

# Consolidated Disability Findings from the 2016 United States Department of State Reports on Human Rights and Practices

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## South and Central Asia

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

The U.S. Department of State Report on Human Rights in 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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# **Afghanistan**

## **EXECUTIVE SUMMARY**

Other human rights problems included extrajudicial killings by security forces; ineffective government investigations of abuse and torture by local security forces; poor prison conditions; arbitrary arrest and detention, including of women accused of so-called moral crimes; prolonged pretrial detentions; judicial corruption and ineffectiveness; violations of privacy rights; restrictions on freedom of speech, press, religion, and movement; pervasive governmental corruption; underage and forced marriages; abuse of children, including sexual abuse; trafficking in persons, including forced labor; discrimination against persons with disabilities; discrimination and abuses against ethnic minorities; societal discrimination based on race, religion, gender, sexual orientation, and HIV/AIDS status; and abuse of workers' rights, including child labor.

### **Section 3. Freedom to Participate in the Political Process**

Participation of Women and Minorities: The constitution specifies a minimum number of seats for women and minorities in the two houses of parliament. For the Wolesi Jirga (lower house), the constitution mandates that at least two women shall be elected from each province (for a total of 68). In 2010 voters elected 69 women to the Wolesi Jirga. In the Meshrano Jirga (upper house), the constitution empowers the president to appoint one-third of the members. One-half of the presidential appointees must be women. Ten seats are also set aside in the Wolesi Jirga for members of the Kuchi minority (nomads). In the Meshrano Jirga, the president's appointees must include two Kuchis and two members with physical disabilities. In practice, one seat in the Meshrano Jirga is reserved for the appointment of a Sikh or Hindu representative, although this is not mandated by the constitution.

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

Child Soldiers: In February the Law on Prohibition of Children's Recruitment in the Military became effective. There were reports the ANDSF and progovernment militias used children for specific purposes in a limited number of cases, and the Taliban and other antigovernment elements recruited children for military purposes (see section 1.g.). Media reported that local progovernment commanders recruited children under 16 years of age. These children participated in military operations against the Taliban in the Baharak district of Badakhshan. UNAMA documented 15 incidents of recruitment and use of children by pro- and antigovernment groups. Taliban trained at least three boys, including a nine-year-old boy with mental disability, for suicide attacks in Kandahar and Nangarhar.

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

## **Persons with Disabilities**

The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and provide for the active participation in society of persons with disabilities. The Law on the Rights and Benefits of Disabled Persons provides for equal rights to, and the active participation of, such persons in society. The Ministry of Labor, Social Affairs, Martyrs, and Disabled continued to implement a five-year national action plan through a memorandum of understanding with the Ministry of Information and Culture and the Ministry of Education to implement public awareness programs on the rights of persons with disabilities through national media and to provide scholarships for students with disabilities. There were reports the information ministry was not cooperative regarding implementation of the memorandum of understanding.

During the year there were approximately 80,000 persons with disabilities registered with the ministry who received financial support from the government. Persons with 30 to 60 percent disability received an annual payment of 26,100 Afghanis (\$450), and persons with more than 60 percent disability received a total of 52,200 Afghanis (\$900) annually.

Disability rights activists reported that corruption prevented some persons with disabilities from receiving benefits. There were reports that government officials redirected scholarship funds for persons with disabilities to friends or family through fraud and identity theft. NGOs and government officials also reported that associations of persons with disabilities attempted to intimidate ministry employees in an effort to secure benefits such as apartments.

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

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

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

## **Section 7. Worker Rights**

### **Freedom of Association and the Right to Collective Bargaining**

Although the law identifies the Ministry of Labor, Social Affairs, Martyrs, and Disabled’s Labor High Council as the highest decision-making body on labor-related issues, the lack of implementing regulations prevented the council from performing its function. There was an inspection office within the ministry, but inspectors could only advise and make suggestions. As a result the application of labor law remained limited because of a lack of central enforcement

authority, implementing regulations that describe procedures and penalties for violations, funding, personnel, and political will.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

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

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

The constitution prohibits discrimination and notes that citizens, both “man and woman,” have equal rights and duties before the law. It expressly prohibits discrimination based on language. The constitution contains no specific provisions addressing discrimination based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, HIV-positive status, or other communicable diseases. The penal code prescribes a term of imprisonment of not more than two years for anyone convicted of spreading discrimination or factionalism.

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

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

## **Bangladesh**

### **EXECUTIVE SUMMARY**

Other human rights problems included torture and abuse by security forces; arbitrary arrests; weak judicial capacity and independence; lengthy pretrial detentions; politically motivated violence; official corruption; and restrictions on online speech and the press. Authorities infringed on citizens’ privacy rights. Some nongovernmental organizations (NGOs) faced continued legal and informal restrictions on their activities. Discrimination against persons with disabilities was a problem, especially for children seeking admission to public school. Instances of societal violence against religious and ethnic minorities persisted. Discrimination against persons based on their sexual orientation increased.

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

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

Although Dhaka's new central jail has facilities for people with mental disabilities, specific provisions generally do not exist for people with disabilities. Judges may, however, reduce punishments for persons with more significant disabilities on humanitarian grounds and jailors may make special arrangements, for example, transferring inmates with more significant disabilities to the prison hospital. The prison hospital accommodates people with physical disabilities, the elderly, and those with broken limbs and cardiac problems, among other issues. The new jail has facilities for 200 female inmates, 100 male adolescents, 40 female adolescents, 30 male prisoners with mental disabilities, and 20 female prisoners with mental disabilities. The jail has 60 classified wards and 400 cells for dangerous prisoners. The new jail also has a 200-bed hospital and a daycare center.

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

### **Persons with Disabilities**

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

The law requires persons with disabilities to register for identity cards to track their enrollment in educational institutions and access to jobs. It allows them to be included in voter lists, to cast votes, and to participate in elections. It states that no person, organization, authority, or corporation shall discriminate against persons with disabilities and allows for fines up to 500,000 taka (\$6,250) or three years' imprisonment for giving unequal treatment for school, work, or inheritance based on disability, although implementation of the law is uneven. Support programs tended to push people living with disabilities toward vocational training instead of formal education. The law also created a 27-member National Coordination Committee charged with coordinating relevant activities among all government organizations and private bodies to fulfill the objectives of the law.

According to the Ministry of Public Administration, 1 percent of civil service first- and second-class jobs--gazette officers with more power and responsibilities than other classes--are reserved for persons with disabilities. According to the Center for Disability in Development, 148 union parishads (local government councils) have disability inclusion initiatives.

