instruct students with disabilities. There were fewer reports of problems in secondary schools. Tertiary institutions, including community colleges, increasingly drafted policies to promote full inclusion of persons with disabilities. Health care reportedly was universally available.

The Ministry of Labor and Social Security has responsibility for the Jamaica Council for Persons with Disabilities. The council distributes economic empowerment grants of up to \$50,000 JMD (\$420) to persons with disabilities to provide assistive aids and to help them develop small businesses. The Ministry of Labor and Social Security also has responsibility for the Early Stimulation Project, an education program for children with disabilities, and for the Abilities Foundation, a vocational program for older persons with disabilities.

### **d. Discrimination with Respect to Employment and Occupation**

Laws and regulations prohibit discrimination on the grounds of race, sex, gender, place of origin, social status, color, disability, religion, or political opinions. The law does not prohibit discrimination based on sexual orientation or gender identity or HIV-positive status. The 2014 Disabilities Act seeks to safeguard and enhance the welfare and ensure the full and fair participation and inclusion in society of persons with disabilities

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

Convention on the Rights of Persons with Disabilities Jamaica signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD on 30 Mar 2007.

## **Mexico**

### **EXECUTIVE SUMMARY**

he following additional problems persisted: poor prison conditions; arbitrary arrest and detention; threats and violence against human rights defenders and journalists; threats and violence against migrants; violence against women; domestic violence; abuse of persons with disabilities; threats and violence against some members of the indigenous population; threats against

lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; trafficking in persons; and child labor, including forced labor by children.

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

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

Child Abuse: There were numerous reports of child abuse. The government sought to increase comprehensive protection of children through passage of the General Law on the Rights of Children and Adolescents, adopted in December 2014. The law grants special attention to vulnerable children and adolescents, including migrant children, children with disabilities, and children living in poverty. The law includes provisions to eliminate all forms of violence and exploitation of children as well as provisions to strengthen their access to justice. In December the government created a National Program for the Integral Protection of Children and Adolescents, mandated by law, which is responsible for coordinating the protection of children's rights at all levels of government. The program includes the creation of a National System of Information on Children and Adolescents, designed to improve data on treatment of children.

Institutionalized Children: Civil society groups expressed concerns regarding violations of abuses of children with mental and physical disabilities in orphanages and care facilities (see section 6, Persons with Disabilities).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other services. The government did not effectively enforce the law. The law requires the Ministry of Health to promote the creation of long-term institutions for persons with disabilities in distress, and the Ministry of Social Development must establish specialized institutions to care for, protect, and house persons with disabilities in poverty, neglect, or marginalization. NGOs reported programs for community integration had not been implemented. NGOs reported no changes in the mental health system to create community services nor any efforts by authorities to have independent experts monitor human rights violations in psychiatric institutions.

Public buildings and facilities continued to be in noncompliance with the law requiring access for persons with disabilities. The education system provided special education for students with disabilities nationwide. In general children with disabilities attended school at a lower rate than those without disabilities. NGOs reported employment discrimination (see section 7.d.).

Human rights abuses in mental health institutions and care facilities, including those for children, continued to be a problem. Abuses of persons with disabilities included lack of access to justice, the use of physical and chemical restraints, physical and sexual abuse, disappearances, and illegal adoption of institutionalized children. Institutionalized persons with disabilities often lacked adequate privacy and clothing and often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or guests at facilities where

there was inadequate supervision. Documentation supporting the person's identity and origin was lacking, and there were instances of disappearances.

In July the NGO Disability Rights International (DRI) reported on the privately run institution, Casa Esperanza. DRI alleged that residents, some of whom did not appear to have disabilities, were victims of pervasive sexual abuse by staff, and in some cases human trafficking, and were restrained using duct tape bandages or cages for extended periods of time. Eight residents were reported as permanently confined to their beds. Forty percent of women interviewed--all with psychosocial or psychiatric disabilities--had been surgically sterilized pursuant to an alleged standard practice to avoid pregnancy from sexual abuse. As of June most residents had been moved to other institutions, but no charges had been filed, and the director and staff continued at the facility with the remaining residents.

