

Consolidated Disability Findings from the 2010 U.S. State Department Country Reports on Human Rights Practices

Europe and Eurasia

Introduction to the State Department Report on Disability Human Rights

The State Department's 2010 Country Reports on Human Rights Practices, released April 2011, represent the culmination of the U.S. State Department's review of the human rights records and situation in 194 countries around the world. The reports are supplied to Congress in accordance with law to assist in matters of foreign affairs.

USICD has consolidated the disability references from the 194 Country Reports into a 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. overlap with the section on children, 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 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 perspectives 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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Albania

Constitution and Laws

The law prohibits discrimination based on race, gender, ethnicity, disability, language, or social status; however, the government did not effectively enforce these prohibitions, and discrimination persisted. On February 4, parliament approved a new law on antidiscrimination. The law created the Office of the Commissioner for Protection from Discrimination, which is to receive and process complaints of discrimination. In May parliament named a commissioner; however, the new institution suffered from inadequate funding and staffing.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities; however, employers, schools, health care providers, and providers of other state services sometimes discriminated against persons with disabilities. The law mandates that new public buildings be accessible to persons with disabilities, but the government only sporadically enforced the law. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.

During the year the ombudsman continued to inspect mental health institutions and found that while physical conditions in facilities in Vlora and Shkoder had improved, they were not in compliance with standards and remained understaffed. Inspections of the Tirana Psychiatric Hospital found that specific windows and doors needed to be replaced for safety reasons. The ombudsman regularly conducts inspections throughout Albania and recommended a major legal, organizational, and budgetary review of the country's mental health care system. The admission and release of patients at mental health institutions was a problem due to lack of sufficient financial resources to provide adequate psychiatric evaluations.

The Convention on the Rights of Persons with Disabilities

Albania signed the Convention on 22/12/2009.

Andorra

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 other state services, and the government enforced it effectively. Nevertheless, societal discrimination against persons with disabilities existed on a small scale in the form of social and cultural barriers. Persons with disabilities also faced disadvantages in the labor market. The law mandates access to public buildings for persons with disabilities, and the government generally enforced this provision.

According to the Ministry of Health, Welfare, and Labor, there were approximately 400 persons with disabilities, of whom 99 were minors. Schools continued to implement the law to adapt infrastructure to the needs of children with disabilities. During the year approximately 99 children with disabilities attended modified schools. An association for persons with disabilities operates in the principality.

The Convention on the Rights of Persons with Disabilities

Andorra signed the Convention and Optional Protocol on 27/4/2007.

Armenia

Constitution and Laws

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce these prohibitions in practice.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, discrimination remained a problem. The law and a special government decree provide for accessibility to buildings, including schools, for persons with disabilities, but in practice very few buildings and other facilities were accessible to these persons. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities but failed to do so effectively.

In spite of the large number of officially registered persons with disabilities in the country, disabled persons are seldom seen outside the home due to the social stigma associated with disabilities. In extreme cases the social stigma sometimes prompts families to hide their disabled children completely from public view, depriving them in the process from access to education and integration into society.

Persons with all types of disabilities experienced problems in virtually all spheres of life, including health care, social and psychological rehabilitation, education, transportation, communication, access to employment, and social protection. Access to information and communications was a particularly significant problem for persons with sensory disabilities. Hospitals, residential care, and other facilities for persons with serious disabilities remained substandard. According to official data, more than 90 percent of persons with disabilities who were able to work were unemployed.

In its monitoring of mental health facilities in the Syunik and Shirak regions during 2009, the domestic NGO Helsinki Citizens Assembly of Vanadzor (HCAV) reported numerous deficiencies, including poor hygienic conditions, poor nutrition, inappropriate buildings, outdated and ineffective medications, lack of professionally trained staff, instances of physical violence, and use of patient labor in health facilities. HCAV expressed the view that the entire operation of mental health facilities was deficient. It noted the absence of a state policy on mental health, the lack of appropriate legislation for the proper implementation of legislation regulating the work of psychological clinics, the lack of standards and norms for staff conduct, and insufficient funding of facilities.