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

The law contains extensive accessibility requirements for new buildings. Nevertheless, authorities approved construction plans for new buildings that did not meet these requirements.

The law affords persons with disabilities the same access to information rights as nondisabled persons, but family and community dynamics often influenced whether these rights were exercised. The law contains provisions for information and communications technology to be accessible to persons with disabilities through video subtitling, sign language, screen readers, or text-to-speech systems in public and private media outlets. The state television channel used sign language, but general practice by the media did not meet the requirements of the law. The law identifies persons with disabilities as a priority group for government-sponsored legal services. The Ministry of Social Welfare, Department of Social Services, and National Foundation for the Development of the Disabled are the government agencies responsible for protecting the rights of persons with disabilities. Due to problems of accessibility and to discrimination, persons with disabilities were sometimes excluded from mainstream government health, education, and social protective services. The government reduced taxes on several hundred items, such as wheelchairs, hearing aids, Braille machines, orthotics, and prostheses, designed to assist persons with disabilities. Government facilities for treating persons with mental disabilities were inadequate. The Ministry of Health established child development centers in all public medical colleges to assess neurological disabilities. Several private initiatives existed for medical and vocational rehabilitation as well as for employment of persons with disabilities. National and international NGOs provided services and advocated for persons with disabilities. The government established service centers for persons with disabilities in all 64 districts, where local authorities provided free rehabilitation services and assistive devices. The government also promoted autism research and awareness.

## **Section 7. Worker Rights**

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

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

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

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

# **Bhutan**

## **EXECUTIVE SUMMARY**

Other human rights problems included continued incarceration of Nepali-speaking political prisoners arrested for alleged participation in antigovernment protests in the early 1990s, domestic violence, restrictions on freedom of assembly and association, social stigma against persons with disabilities, laws prohibiting consensual same-sex sexual activity, and reports of abuse of domestic workers.

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

### **Persons with Disabilities**

The constitution specifically protects the rights of citizens with disabilities. Legislation directs the government to attend to the security of all citizens in the “event of sickness and disability.” The law stipulates that new buildings be constructed to allow access for persons with disabilities, but the government did not enforce this legislation consistently. There were reports that hospitals were generally accessible to persons with disabilities, but residential and office buildings were not. Under the Disability Prevention and Rehabilitation Program, the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities in schools, and foster community awareness and social integration. There was no government agency specifically responsible for protecting the rights of persons with disabilities.

There were special-education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates children with vision disabilities, and an education resource unit in Paro for persons with hearing disabilities. Children with disabilities often attended mainstream schools although the resources needed to accommodate them varied among school districts. There also were special education facilities in Thimphu designed to meet the needs of children with physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to such persons. Three NGOs, the Disabled Persons’ Association of Bhutan, Ability Bhutan Society, and Drakstsho Vocational Center for Special Children and Youth, seek to change the public perception of disability and assisting persons with disabilities and their families.

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

## **Section 7. Worker Rights**

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

Occupational safety and health (OSH) standards are current and appropriate. Labor regulations grant workers the right to leave work situations that endanger their health and safety without jeopardy to their employment. All citizens are entitled to free medical care. At its expense the

government transported persons who could not receive adequate care in the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability. Upon the death of a citizen, family members are entitled to compensation. The Ministry of Labor and Human Resources, in its *Annual Report 2015-2016*, noted monitoring of seven Health and Safety Committees was conducted and training on OSH imparted to 19 OSH Committees. An assessment of good OSH best practices was held for 55 committees of which 27 did not meet the standards.

The government generally enforced minimum wage, work hours, and occupational health and safety standards effectively in the formal sector. The law states that employers who fail to pay employees the correct amount of wages will be fined 90 times the national minimum wage for each violation (approximately \$157). Employers who do not comply with work hours regulations will be fined 30 times the national minimum wage for the first violation (approximately \$52), 90 times for the second violation (approximately \$157), and 360 times for the third and each subsequent violation (approximately \$630). Noncompliance with OSH standards is a felony and punishable by three to five years' imprisonment. These penalties were generally sufficient to deter violations. The lack of sufficient labor inspectors was a problem. The government employed 25 labor inspectors appointed to posts in Thimphu and four permanent regional offices that were assisted by technical experts. The government also posted labor inspectors to field offices located at major construction sites such as hydropower plant projects. According to a 2012 Ministry of Labor and Human Resources report compiled with the assistance of the World Health Organization, there were insufficient labor inspectors to cover the country's industries. In August five workers were buried in a landslide at the Mangdechu hydropower project when one side of the construction pit for the dam collapsed. The Ministry of Labor and Human Resources, in its *Annual Report 2015-2016*, noted a total of 60 accidents took place during the period, of which 24 were fatal, four led to complete disability, and 32 partial disability. Work place of accidents took place in the construction, hydropower, manufacturing and production, mining, and trading services sectors. Compensation was fully recovered in two cases, paid in three, under process in seven, partially done in one, partial payment in five, and there was no progress in three cases at year's end.

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

Bhutan signed the CRPD on 21 Sep 2010.

## **India**

### **EXECUTIVE SUMMARY**

Other human rights problems included disappearances, hazardous prison conditions, arbitrary arrest and detention, and lengthy pretrial detention. Court backlogs delayed or denied justice, including through lengthy pretrial detention and denial of due process. The government placed restrictions on foreign funding of nongovernmental organizations (NGOs), including some

whose views the government believed were not in the “national or public interest,” curtailing the work of civil society. There were instances of infringement of privacy rights. The law in six states restricted religious conversion, and there were reports of arrests but no reports of convictions under those laws. Some limits on the freedom of movement continued. Rape, domestic violence, dowry-related deaths, honor killings, sexual harassment, and discrimination against women and girls remained serious societal problems. Child abuse, female genital mutilation and cutting, and forced and early marriage were problems. Trafficking in persons, including widespread bonded and forced labor of children and adults, and sex trafficking of children and adults for prostitution, were serious problems. Societal discrimination against persons with disabilities and indigenous persons continued, as did discrimination and violence based on gender identity, sexual orientation, and persons with HIV.

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

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

On April 5, the Supreme Court granted bail to disabled Delhi University professor G.N. Saibaba on medical grounds after Maharashtra police arrested him in 2014 for alleged links with Maoist insurgents and for violating the Unlawful Activities Prevention Act (UAPA). In 2014 Amnesty International and civil rights activists campaigned for Saibaba’s release and alleged jail authorities denied him medical and sanitary facilities.