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

#### **d. Discrimination with Respect to Employment and Occupation**

The government did not effectively enforce these laws and regulations. Penalties for violations of the law included administrative remedies, such as reinstatement, payment of back wages, and fines (often calculated based on the employee's wages), and were not generally considered sufficient to deter violations. Discrimination in employment or occupation occurred against women, indigenous groups, persons with disabilities, LGBTI individuals, and migrant workers.

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

Convention on the Rights of Persons with Disabilities Mexico signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 17 Dec 2007.

## **Nicaragua**

### **e. Denial of Fair Public Trial**

#### **TRIAL PROCEDURES**

Defendants are presumed innocent until proven guilty. Defendants have the right to be fully informed of the charges against them and the right to a fair trial. While the law establishes specific time periods for cases to come to trial, most cases encountered undue delay. Trials are public, but in some cases involving minors or at the victim's request, they may be private. The law provides defendants with the option of a jury trial, but certain types of cases (drugs, organized crime, money laundering) do not have the option for a jury trial and must be decided by a judge. Defendants have the right to legal counsel, and the state provides public defenders for indigent persons. Defendants have the right to adequate time and facilities to prepare a

defense and access to all information and evidence registered with the government, as well as the right to know why and how it was obtained, but only during the discovery and trial phases, not during the pretrial period. Defendants may confront and question witnesses and have the right to appeal a conviction. Defendants may present their own witnesses and evidence in their defense; however, some judges refused to admit evidence on behalf of the defense. Defendants cannot be compelled to testify or confess guilt. The law extends these rights to all citizens regardless of gender, ethnicity, disability, or other status

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

The law prohibits discrimination based on race, gender identity, religion, political opinion, national origin or citizenship, social origin, disability, language, or HIV-positive status or other communicable diseases; however, the government did not regularly enforce these legal prohibitions. Persons thus discriminated against filed few suits or formal complaints due to a belief that their complaints would not be addressed and could lead to negative outcomes for those filing.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but such discrimination was widespread in education, transportation, access to health care, the provision of state services, and employment (see section 7.d.). Laws related to persons with disabilities did not stipulate penalties for noncompliant companies, although penalties may be issued under the general labor inspection code. MiFamilia, the Ministry of Labor, and the PDDH are among government agencies responsible for the protection and advancement of rights of persons with disabilities. The government did not enforce the law effectively; did not mandate accessibility to buildings, information, and communications; and did not make information available on efforts to improve respect for the rights of persons with disabilities. Independent media reported that less than 1 percent of public sector employees hired were persons with disabilities, although the percentage is mandated by law, and that public institutions did not sufficiently coordinate with the Labor Ministry regarding the rights of persons with disabilities.

Persons with disabilities faced severe problems accessing schools, public health facilities, and other public institutions. The law does not restrict persons with disabilities' right to vote, although many voting facilities were not accessible to persons with disabilities. Complaints continued regarding the lack of an accessible public transportation system in Managua. While some buses were accessible to persons with disabilities, reports continued that drivers of these equipped buses either refused to stop to allow persons with disabilities to board or intentionally broke lift and ramp equipment on their buses. The press reported the Managua Mayor's Office sponsored relevant training for bus drivers through transportation cooperatives. The PDDH special prosecutor for disability rights was active throughout the year. Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care generally was poor.

#### **d. Discrimination with Respect to Employment or Occupation**

Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government did not effectively enforce these laws and regulations.

Discrimination in employment and occupation occurred with respect to women, persons with disabilities, sexual orientation, and gender identity (see section 6)

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

Convention on the Rights of Persons with Disabilities Nicaragua signed the CRPD on 30 Mar 2007, and the Optional Protocol on 21 Oct 2008. The government ratified the CRPD on 7 Dec 2007, and the Optional Protocol on 2 Feb 2010.

## **Panama**

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

The law prohibits discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, and disability, but the government did not always enforce these prohibitions effectively.