In a May 10 letter to the Ministry of Health, the ombudsman called attention to violations his office discovered in the Nubarashen Psychological Clinic during an April 13 visit. The ombudsman's staff encountered a number of patients who were being kept involuntarily in the clinic after the conclusion of their treatment under the pretext that their "relatives would not come for them." The ombudsman noted this was unacceptable. The ombudsman highlighted other inappropriate practices including denying pretrial detainees, who were in the clinic for psychological evaluations, the right to recreational walks and telephone use. The ombudsman called on the ministry to conduct an internal investigation to address these problems. The ministry responded to the ombudsman's letter by creating on May 25 a special commission to review the problems. The commission confirmed some of the findings and reported the clinic would resolve those problems, including by purchasing new bedding and ensuring

that pretrial detainees had walking space. In reference to the patients who were kept involuntarily, the ministry responded that those were legally incapable persons who were undergoing treatment based on the request of their legal representatives.

There were widespread reports about corruption and arbitrary rulings in the body that determines a person's disability status, the Medical-Social Expertise Commission (MSEC) under the Ministry of Labor and Social Affairs. On May 3, the ombudsman informed the head of the commission by letter the number of complaints his office received about the arbitrary decisions of MSEC continued to grow annually. Citizens complained to the ombudsman that MSEC would arbitrarily deprive them of disability status despite their worsening health condition. According to the letter, the ombudsman's office had never managed to achieve redress for any of the grievances against the commission, which, according to the ombudsman, placed it alongside police in terms of unanswered complaints.

In 2008 an online news agency published a HCAV survey of patients at the Vanadzor Neurological and Psychiatric Clinic. Patients reported physical abuse, torture, and abusive narcotic sedation by clinic personnel and medical staff. Patients also complained of deprivation of privileges and insufficient food.

According to the domestic NGO Unison, which monitored the May 2009 Yerevan municipal elections, many persons with physical disabilities did not have access to the polls during the vote, and very few participated in the vote.

Other References

There were widespread reports about corruption in the Medical-Social Expertise Commission (MSEC) under the Ministry of Labor and Social Affairs, the body that determines a person's disability status (see section 6).

The Convention on the Rights of Persons with Disabilities

Armenia signed the Convention and Optional Protocol on 30/3/2007 and ratified the Convention on 22/9/2010.

Austria

Constitution and Laws

The law provides for protection against discrimination based on race, gender, disability, language, or social status, and the government generally enforced these protections.

Persons with Disabilities

The law protects persons with physical, sensory, intellectual, and mental disabilities from discrimination in housing, education, employment, and access to health care and other government services. The government's performance in enforcing these provisions was mixed.

Federal law mandates access to public buildings for persons with physical disabilities; however, many public buildings lacked such access due to insufficient enforcement of the law and low penalties for noncompliance. Persons with disabilities generally had access to information and communications.

The law provides for involuntary sterilization of adults with mental disabilities in cases where a pregnancy would be considered life-threatening. However, authorities have not performed any involuntary sterilization in recent years. The law prohibits the sterilization of minors.

The Ministry of Labor, Social Affairs, and Consumer Protection handles problems for persons with disabilities. The government funded a wide range of programs for persons with disabilities, including provision of transportation and assistance for integrating schoolchildren with disabilities into regular classes and for integrating employees with disabilities into the work place.

The Convention on the Rights of Persons with Disabilities

Austria signed the Convention and Optional Protocol on 30/3/2007. Austria ratified the Convention and the Optional Protocol on 26/9/2008.

Azerbaijan

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, but the government did not always respect these prohibitions in practice or effectively enforce them.

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 other state services, but the government did not enforce these provisions effectively. Discrimination in employment was a problem. It was commonly believed that children with disabilities were ill and needed to be separated from other children and institutionalized. Several international and local NGOs developed educational campaigns to change social perceptions and reintegrate disabled children.

There are no laws mandating access to public or other buildings, information, and communications for persons with disabilities, and most buildings were not accessible.

Care in facilities for the mentally ill and persons with disabilities varied; some provided adequate care while others lacked qualified caregivers, equipment, and supplies to maintain sanitary conditions and provide a proper diet.