### **ARREST PROCEDURES AND TREATMENT OF DETAINEES**

There were reported cases in which police denied suspects the right to meet with legal counsel as well as cases in which police unlawfully monitored suspects’ conversations and violated confidentiality rights. The constitution mandates that authorities provide defendants with “economic or other disabilities” free legal counsel, but authorities do not assess this need systematically. By law authorities must allow family members access to detainees, but this was not always observed. Arraignment of detainees must occur within 24 hours unless authorities hold the suspect under a preventive detention law. State authorities invoked preventive detention laws, most frequently in Delhi but also in the states of Gujarat, Maharashtra, Uttar Pradesh, Punjab, and Kashmir.

The Human Rights Law Network (HRLN) in Kochi, Kerala, reported certain prisoners with mental disabilities in the Kerala central prison considered “not fit for trial” had awaited trial for 10 to 26 years. According to the NGO, the prisoners in some cases were in detention far longer than their potential sentences. In 2013 the HRLN filed a writ petition with the Kerala High Court for the release of those prisoners. The court responded by issuing an order directing the state government to provide adequate medical treatment to the accused to render them fit for trial. The case was pending in the Kerala High Court at year’s end.

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

Reproductive Rights: In community health centers, 70 percent of gynecologist positions remained unfilled, according to a 2012 report by the Ministry of Health and Family Welfare on rural health statistics. Only 13 percent of the centers had the requisite number of specialists. Poor health infrastructure disproportionately affected marginalized women, including homeless, Dalit and tribal women, those working on tea estates or in the informal labor sector, and women with disabilities.

### **Persons with Disabilities**

The constitution does not explicitly mention disability as a prohibited ground for discrimination. The Persons with Disabilities Act provides equal rights for persons with a variety of disabilities, including blindness, hearing disability, Hansen's disease (leprosy), mobility disability, developmental disability, and mental disability. The law links implementation of programs to the "economic capacity and development" of the government. The act encourages governmental authorities to promote access, but it includes no specific enforcement provisions or sanctions for noncompliance.

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

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

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

In April, 11 residents with disabilities, including at least seven children, died at a government-run rehabilitation institute near Jaipur, Rajasthan, allegedly after drinking contaminated water. The NHRC issued notices to the Rajasthan government for failure to maintain the facility.

The law also reserves 3 percent of all educational places for persons with disabilities, although students with disabilities comprised only an estimated 1 percent of all students, according to the Ministry of Social Justice and Empowerment.

Some schools continued to segregate children with disabilities or deny them enrollment due to lack of infrastructure, equipment, and trained staff. The Ministry of Social Justice and Empowerment continued to offer scholarships to persons with disabilities to pursue higher education. University enrollment of students with disabilities remained low for several reasons, including inaccessible infrastructure, limited resources, nonimplementation of the 3 percent job reservation, and harassment.

The Ministry of Health and Family Welfare estimated 6 to 7 percent of the population experienced a mental or psychosocial disability. Of the individuals with mental disabilities, 25 percent were homeless, and many in rural areas did not have access to modern mental health-care facilities. Disability rights activists estimated there were 40 to 90 million persons with disabilities. There were three mental-health institutions run by the federal government and 40 state-operated mental hospitals. According to the Department of Empowerment of Persons with Disabilities' 2016 annual report and 2011 Census data, 49.5 percent of persons with disabilities were issued disability certificates until August 2015.

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

On August 18, the NHRC issued notice to the government of West Bengal over alleged hazardous conditions of 430 residents at the Berhampore Mental Hospital. The commission took into account an NGO's report that men and women with mental disabilities had not bathed or shaved for months and were lying without clothing on unsanitary floors. The NHRC sought a status report on all mental hospitals run by the state from the special rapporteur and chief secretary.

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

Persons with disabilities reported cases of discrimination by the Central Industrial Security Forces in airports despite framed guidelines providing for no discrimination based on disability in air travel.

The law reserves 3 percent of public-sector jobs for persons with physical, hearing, or vision disabilities. On June 30, the Supreme Court decided the implementation of policies granting rights to persons with disabilities remained inadequate and overruled the central government's prior orders restricting reservation of jobs for persons with disabilities to the higher echelons of government service. The court directed the government to extend the 3 percent reservation to all government posts. In August Personnel, Public Grievances, and Pensions Minister of State Jitendra Singh informed members of parliament that a special government recruitment drive for persons with disabilities was launched in May 2015, resulting in the recruitment of 12,377 positions for 15,831 identified vacancies. Data on representation of persons with disabilities in different departments and ministries indicated an increase from 7,368 employees across 78 departments of the central government in January 2012 to 20,520 employees in 58 departments and ministries in January 2015.

The government continued to allocate funds to programs and NGO partners to increase the number of jobs filled. Private-sector employment of persons with disabilities remained low, despite governmental incentives that private companies establish a workforce of more than 5 percent with persons with disabilities.

In February advocacy groups organized a protest in Chennai against the inclusion of the term "destitute" in Tamil Nadu's "Destitute Differently Abled Pension Scheme" and demanded less stringent conditions for pension eligibility. According to civil society, hundreds of protesters, including many with physical disabilities, were taken into custody on February 17 and held in a stadium that lacked accessible facilities. Police released the protesters, but hundreds chose to

remain. On February 22, the Tamil Nadu Social Welfare and Nutritious Meal Program Department changed the eligibility criteria and removed “destitute” from the act’s name.

## **Section 7. Worker Rights**

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

The law and regulations prohibit discrimination with respect to employment and occupation, with respect to race, sex, gender, disability, language, sexual orientation, and/or gender identity, or social status. The law does not prohibit discrimination against individuals with HIV/AIDS or other communicable diseases, color, religion, political opinion, national origin or citizenship. The government effectively enforced those laws and regulations within the formal sector. The law and regulations, however, do not protect those working within the informal sector, who comprised an estimated 90 percent of the workforce.

Discrimination occurred in the informal sector with respect to Dalits, indigenous people, and persons with disabilities. Legal protections are the same for all, but gender discrimination with respect to wages was prevalent. Foreign migrant workers were largely undocumented and typically did not enjoy the protection of labor laws available to workers who are Indian nationals.

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

India signed the CRPD on 30 Mar 2007. India ratified the CRPD on 10 Oct 2007.