#### **Persons with Disabilities**

The law prohibits discrimination based on physical, sensory, intellectual, or mental disability, but the constitution permits the denial of naturalization to persons with mental or physical disabilities. The law mandates access to new or remodeled public buildings for persons with disabilities and requires that schools integrate children with disabilities.

Persons with disabilities experienced substantial discrimination in access to transportation, employment, education, access to health care, and the provision of other government services. Panama City's bus fleet was not wheelchair accessible. While the city's metro system includes elevators for access for persons with disabilities, the elevators were frequently locked and could not be used. A lack of ramps further limited access to the stations. Panama Metro committed to fix the problems and invited National Secretariat for the Social Integration of Persons with Disabilities (SENADIS) to be part of the design committee for Line 2 of the Metro, which began construction in September. Most businesses had wheelchair ramps and accessible parking spaces as required by law, but in many cases they did not meet government's size specifications.

Some public schools admitted children with mental and physical disabilities, but most did not have adequate facilities for other children with disabilities. There were 13,975 students with

disabilities in 780 public schools nationwide. The government installed ramps in some schools and mainstreamed some children with disabilities. Few private schools admitted children with disabilities. The high costs of hiring professional tutors to accompany children to private schools--a requirement of all private schools--burdened parents of students with disabilities.

The 2012 Guardian Angel program, which provides a subsidy of 80 balboas (\$80) per month for children with significant physical disabilities, continued during the year. To qualify, the parents or guardian of a child must be living in poverty and must submit a medical certification specifying the degree of the disability and the child's dependency on another person. A total of 12,213 persons with disabilities received 160 balboas (\$160) during the fourth fund disbursement in September.

In late 2014 the Supreme Court ruled unconstitutional, on grounds of discrimination and the protection of private information, Law 35, which mandated that the National Electoral Tribunal include a person's disabilities as well as blood type and allergies on his or her national identification card in case of emergency. The law also required the National Transportation Authority to include the same information on a government-issued driver's license.

SENADIS is the agency responsible for protecting the rights of persons with disabilities. According to SENADIS authorities, its annual budget of approximately seven million dollars was half its estimated need. In October the National Assembly approved a budget of eight million dollars for 2016. The Ministries of Education and of Social Development share responsibilities for educating and training minors with disabilities.

In 2014 SENADIS opened the National Directorate for Certification to comply with the World Health Organization's (WHO) Disability Assessment. In May, SENADIS installed an evaluation board to begin certifying persons with disabilities. At a public event in July, President Varela and Minister of Social Development Alcibiades Vasquez issued the first SENADIS certifications to a group of persons with disabilities. The certifications, in the form of an identification card, allowed persons with disabilities to receive discounts on medications, health services, utilities, transportation, and entertainment. As of October, SENADIS only issued approximately 240 certifications of the 1,150 applications received since 2014. This pace is attributable to a lack of professional staff with the necessary training and certification (based on WHO standards) required to serve on the boards. In October the Ministry of Health assigned two full-time physicians to work at the boards to expedite the process.

The law stipulates a 2-percent quota for persons with disabilities within the workforce. The Ministry of Labor is responsible for referring workers with disabilities to employers for suitable jobs, but successful hiring by private-sector employers remained poor. During the year SENADIS and the Ministry of Labor sponsored three career fairs during which more than 50 large local companies reportedly hired more than 1,500 persons with disabilities. In August, SENADIS, the Ministry of Labor, and local NGO Sumarse sponsored another job fair for persons with visual disabilities at which employers hired 50 blind persons.

SENADIS continued to operate the Family Businesses Project, which assisted low-income families with members with disabilities to start microbusinesses. By October the government provided 50 balboas (\$50) per month to 88 new beneficiaries. Throughout the year the government also donated rehabilitation equipment to low-income persons with disabilities. During the year SENADIS held seminars nationwide to create awareness on disabilities

problems and to promote its social programs in rural communities, including several in the indigenous Ngabe Bugle comarca.

#### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations prohibit discrimination regarding race, gender, religion, political opinion, citizenship, disability, language, and social status but do not do so on the basis of sexual orientation and/or gender identity, HIV-positive status or other communicable diseases.

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

Discrimination against migrant workers also occurred (see section 6)

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

Panama signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 7 Aug 2007.

## **Paraguay**

### **EXECUTIVE SUMMARY**

Other human rights problems included the killing and intimidation of journalists by organized-crime groups; corruption, discrimination, and violence against women and indigenous persons, persons with disabilities, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and trafficking in persons. Problems with child labor and violations of worker rights often occurred.

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

#### **Prison and Detention Center Conditions**

Physical Conditions: According to a Justice Ministry report in September, the country's 16 penitentiaries held 12,313 inmates, 79 percent more than their design capacity of 6,893. In an effort to address this situation, the ministry temporarily stopped admitting new prisoners in Tacumbu and Ciudad del Este prisons, where overcrowding was particularly severe, and transferred existing prisoners to less crowded prisons. Penitentiaries did not have adequate accommodations for inmates with physical disabilities.

Administration: Independent authorities investigated credible allegations of inhuman conditions. During the year the Justice Ministry's Human Rights Unit implemented new protocols to address the allegations, including adequate prison accommodations for prisoners with physical disabilities or special needs; immediate interventions in cases of human rights abuses of inmates; and greater access to justice for inmates with mental disabilities.

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

The constitution prohibits discrimination based on race, sex, disability, language, or social status, but the government did not effectively enforce these provisions.

### **Persons with Disabilities**

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

Municipalities continued to improve accessibility to public buildings and building ramps into sidewalks; traffic police fined drivers whose cars blocked access to the ramps, although many ramps are inadequate to accommodate wheelchairs.

Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The law mandates the allocation of 5 percent of all available public employee positions, approximately 10,000 positions, to persons with disabilities. In 2013 government employees with disabilities constituted less than 1 percent of public-sector employees. The Ministry of Education estimated more than 50 percent of children with disabilities did not attend school because of lack of access to public transportation.

The National Secretariat for the Rights of Persons with Disabilities is responsible for certifying disability status. No law specifically provides for access to information or communications.

## **Section 7. Worker Rights**

### **d. Discrimination with Respect to Employment or Occupation**

The labor code specifically prohibits discrimination based on race, color, sex, religion, political opinion, and social origin. Other legislation prohibits discrimination based on disability and HIV-positive status. Laws and regulations mandate that 5 percent of public employees be persons with disabilities. These laws and regulations were often not enforced. No legislation forbids labor discrimination based on national origin, citizenship, sexual orientation, gender identity, age, language, or having a communicable disease.

The government did not effectively enforce applicable law. Penalties were insufficient to deter violations. Employment discrimination mostly occurred in regards to sex, race, disability, age, language, sexual orientation, HIV-positive status, and for pregnancy. Discrimination in employment occurred with respect to women, indigenous groups, Afro-Paraguayans, and LGBTI persons (see section 6). Testing for and discrimination based on HIV and other

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

Paraguay signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 3 Sep 2008.

## **Peru**

### **EXECUTIVE SUMMARY**

The following human rights problems also were reported: harsh prison conditions, abuse of detainees and inmates by prison security forces, lengthy pretrial detention, inordinate trial delays, intimidation of the media, threats towards human rights activists, limits on religious freedom, and incomplete registration of internally displaced persons (IDPs). In addition there was discrimination against women; individuals with disabilities; members of racial and ethnic minority groups; indigenous persons; lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and persons with HIV/AIDS. Socioenvironmental conflicts involving extractive industries and development projects occurred and sometimes turned violent. Other problems were a lack of labor law enforcement and the use of child labor, particularly in informal sectors.