## **Kazakhstan**

### **EXECUTIVE SUMMARY**

Other reported abuses included arbitrary or unlawful killings; military hazing that led to deaths; detainee and prisoner torture and other abuse; harsh and sometimes life-threatening prison conditions; arbitrary arrest and detention; infringements on citizens’ privacy rights; prohibitive political party registration requirements; restrictions on the activities of nongovernmental organizations (NGOs); violence and discrimination against women; abuse of children; sex and labor trafficking; discrimination against persons with disabilities; societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; discrimination against those with HIV/AIDS; and child labor.

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

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

The NPM reported infrastructure problems in prisons, such as unsatisfactory sanitary and hygiene conditions, including poor plumbing and sewerage systems and unsanitary bedding. It

also reported shortages of medical staff and insufficient medicine, as well as problems of mobility for prisoners with disabilities. In many places NPM noted restricted connectivity with the outside world and limited access to information about prisoners' rights. PRI reported there was a widespread lack of heating and adequate ventilation in prisons, noting that in some cases extreme temperatures threatened the health of the inmates.

## **ARREST PROCEDURES AND TREATMENT OF DETAINEES**

The human rights ombudsman reported that law enforcement officials dissuaded detainees from seeing an attorney, gathered evidence through preliminary questioning before a detainee's attorney arrived, and in some cases used defense attorneys to gather evidence. The law states that the government must provide an attorney for an indigent suspect or defendant when the suspect is a minor, has physical or mental disabilities, or faces serious criminal charges, but public defenders often lacked the necessary experience and training to assist defendants. Defendants are barred from freely choosing their defense counsel if the cases against them involve state secrets. The law allows only lawyers who have special clearance to work on such cases.

## **TRIAL PROCEDURES**

Indigent defendants in criminal cases have the right to counsel and a government-provided attorney. By law a defendant must be represented by an attorney when the defendant is a minor, has mental or physical disabilities, does not speak the language of the court, or faces 10 or more years of imprisonment. Defense attorneys, however, reportedly participated in only one-half of criminal cases, in part because the government failed to pay them properly or on time. The law also provides defendants the rights to be present at their trials, to be heard in court, to confront witnesses against them, and to call witnesses for the defense. They have the right to appeal a decision to a higher court. According to observers, prosecutors dominated trials, and defense attorneys played a minor role.

## **PROTECTION OF REFUGEES**

A legislative framework does not exist to manage the movement of asylum seekers between the country's borders and authorities in other areas. There are no reception facilities for asylum seekers. The government does not provide accommodation, allowances, or any social benefits to asylum seekers. The law does not provide for differentiated procedures for persons with specific needs, such as separated children and persons with disabilities. Asylum seekers and refugees with specific needs are not entitled to financial or medical assistance. There are no guidelines for handling sensitive cases, including LGBTI cases.

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

### **Persons with Disabilities**

The Ministry of Healthcare and Social Development was the primary government agency responsible for protecting the rights of persons with disabilities. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment,

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

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

The law requires companies to set aside 3 percent of their jobs for persons with disabilities. International and local observers noted some improvement regarding the rights of persons with disabilities. During the year the government showed commitment to addressing the rights of persons with disabilities, including high-level enforcement of measures to enhance their economic opportunities. Nevertheless, there were reports persons with disabilities faced difficulty integrating into society and finding employment. The vice minister of Healthcare and Social Development identified the two biggest problems facing persons with disabilities as poor infrastructure and lack of access to education. Persons with disabilities had difficulty accessing public transportation. The government has enacted high-level enforcement of measures to enhance economic opportunities for citizens with disabilities, part of the president's Strategy 2050.

Citizens with mental disabilities may be committed to state-run institutions without their consent or judicial review, and the government committed young persons under age 18 with the permission of their families. Institutions were poorly managed, understaffed, and inadequately funded.

There are no regulations regarding the rights of patients in mental hospitals. Human rights observers believed this led to widespread abuse of patients' rights. NGOs reported that patients often experienced poor conditions and a complete lack of privacy. According to an NPM report, most of the hospitals required extensive maintenance. Other problems observed included shortage of personnel, unsatisfactory sanitary-hygienic conditions, poor food supply, overcrowding, and lack of light and air.

Members of the NPM may visit mental hospitals to monitor conditions and signs of possible torture of patients, but any institutions holding children, including orphanages, were not on the list of institutions NPM members may visit.

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

## **Section 7. Worker Rights**

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

Law and regulations prohibit discrimination with respect to employment and occupation based on gender, age, disability, race, ethnicity, language, place of residence, religion, political opinion, affiliation with tribe or class, public associations, or property, social, or official status.

The law does not specifically prohibit discrimination with respect to employment and occupation based on disability, sexual orientation, gender identity, age, HIV-positive status, or having other communicable diseases. The government effectively enforced the law and regulations. Discrimination is a criminal offense punishable by a fine up to 991,000 tenge (\$2,970) or imprisonment for up to 90 days, which was generally sufficient to deter violations. Discrimination, however, occurred with respect to employment and occupation for persons with disabilities, orphans, and former convicts. Disability NGOs reported that despite government efforts, obtaining employment was difficult. The law does not require equal pay for equal work for women and men. NGOs reported no government body assumed responsibility for implementing antidiscrimination legislation and asserted the law's definition of gender discrimination does not comply with international standards. More women than men were self-employed or underemployed relative to their education level.

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

Kazakhstan signed the CRPD and the Optional Protocol on 11 Dec 2008. Kazakhstan ratified the CRPD on 21 Apr 2015.

## **Kyrgyz Republic**

### **EXECUTIVE SUMMARY**

Other problems included substandard prison conditions; allegations of law enforcement officers' use of arbitrary arrest and torture; pressure on independent media; restrictions on religious freedom; pervasive corruption; discrimination and violence against women, persons with disabilities, ethnic and religious minorities, and persons based on their sexual orientation or gender identity; child abuse; trafficking in persons, including forced labor; and child labor.

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

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

Prison conditions were harsh and sometimes life threatening due to food and medicine shortages, substandard health care, lack of heat, and mistreatment.

There were no significant reports regarding private detention facilities for migrants and asylum seekers or detention center conditions for disabled persons that raised human rights concerns.

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

#### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but such persons faced discrimination in employment, education, air travel and other transportation, access to health care, the judicial system, and the provision of other state

services. The law mandates access to buildings for persons with disabilities, requires access to public transportation and parking, and authorizes subsidies to make mass media available to persons with hearing or vision disabilities, and free plots of land for the construction of a home. The government generally did not ensure proper implementation of the law. In addition, persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population.

A lack of government resources made it difficult for persons with disabilities to receive adequate education. Although children with disabilities have the right to an education, the Association of Parents of Children with Disabilities stated schools often denied them entry. The government funded programs to provide school supplies and textbooks to children with mental or physical disabilities.

As in previous years, conditions at psychiatric hospitals were substandard, stemming largely from inadequate funding. The government did not adequately provide for basic needs, such as food, water, clothing, heating, and health care, and facilities were often overcrowded. Authorities usually placed children with mental disabilities in psychiatric hospitals rather than integrating them with other children. Other residents were also committed involuntarily, including children without mental disabilities who were too old to remain in orphanages. The Youth Human Rights Group monitored the protection of children's rights in institutions for children with mental and physical disabilities. The group previously noted gross violations by staff at several institutions, including depriving young residents of sufficient nourishment and physically abusing them.

The Office of the Prosecutor General is responsible for protecting the rights of psychiatric patients and persons with disabilities. According to local NGO lawyers, members of the Prosecutor General's Office had no training and little knowledge of the protection of these rights and were ineffective in assisting citizens with disabilities. Most judges lacked the experience and training to make determinations as to whether it was appropriate to mandate committing persons to psychiatric hospitals, and authorities institutionalized individuals against their will. Several activists noted authorities had not implemented a 2008 law requiring employers to provide special hiring quotas (approximately 5 percent of work positions) for persons with disabilities.

## **Section 7. Worker Rights**

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum legal age for basic employment at 16, except for work performed without a signed employment contract or work considered to be "light," such as selling newspapers, in which children as young as age 14 may work with the permission of a parent or guardian. The law prohibits employment of persons under age 18 at night, underground, or in difficult or dangerous conditions, including in the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine building. Children ages 14 or 15 may work up to five hours a day; children ages 16 to 18 may work up to seven hours a day. These laws also apply to children with disabilities. Violation of the law incurs penalties ranging

from fines to imprisonment of up to 10 years, depending on the nature and severity of the offense. Enforcement and prosecution of violations continued to pose challenges to deterrence.

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

Average wages for women were substantially less than for men. Women made up the majority of pensioners, a group particularly vulnerable to deteriorating economic conditions. In rural areas traditional attitudes toward women limited them to the roles of wife and mother and curtailed educational opportunities. Members of the LGBTI community reported discrimination in the work place when they were open about their sexual orientation. Persons with disabilities were subjected to discrimination in hiring and access to the workplace.

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

Kyrgyz Republic signed CRPD on 21 Sep 2011.

## **Maldives**

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

To streamline the process of reporting abuse against women and children, there were family and children's centers on every atoll. According to the HRCM, these centers also provided services for neglected children, support for families unable to take care of their children, and women with mental or other disabilities. The Ministry of Gender and Family reported the need to establish residential facilities at family and children's centers on every atoll to provide emergency shelter assistance to domestic violence and other victims, but these were yet to be established.

### **Children**

Institutionalized Children: Local NGO ARC released a report in March detailing abuses in government-run "safe homes." These facilities were intended to be temporary stopovers for children being taken into state care, but ARC reported children routinely spent many months at these homes. According to ARC, the "safe homes" were inadequately furnished and equipped, lacked basic essentials, and were often understaffed, resulting in inadequate care, protection, and education for institutionalized children. Reiterating the findings from the UN Committee on the Rights of the Child's January report on Maldives, ARC also expressed concern about children living in the same living quarters as adults with serious mental disabilities in the government-run Home for People with Special Needs. The Ministry of Gender and Family reported it housed 163 children in its Kudakudhinge Hiya and Fiyavathi facilities. Police and the HRCM were investigating the October death of a five-month-old baby who was living at the Fiyavathi home but had not yet published their findings.

## **Persons with Disabilities**

The constitution and law provide for the rights and freedom from discrimination of persons with disabilities. The Disabilities Act provides for the protection of the rights of persons with disabilities, and financial assistance. Since the establishment of the National Registry of People with Disabilities in 2011, 6,417 persons had been registered as of August. The Act mandates the state to provide a monthly financial benefit of not less than 2,000 MVR (\$130) to each registered individual.

Government services for persons with disabilities included special educational programs for those with sensory disabilities. Inadequate facilities and logistical challenges related to transporting persons with disabilities between islands and atolls made it difficult for persons with disabilities to participate in the workforce or consistently attend school.

Multiple NGOs worked to increase awareness and improve support for persons with disabilities. The Child Advocacy Network of Disability Organizations, established by ARC, launched a website in December 2015 containing detailed information on common types of disabilities in Maldives, and the services available for persons with disabilities from government authorities and NGOs.

The government integrated students with physical disabilities into mainstream educational programs. Children with disabilities had virtually no access or transition to secondary education. One mental health clinic in Male and several private health clinics employ psychiatrists and psychologists. They focused on a broad range of issues but service availability remained limited. There also was a lack of quality residential care.

Families usually cared for persons with disabilities. When family care was unavailable, adult individuals with disabilities lived in the Health Ministry's Home for People with Special Needs, which, as of July, housed 175 persons, 21 of whom were new placements during the year. The home accepted elderly persons and children as well. The government also provided assistance devices, such as wheelchairs, crutches, spectacles, hearing aids, and adapted seats for children with cerebral palsy.

## **Section 7. Worker Rights**

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

The law and regulations prohibit discrimination with respect to employment and occupation on the basis of race, color, sex, political opinion, religion, national origin or citizenship, social origin, disability, language, age, sexual orientation or gender identity, and HIV-positive status or other communicable diseases. The government effectively enforced those laws and regulations, with some exceptions.

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

Maldives signed the CRPD on 2 Oct 2007. Maldives ratified the CRPD on 5 Apr 2010.

# **Nepal**

## **EXECUTIVE SUMMARY**

Other human rights problems included poor prison and detention center conditions and police mistreatment of detainees. The courts remained vulnerable to political pressure, bribery, and intimidation. There were problems of harassment of media and press self-censorship. The government sometimes restricted freedom of assembly, notably in areas where violent protests against the constitutional process were taking place. The government limited freedoms for refugees, particularly for resident Tibetans. Corruption remained a problem at all levels of government. Citizenship laws and regulations that discriminate by gender contributed to statelessness. Early and forced marriage, and rape and domestic violence against women, including dowry-related deaths, remained serious problems. Violence against children, including reported abuse at orphanages, continued and rarely was prosecuted. Sex trafficking of adults and minors remained a significant problem. Discrimination against persons with disabilities, lower-caste individuals, and some ethnic groups continued, as did some harassment against gender and sexual minorities. There were some restrictions on worker rights. The government made little progress in combatting forced and bonded labor, which persisted despite laws banning the practice, and there was moderate progress in efforts to eliminate child labor.