### **Prison and Detention Center Conditions**

Physical Conditions: Basic medical care was available at most prisons, but there was a shortage of doctors, and inmates complained of having to pay for medical attention. Tuberculosis and HIV/AIDS reportedly remained at near-epidemic levels; the Ombudsman's Office reported the incidence of tuberculosis was 50 times higher than outside the prisons, while the HIV/AIDS rate was more than eight times higher. The Ombudsman's Office reported insufficient accessibility and inadequate facilities for prisoners with disabilities. Prisons lacked specialized medical equipment needed for prisoners with disabilities, such as wheelchairs and transferrable beds. Low accessibility to adequate psychological care for prisoners with mental health problems was also reported.

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

Government Human Rights Bodies: The Ministry of Justice and Human Rights, and in particular the Vice Ministry of Human Rights and Access to Justice, oversees human rights issues at the national level.

The independent Office of the Ombudsman operated without government or party interference and was considered effective. It operated under an acting ombudsman, due to congress' failure since 2011 to appoint a permanent ombudsman.

Congressional committees included Justice and Human Rights; Women and the Family; Labor; Andean, Amazonian, Afro-Peruvian Peoples and Environment and Ecology; Health, Population, and Persons with Disabilities; and Women and Social Development.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Women**

Violence against women and girls—including rape, spousal abuse, and sexual, physical, and mental abuse—remained serious national problems. As of August the ministry documented 32,500 cases of violence against women, compared with 21,000 in the first nine months in 2014. The government reported 64 actual and 125 attempted femicides as of August, compared with 66 actual and 88 attempted femicides in the first nine months of 2014. Femicide is a crime and carries a minimum sentence of 15 years' imprisonment for those convicted of killing a woman who is an immediate relative, spouse, or partner. The law establishes sentences of up to life in prison when the victim is a minor, pregnant, or has a disability.

### **Persons with Disabilities**

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

In addition the law mandates that internet sites maintained by governmental, institutional, and other service providers be accessible to persons with disabilities and requires accessibility through the inclusion of sign language or subtitles in all educational and cultural programs on public television and in media alternatives in all public libraries.

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

The government failed to enforce laws safeguarding and attending to persons with mental disabilities in situations of social abandonment. The number of medical personnel providing services in psychiatric institutions was reportedly insufficient to care for all patients. The ombudsman and NGOs reported many children with disabilities were unable to attend public schools due to lack of physical access.

## **Section 7. Worker Rights**

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment based on race, color, sex, religion, political opinion, national origin, citizenship, social origin, disability, age, language, or social status. The law does not specifically identify discrimination based on sexual orientation and/or

gender identity, HIV-positive status, or other communicable diseases. The law prohibits discrimination against domestic workers and any requirement by employers for their domestic workers to wear uniforms in public places. The law establishes the following employment quotas for persons with disabilities: 3 percent for private businesses with more than 50 employees and 5 percent for public sector organizations. The National Council for the Integration of Persons with Disabilities oversees compliance with employment quotas for persons with disabilities.

The government did not effectively enforce the law.

Discrimination in employment and occupation occurred with respect to race, sex, gender, disability, sexual orientation and/or gender identity, and social status. NGOs and labor rights advocates noted that discrimination cases often went unreported to authorities, in part due to a lack of confidence in the legal system to address the case and protect the individuals in question effectively.

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

Peru signed the CRPD and Optional Protocol on 30 Mar 2007. The government ratified the CRPD and Optional Protocol on 30 Jan 2008.

## **Saint Kitts and Nevis**

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Persons with Disabilities**

The law does not prohibit discrimination specifically against persons with physical, sensory, intellectual, and mental disabilities in employment, air travel, transportation, access to health care, or the provision of others services, and persons with disabilities experienced discrimination, particularly in regard to accessibility. The building code mandates access to buildings for persons with disabilities, but the code was not always followed or enforced.

Children with disabilities attended school, although some parents of students with disabilities preferred to have their child stay at home instead of attending school. There was a separate school for students with disabilities, although many local schools were able to accommodate students with physical disabilities. The Special Education Unit organized information drives to educate the public about resources available for students with disabilities.