## **Section 3. Freedom to Participate in the Political Process**

Participation of Women and Minorities: No specific laws restrict women or minorities from voting, running for office, serving as electoral monitors, or otherwise participating in government or political parties. The constitution mandates that at least one third of all members of the lower house of the federal parliament must be women and requires inclusion of various minority groups in the list of candidates in the 40 percent of seats chosen through a proportional representation system. The constitution also stipulates that in the upper house of the federal parliament, for the 56 members chosen by an electoral college, the eight members from each of the seven provinces must include at least three women, one member of the Dalit caste, and one person with a disability or member of a minority group. Additionally, of the remaining three members of the upper house chosen by the president, at least one must be a woman.

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

### **Women**

Rape and Domestic Violence: Violence against women and girls remained a problem. Under the civil code, prison sentences for rape vary between five and 15 years depending on the victim's age. The law also mandates five years' additional imprisonment in the case of gang rape, rape of pregnant women, or rape of a woman with disabilities. The victim's compensation depends on the degree of mental and physical abuse. The Bill to Amend Some Nepal Acts to Maintain Gender Equality and End Gender-Based Violence, which was signed into law in October 2015, increased the sentence for marital rape from three to six months' imprisonment to three to five

years' imprisonment. The bill also extends the statute of limitations for filing rape charges from 35 days to 180 days. Despite its extension of the statute of limitations, human rights groups highlighted concerns with the act and its implications for addressing sexual violence committed during the country's 10-year conflict.

## **Persons with Disabilities**

The constitution prohibits discrimination based on disability or physical condition and contains additional rights for persons with disabilities that did not appear in the 2007 interim constitution. These include the right to free higher education for all physically disabled citizens who are "financially poor" and the provision of special instructional materials and curricula for persons with vision disabilities.

Although government efforts to enforce laws and regulations to improve rights and benefits for persons with disabilities have gradually improved, they still were not effective. In 2012, the Supreme Court ordered the government to do more for persons with physical and mental disabilities, including providing a monthly stipend, building shelters, and appointing one social welfare worker in each district. During the year the government increased social security allowances for persons with disabilities to NRs 2,000 (\$20) per month for those categorized as "profoundly" disabled, and NRs 600 (\$6) for the "severely" disabled. The law states that other persons with disabilities would receive allowances based on the availability of funds and the degree of disability. Additionally, the government provided financial support to sign language interpreters in 20 districts to assist deaf and hard-of-hearing persons in obtaining government services. The government allocated NRs 107 million (\$1.07 million) for persons with disabilities, including NRs 69 million (\$690,000) for grants to disabled persons' organizations in 15 districts. NGOs reported, however, that although the government attempted to implement the 2012 Supreme Court order by making budget allocations to empowerment and development programs, little progress had been made. In addition to reserving 5 percent of public positions for persons with disabilities and encouraging the private sector to adopt a similar reservation system, the government also provided income-generating training to persons with disabilities. Despite government efforts, persons with disabilities continued to face discrimination in employment (see section 7.d.).

The Ministry of Women, Children, and Social Welfare was responsible for the protection of persons with disabilities. Additionally, the Ministry of Education provided scholarships to help approximately 101,000 children with disabilities attend public or private schools at the primary and secondary levels. An estimated 60 percent of children with disabilities, particularly those with intellectual or mental, vision, or hearing disabilities, did not attend school. Compared with primary school attendance, relatively few children with disabilities attended higher levels of education, largely due to accessibility problems, school locations, and financial burdens on parents. Although incidents of abuse of children with disabilities reportedly occurred in schools, there were no reports of incidents filed in the courts or with the relevant agencies during the year.

The Ministry of Local Development allocated an estimated 1 to 2 percent of the budget of local development agencies for disability programs. Some NGOs working with persons with disabilities received funding from the government, but most persons with disabilities relied almost exclusively on family members for assistance.

There are no restrictions in law on the rights of persons with disabilities to vote and participate in civic affairs or to access the judicial system. According to the Ministry of Women, Children, and Social Welfare, however, there were obstacles to exercising these rights, especially the lack of accessibility to public facilities. The government also reserved 5 percent of public positions for persons with disabilities.

Access to mental health services was available in larger cities, but the Ministry of Women, Children, and Social Welfare decreased its allocation for mental health organizations during the year from NRs 1.5 million to 1 million (\$15,000 to \$10,000).

## **Section 7. Worker Rights**

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

The 2007 Interim Constitution prohibited discrimination on the basis of religion, race, sex, caste, tribe, social origin, language, or ideological conviction. It also stipulated that the government could make special provisions for the protection, empowerment or advancement of women, Dalits, indigenous peoples, persons with disabilities, and those “who belong to a class which is economically, socially or culturally backward.” The 2015 constitution added a general prohibition on discrimination on the basis of disability and physical and health conditions. It also added gender and sexual minorities to the categories eligible for special measures on protection, empowerment, and advancement. On employment specifically, the 2015 constitution gives women the right to special opportunities and gives ethnic minorities, persons with disabilities, Muslims, and gender and sexual minorities the right to serve in state bodies through a principle of inclusion. It also states that there will be special legal provisions for Dalits in employment, including in public service. Labor regulations prohibit discrimination in payment or remuneration based on gender.

There are no provisions in the constitution, law, or regulations prohibiting discrimination, including labor discrimination, or discrimination based on color, age, national origin or citizenship, HIV-positive status, or other communicable disease.

Despite constitutional and legal protections, discrimination in employment and occupation occurred with respect to gender, caste, ethnicity, national origin, citizenship, disability, religion, sexual orientation and gender identity, and HIV-positive status. Such discrimination was most common in the informal sector, where monitoring by the government and human rights organizations was weak or absent and those in disadvantaged categories had little leverage or recourse. In the formal sector, labor discrimination generally took the form of upper-caste men without disabilities being favored in hiring, promotions, and transfers. In the public sector, such discrimination was also based on personal affiliation and reportedly occurred in many instances with the tacit understanding of political leaders.