The law allows authorities to declare persons with mental disabilities who commit crimes a menace to society and incarcerate them for life; 32 such persons were reportedly incarcerated as of October 2013. Ministry of Health nurses in the various district health centers provided support services to persons with mental disabilities, and the general hospital had a wing dedicated to caring for patients with mental disabilities.

## **Section 7. Worker Rights**

### **d. Discrimination with Respect to Employment or Occupation**

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

Discrimination in employment and occupation did not occur based on the above categories.

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

St. Kitts and Nevis has not signed or ratified the CRPD or Optional Protocol.

## **Saint Lucia**

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Persons with Disabilities**

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. Government regulations require disabled access to all public buildings, but only a few government buildings had access ramps. The health ministry operated a community-based rehabilitation program in residents' homes. Physically and visually impaired children were mainstreamed into the wider student population. In addition, separate schools were available for persons with mental disabilities and for children with hearing or visual disabilities. Children with disabilities faced barriers in education, and there were few opportunities for such persons when they became adults. While there were no official reports of discrimination, employers generally did not make accommodations for workers with disabilities. Persons with disabilities have the right to vote and selected polling stations are accessible for mobility-impaired voters, but many polling stations were inaccessible.

## **Section 7. Worker Rights**

### **d. Discrimination With Respect to Employment or Occupation**

The law and regulations prohibit discrimination regarding race, color, sex, religion, national extraction, social origin, ethnic origin, political opinion or affiliation, age, disability, serious family responsibility, pregnancy, marital status or HIV/AIDS, but not sexual orientation or gender-identity. Civil society received reports of LGBTI persons being denied jobs or leaving jobs due to a hostile work environment. There are no specific penalties for discrimination, but discrimination is covered under the general penalties section of the labor code equaling one year imprisonment or a fine of \$5,000 XCD (\$1,850). The government did not penalize any company or person for discrimination during the year. Two formal complaints of discrimination in employment and occupation, both related to pregnancies, were under investigation by Ministry of Education, Human Resource Development, and Labor.

## Convention on the Rights of Persons with Disabilities

St. Lucia signed the CRPD on 22 Sep 2011.

### **Saint Vincent and the Grenadines**

#### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Persons with Disabilities**

The law prohibits discrimination against persons with physical and sensory, mental and intellectual disabilities in employment, access to health care, and the provision of other state services and the government generally observed these prohibitions. The law does not mandate access to buildings for persons with disabilities and access for such persons generally was difficult. NGOs reported that government funding for organizations supporting people with disabilities was insufficient to meet disabled people's needs. While the law prohibits discrimination against persons with disabilities in employment, NGOs reported subtle discrimination in hiring practices throughout the workforce but noted the government's strong attempt to recruit and hire people with disabilities through programs such as the Youth Employment Service.

Education was provided until age 21 for persons with disabilities, and the government partially supported a separate school for persons with disabilities. Persons with disabilities also could attend public schools. A separate rehabilitation center treated an average of five persons daily. The Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, and Persons with Disabilities is responsible for assisting persons with disabilities.

#### **Section 7. Worker Rights**

##### **d. Discrimination with Respect to Employment or Occupation**

Labor laws and regulations prohibit discrimination regarding sex and disability, but no laws prohibit discrimination against a person on the basis of race, religion, political opinion, national origin, social origin, age, language.

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

St. Vincent and the Grenadines ratified the CRPD and Optional Protocol on 29 Oct 2010.

### **Suriname**

#### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Persons with Disabilities**

No laws prohibit discrimination against persons with physical or mental disabilities in employment, education, air travel, and other transportation, access to health care, or the

provision of government services. Persons with disabilities suffered from discrimination when applying for jobs and services. Authorities provided some training programs for persons with vision or other disabilities. No laws or programs provide that persons with disabilities have access to buildings. A judge may rule to deny a person with a cognitive disability the right to vote, take part in business transactions, or sign legal agreements. Primary education was available for persons with disabilities and, depending on the disability, secondary and higher education could also be available. There is secondary and technical education for the deaf but not for the blind. No information was available regarding abuse in educational or institutional facilities for persons with disabilities. A working group in the Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities.

## **Section 7. Worker Rights**

### **d. Discrimination with Respect to Employment and Occupation**

The constitution prohibits many kinds of discrimination (see section 6), but enforcement was selective. Discrimination in employment reportedly occurred with regard to disability, gender, sexual orientation, gender identity, and HIV/AIDS status. In addition, there were numerous reports that the government terminated or removed persons from their jobs because of their political background.

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

Suriname signed the CRPD on 30 Mar 2007.

## **Trinidad and Tobago**

### **EXECUTIVE SUMMARY**

Other human rights problems involved high-profile cases of alleged bribery and corruption; inadequate services for vulnerable populations, such as children and persons with disabilities; and laws that discriminate against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

### **Persons with Disabilities**

The government formed a committee to implement the Convention on the Rights of Persons with Disabilities, which it ratified on June 25, but only one person with a disability was included on the committee. Prior to the ratification of the convention, the law prohibited discrimination on the basis of disability but did not mandate equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, or other citizen services (see section 7.d.).

Persons with disabilities faced a number of obstacles to participating in the 2015 national elections. There was a lack of physical access for persons with disabilities and sign language

interpreting at political rallies. Voting stations for the most part were not accessible to persons with disabilities. No persons with disabilities participated as candidates or election officials.

Persons with disabilities faced discrimination and denial of opportunities. Such discrimination could be traced to architectural barriers, employers' reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist students with disabilities to study, lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect (see section 7.d.).

The Bureau of Standards adopted standards to make public buildings more accessible to persons with disabilities, although it had not developed a larger strategy for retrofitting existing public buildings.

The government improved access to transportation by continuing to implement its free, door-to-door on-call transportation service, supported by 24 buses equipped to transport persons with disabilities. Most traditional bus stops were located on high sidewalks without ramps, and most government buildings and public places were not accessible. There are no legal restrictions on access to information, communications, voting, or participation in civic affairs, although lack of accessibility posed a barrier to the practice of these activities.

## **Section 7. Worker Rights**

### **d. Discrimination with Respect to Employment or Occupation**

The law and regulations prohibited discrimination with respect to employment and occupation on the basis of race, color, sex, religion, political opinion, national origin or citizenship, and social origin. The government effectively enforced those laws and regulations. The law did not prohibit employment discrimination on the basis of political opinion, sexual orientation, gender identity, language, age, disability, or HIV status or other communicable disease. Discrimination in employment occurred with respect to disability, although the ratification of the Convention on the Rights of Persons with Disabilities addressed such discrimination (see section 6). No other new legislation was passed in relation to discrimination.

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

Trinidad and Tobago signed the CRPD on 27 Sep 2007. The government ratified the CRPD on 25 Jun 2015.

## **Uruguay**

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

#### **Prison and Detention Center Conditions**

Prison and detention center conditions continued to be harsh and potentially life threatening in some facilities due to police corruption, firearms, and drugs in prison facilities; narcotics

trafficking and extortion by prison gangs; poor building maintenance and services; excessive use of force and solitary confinement as disciplinary measures; and inadequate medical attention. Understaffing in some facilities remained a problem. Prisoners with disabilities faced difficulties in receiving the specialized medical care they needed.

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

The law prohibits 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 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, access to health care, or the provision of other state services. The law prohibits abuse of persons with disabilities in education and mental facilities, including degrading treatment, arbitrary commitment, and abusive use of physical restraints, unhygienic conditions, inadequate or dangerous medical care, and sexual or other violence. The law also grants persons with disabilities the right to vote and participate in civic affairs without restriction. The government in general did not monitor compliance and did not effectively enforce provisions or promote programs to provide for access to buildings, information, public transportation, and communications.

A law created the National Disability Program (PRONADIS) of the Ministry of Social Development. PRONADIS is a government program responsible for developing actions, programs, and regulations to grant building and facilities access, cultural, sports and recreation opportunities, education, and employment to persons with disabilities. During the year MIDES presented a manual of good practices for government employees in dealing with persons with disabilities. MIDES additionally organized training workshops for government employees.