Although the law requires equal pay for equal work for men and women, the government did not implement those provisions, in particular in many state industries. To be eligible for government jobs, Nepali national origin or citizenship is mandatory, and dual nationals are excluded. A fixed-term employment of a foreign national under contractual arrangements or as a consultant, however, is permitted. Labor laws limit hiring foreign nationals in fully owned or joint-venture foreign enterprises.

The government used a mandatory 5 percent public employment quota to hire persons with disabilities during the year, primarily as teachers. The government also attempted to implement this quota system on a voluntary basis in the private sector and during the year began conducting free classes to help persons with disabilities prepare for public-service exams. Nevertheless, according to government officials and disability rights advocates, the overall rate of employment of persons with disabilities did not increase significantly. In the private sector, large numbers of persons with disabilities claimed they were denied work opportunities or dismissed due to their conditions. In all sectors employees with disabilities reported other forms of discriminatory treatment

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

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

## **Pakistan**

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

Police often did not segregate detainees from convicted criminals. Prisoners with mental disabilities usually lacked adequate care.

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

#### **Women**

Rape and Domestic Violence: Rape is a criminal offense, with punishment that ranges from a minimum of 10 to 25 years in prison and a fine to the death penalty. The penalty for gang rape is death or life imprisonment, but sentences, when convictions occurred, were often less severe. Although rape was frequent, prosecutions were rare. According to data presented by the Ministry of Interior to the senate in 2014, there had been no rape convictions in the country during previous years. Spousal rape is not a crime. During the year Parliament passed a new antirape law that provides for collection of DNA evidence and includes nondisclosure of a rape victim's name, the right to legal representation of rape victims, and enhanced penalties for rape of victims with mental or physical disabilities.

#### **Children**

Infanticide or Infanticide of Children with Disabilities: By law anyone found to have abandoned an infant may be jailed for seven years, while anyone guilty of secretly burying a deceased child may be imprisoned for two years. Murder is punishable by life imprisonment, but authorities rarely prosecuted the crime of infanticide.

## **Persons with Disabilities**

The law provides for equal rights for persons with disabilities, but authorities did not always implement its provisions. After the Ministry of Social Welfare and Special Education was dissolved in 2011, its affiliated departments—including the Directorate General for Special Education, National Council for the Rehabilitation of the Disabled, and National Trust for the Disabled—were transferred to the Capital Administration and Development Division. The special education and social welfare offices, which devolved to the provinces, are responsible for protecting the rights of persons with disabilities.

In the provinces social welfare departments worked for the welfare and education of persons with disabilities. In Sindh the law mandates the minister for bonded labor and special education to address the educational needs of persons with disabilities. According to civil society sources, most children with disabilities did not attend school. At the higher-education level, Allama Iqbal Open University, the University of the Punjab, and Karachi University had programs to train students as educators for individuals with disabilities.

The government's 2003 National Disability Policy designated the federal capital and provincial capitals as disability-friendly cities and granted permission to persons with disabilities to take central superior service exams to compete for entry to the civil service. The policy also provided for 127 special education centers in main cities. Employment quotas at the federal and provincial levels require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. Authorities only partially implemented this requirement due to lack of adequate enforcement mechanisms. In Lahore, beginning in 2014 and continuing sporadically thereafter, persons with vision disabilities held protests against the lack of jobs, which were in short supply despite the legal quota. Families cared for most individuals with physical and mental disabilities.

Organizations that did not wish to hire persons with disabilities could instead pay a fine to a disability assistance fund. Authorities rarely enforced this obligation. The National Council for the Rehabilitation of the Disabled provided job placement and loan facilities, as well as subsistence funding. There were no legal restrictions on the rights of persons with disabilities to vote or participate in civil affairs. Voting was challenging for persons with disabilities, however, because of severe difficulties in obtaining transportation and access to polling stations.

## **Section 7. Worker Rights**

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

While regulations prohibit discrimination in employment and occupation regarding race, sex, gender, disability, language, and gender identity, HIV-positive status or other communicable diseases, or social status, the government did not effectively enforce those laws and regulations.

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

Pakistan signed the CRPD on 25 Sep 2008. Pakistan ratified the CRPD on 5 Jul 2011.

## **Sri Lanka**

### **EXECUTIVE SUMMARY**

Other human rights problems included abuse of power and reports of torture by security services. Severe prison overcrowding and lack of due process remained problems, as did some limits on freedoms of assembly and association, corruption, physical and sexual abuse of women and children, and trafficking in persons. Discrimination against women, persons with disabilities, and persons based on sexual orientation continued, and limits on workers' rights and child labor also remained problems.

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

#### **Persons with Disabilities**

Various laws forbid discrimination against any person with physical, sensory, intellectual, or mental disabilities in employment, education, air travel, other public transportation, and access to health care. In practice, however, discrimination occurred in employment, education, and provision of state services, including public transportation. Children with disabilities attended school at a lower rate than other persons. There were regulations on accessibility, but accommodation for access to buildings and public transportation for persons with disabilities was rare. There were no regulations guaranteeing access to information and communications.

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

Sri Lanka signed the CRPD on 30 Mar 2007. Sri Lanka ratified the CRPD on 8 Feb 2016.

## **Tajikistan**

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

#### **Persons with Disabilities**

The law on social protection of persons with disabilities applies to individuals having physical or mental disabilities, including sensory and developmental disabilities. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not commit resources to implement the law. The law requires government buildings, schools, hospitals, and transportation, including air travel, to be accessible to persons with disabilities, but the government did not enforce these provisions.

Many children with disabilities were not able to attend school because doctors did not deem them "medically fit." Children deemed medically unfit could attend special state-run schools

specifically for persons with physical and mental disabilities. Observers noted that the capacity of these institutions probably did not meet demand. Mainstream schools and state-run schools for persons with physical and mental disabilities used the same curriculum. Doctors decided which subjects students were capable of studying, and directors of state-run schools could change the requirements for students to pass to the next grade at their discretion. Some children with Down syndrome and autism were allowed to attend mainstream schools. Up to 10 percent of families kept children with disabilities at home and provided home education or tutors.

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

## **Section 7. Worker Rights**

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

The law prohibits discrimination with respect to employment and occupation on the basis of race, sex, gender, disability, language, HIV-positive status, other communicable diseases, or social status. The law does not expressly prohibit worker discrimination on the basis of color, religion, political opinion, national origin or citizenship, or age. There were no official complaints of such discrimination with respect to employment and occupation. Nevertheless, employers discriminated against individuals based on sexual orientation and HIV-positive status, and police generally did not enforce these laws. LGBTI persons and HIV-positive individuals opted not to file complaints due to fear of harassment from law enforcement and the belief that police would not take action.

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

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

## **Turkmenistan**

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

#### **Persons with Disabilities**

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

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

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

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

## **Section 7. Worker Rights**

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

The law prohibits discrimination on the basis of nationality, race, gender, origin, language, religion, disability, HIV status or other communicable diseases, political beliefs, and social status. The government did not always effectively enforce the law, which does not specify penalties for discrimination on these grounds, with the exception of disability; discrimination against disabled persons is punishable by fine ranging from 203 manat to 2,000 manat (\$58 to \$572) and suspension for up to three months. The law does not prohibit discrimination on the basis of age, sexual orientation, or gender identity.

Discrimination in employment and occupation on the basis of gender, language, and disability (see section 6) was widespread across all sectors of the economy and government. Certain government positions required language exams and all government positions require a family background check going back three generations. Civil society members reported that the country retained a strong cultural bias against women in positions of power and leadership, making it difficult for some women to secure managerial positions based on their gender. Although the 2013 Code on the Social Protection of the Population defined social protection policies for persons with disabilities and established quotas and work places for persons with disabilities, it was not broadly enforced. Members of the disability rights community reported that

persons with disabilities were generally unable to find satisfactory employment due to unofficial discrimination. There was no information on discrimination against internal migrant workers.

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

The minimum monthly wage in all sectors was 590 manat (approximately \$170). A presidential decree raised wages by 10 percent in January.

An official estimate of the poverty-level income was not available. The standard legal workweek is 40 hours with weekends off. The law states overtime or holiday pay should be double the regular wage. Maximum overtime in a year is 120 hours and may not exceed four hours in two consecutive days. The law prohibits pregnant women, women with children up to age three, women with disabled children under age 16, and single parents with two or more children from working overtime.

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

Turkmenistan ratified the CRPD on 10 Nov 2010 and the Optional Protocol on 4 Sep 2008.

## **Uzbekistan**

### **EXECUTIVE SUMMARY**

Uzbekistan is an authoritarian state with a constitution that provides for a presidential system with separation of powers among the executive, legislative, and judicial branches. The executive branch under former President Islam Karimov dominated political life and exercised nearly complete control over the other branches of government. On September 2, President Karimov died in office and new elections took place on December 4. Former prime minister Shavkat Mirziyoyev won with 88 percent of the vote. The Organization for Security and Cooperation's Office for Democratic Institutions and Human Rights (OSCE/ODHIR), in its preliminary election observation mission report, noted that "limits on fundamental freedoms undermine political pluralism and led to a campaign devoid of genuine competition." The report also identified positive changes such as the election's increased transparency, service to disabled voters, and unfettered access for 600 international observers.

### **Section 3. Freedom to Participate in the Political Process**

Recent Elections: Following elections in March 2015, President Karimov began a fourth consecutive term, despite Article 90 of the constitution that prohibits more than two consecutive terms in office. Karimov passed away on September 2 and a special presidential election took place on December 4. Acting Interim President and Prime Minister Shavkat Mirziyoyev won the election with 88 percent of the vote. Mirziyoyev was one of four candidates that ran for election. OSCE/ODHIR has observed six elections in Uzbekistan, however 2016 was the first time the Uzbek government invited OSCE/ODHIR to conduct a full-scope observation mission.

According to OSCE/ODHIR, the 2016 presidential election demonstrated that systemic shortcomings in the election system persist and the dominant position of state actors and limits on fundamental freedoms continue to undermine political pluralism. These conditions resulted in a campaign that lacked genuine competition. Furthermore, due to a highly restrictive and controlled media environment, voters did not have access to alternate viewpoints beyond a state-defined narrative. The OSCE/ODHIR report indicated that significant irregularities were noted on election day, including indications of ballot box stuffing and widespread proxy voting. The report also identified an increased transparency in the election, service to disabled voters, and unfettered access for 600 international observers.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. National minorities have full political rights under the Constitution and campaign materials were available in minority languages. The Central Election Commission passed a regulation in 2016, ensuring persons with disabilities could access polling stations and vote.

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities, but societal discrimination on the basis of disability occurred.

The government continued efforts to confirm the disability levels of citizens who received government disability benefits, claiming it did so to ensure the legitimacy of disability payments. Unconfirmed reports suggested, however, that authorities unfairly reduced benefits to some individuals in the process.

The law allows for fines if buildings, including private shops and restaurants, are not accessible, and activists reported that authorities fined individuals or organizations in approximately 2,500 cases during the year. A 2013 law reduced the fine for failing to create the necessary conditions for persons with disabilities from 6.4 to 9.2 million som (\$1,960 to \$2,817) to 2.2 million som (\$674). Disability activists reported that accessibility remained inadequate, noting, for example, that many of the high schools constructed in recent years had exterior ramps but no interior modifications to facilitate access by wheelchair users.

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

The labor law states that all citizens enjoy equal employment rights, but disability rights activists reported that discrimination occurred and estimated that 90 percent of persons with disabilities were unemployed. The government indicated 17,000 jobs were set aside for persons with disabilities and during the reporting period, the authorities provided employment for over 4,000 disabled citizens. The government mandates that social infrastructure sites, urban and residential areas, airports, railway stations, and other facilities must allow for disabled access, although there were no specific government programs implemented and activists reported particular difficulties with access. Activists also reported instances in which persons with

disabilities were not provided sign language interpreters during police investigations and court hearings, though the government did provide Braille ballots during the December election. According to the government, of the children under 16 with disabilities in the country, 30,122 attended public schools, 6,225 attended specialized schools, and 9,499 were home schooled. Students studied Braille books published during Soviet times. There were computers adapted for people with vision disabilities.

## **Section 7. Worker Rights**

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

Laws and regulations prohibit discrimination with respect to employment and occupation based on race, gender, religion, and language. The labor code states that differences in the treatment of individuals deserving of the state's protection or requiring special accommodation, including women, children, and persons with disabilities, are not to be considered discriminatory. Laws do not prohibit discrimination on the basis of sexual orientation or gender identity, age, political opinion, national origin or citizenship, or social origin. HIV-positive individuals are legally prohibited from being employed in certain occupations, including those in the medical field that require direct contact with patients or with blood or blood products, as well as in cosmetology or haircutting. The government generally did not effectively enforce these laws and regulations. Information on penalties was not readily available. There were no recent reliable data on employment discrimination.

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

Uzbekistan signed the CRPD on 27 Feb 2009.