The law reserves no less than 4 percent of public-sector jobs for persons with physical and mental disabilities. Government decrees certify and regulate the use of walking sticks and establish provisions for extending adequate training in their use. Guide dogs legally have full access to public and private premises and transportation. Most public buses did not have provisions for passengers with disabilities other than one seat reserved, although airports and ports offered accessibility accommodations. The law also provides for tax benefits to private-sector companies and grants priority benefits to small and medium-sized companies owned by persons with disabilities.

The law grants children with disabilities the right to attend school (primary, secondary, and higher education.) Ramps built at public elementary and high schools facilitate access for wheelchair users, and 87 percent of children and adolescents with disabilities attended school, including institutions of higher education. The University of the Republic offers sign-language interpreters for deaf students. Some movie theaters and other cultural venues lacked access ramps. The country's One Laptop per Child program continued to offer specially adapted laptops to children with disabilities. Some parks in Montevideo and Canelones offered wheelchair accessible facilities.

## **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, 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 government in general effectively enforced applicable law and regulations.

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

Uruguay signed the CRPD on 3 Apr 2007. The government ratified the CRPD on 11 Feb 2009, and the Optional Protocol on 10 Nov 2009

## **Venezuela**

### **Section 2. Respect for Civil Liberties, Including:**

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

##### **Protection of Refugees**

With the refugee status determination process centralized at the NRC in Caracas, asylum seekers could wait as long as three years to obtain a final decision. During this period they had to continue renewing their documentation every three months to stay in the country and avoid arrest and deportation. While travelling to the commission, particularly vulnerable groups, such as women with young children, the elderly, and persons with disabilities, faced increased protection risks, such as arrest and deportation, extortion, exploitation, and sexual abuse by authorities at checkpoints and other locations.

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

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

#### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, air travel and other transportation, and the provision of other state services, but the government did not make a significant effort to implement the law,

inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access, but persons with disabilities had minimal access to public transportation, and ramps were almost nonexistent. Online resources and access to information were generally available to persons with disabilities, although access to closed-captioned or audio-described online videos for persons with sight and hearing disabilities was limited. Separately, leading advocates for persons with hearing disabilities lamented difficult access to public services due to a lack of government-funded interpreters in public courts, health care facilities, and legal services, as well as a lack of other public accommodations.

The National Commission for Persons with Disabilities (CONAPDIS), an independent agency affiliated with the Ministry for Participation and Social Development, advocated for the rights of persons with disabilities and provided medical, legal, occupational, and cultural programs. The government developed a series of employment fairs to increase the number of persons with disabilities in formal employment sectors, an initiative to help companies meet the legal requirement for 5 percent of employees to be persons with disabilities. According to CONAPDIS fewer than 20 percent of persons with disabilities who registered with government health programs were fully employed. The state-run Mission for the Children of Venezuela provided monthly subsidies of Bs 600 (\$95) to heads of households for each child or adult with disabilities they supported.

There were several NGOs dedicated to assisting persons with disabilities with employment, education, and quality of life. The University of Monteavila hosted a research institute focused on the education of persons with disabilities.

## **Section 7. Worker Rights**

### **d. Discrimination with Respect to Employment and Occupation**

The constitution prohibits employment discrimination for every citizen. Labor law prohibits discrimination based on age, race, sex, social condition, creed, marital status, union affiliation, political views, nationality, disability, or any condition that could be used to lessen the principle of equality before the law. No law specifically prohibits employment discrimination on the basis of sexual orientation, gender identity, or HIV/AIDS status. The media and NGOs, such as PROVEA and the Human Rights Center at the Andres Bello Catholic University, reported that the government had a very limited capacity to address complaints and enforce the law in some cases and lacked political will in some cases of active discrimination based on political motivations.

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

Venezuela ratified the CRPD and Optional Protocol on 24 Sep 2013.