The Ministries of Health and Labor and Social Welfare were responsible for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Azerbaijan signed the Convention and Optional Protocol on 9/1/2008. Azerbaijan ratified the Convention and the Optional Protocol on 28/1/2009.

Belarus

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status. In practice the government did not always enforce these prohibitions. Problems included violence against women and children; trafficking in persons; and discrimination against persons with disabilities, Roma, ethnic minorities, and members of the lesbian, gay, bisexual and transgender (LGBT) community.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, and other government services, and such discrimination was common in practice.

The Ministry of Labor and Social Security is the main government agency responsible for protecting the rights of persons with disabilities. The law mandates that transport, residences, and businesses be accessible to persons with disabilities. However, in practice few public areas were wheelchair accessible. The National Association of Disabled Wheelchair Users estimated that more than 75 percent of persons with disabilities were unable to leave their own homes without assistance.

Authorities provided minimal, reportedly ineffectual, benefits for persons with disabilities. For example, persons with disabilities who lived alone were entitled to a 50-percent discount on rent and utilities. Since few residences were accessible, persons with disabilities had to live with friends or family and thus

were ineligible for the discount. Public transportation was free to persons with disabilities, but neither the subway in Minsk nor the bus system was wheelchair accessible. A government prohibition against workdays longer than seven hours for persons with disabilities reportedly made companies reluctant to hire them.

On March 24, a court in Hrodna upheld a suit filed by wheelchair user Syarhey Feshchanka against local traffic police seeking 7 million rubles (\$2,330) in damages. The court ordered police to pay Feshchanka 1.3 million rubles (\$430). In August 2009 Feshchanka fell down the stairs of the traffic police building and was injured. The building contained no ramp. Police reportedly took no steps to install a ramp and suggested wheelchair users either call officers from their homes or use a stationary phone on the first floor of the building to contact an officer. According to local authorities in Hrodna, no secondary schools and few grocery stores were accessible for wheelchair users.

Other Relevant References

There was discrimination against persons with disabilities, Roma, ethnic and sexual minorities, persons with HIV/AIDS, and those who sought to use the Belarusian language.

Women's groups voiced concerns about the feminization of poverty, particularly among women with more than two children, female-headed households, women taking care of family members with disabilities or older family members, and rural and older women.

The Convention on the Rights of Persons with Disabilities

Belarus has not signed the Convention.

Belgium

Constitution and Laws

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

The law identifies 18 grounds of possible discrimination subject to legal penalty: age, sexual orientation, civil status, birth, financial situation, religious belief, philosophical orientation, physical condition, disability, physical characteristics, genetic characteristics, social status, nationality, race, color of skin, descent, national origin, and ethnic origin.

Persons with Disabilities

The law provides for the protection of persons with physical, sensory, intellectual, and mental disabilities from discrimination in employment, education, and access to health care and other state services. In 2009 the CEOCR received 255 complaints regarding discrimination against persons with disabilities. Most were employment-related and concerned access to private and public buildings and services, including public transport, and access to banks, bars, and restaurants. While the government mandated that public buildings erected after 1970 must be accessible to such persons, many older buildings were still inaccessible because of preservation orders.

Other Relevant References

The government-sponsored Center for Equal Opportunity and the Combat Against Racism (CEOCR) is tasked with promoting equal opportunity and with combating all forms of discrimination, exclusion, or preferential treatment based on [...] disability, or physical characteristics.

Landlords were convicted for discriminating against foreigners and persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Belgium signed the Convention and Optional Protocol on 30/3/2007. Belgium ratified the Convention and the Optional Protocol on 2/7/2009.

Bosnia and Herzegovina

Constitution and Laws

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

Persons with Disabilities

The law in both entities prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities; however, there was discrimination against persons with disabilities in employment, education, and access to health care and other state services. Children with disabilities lacked sufficient medical care and educational opportunities. Policies toward persons with similar disabilities differed between entities in part due to structural differences between the entities' institutions. In the federation, the Institute for Medical Disability Status Classification, staffed by medical professionals and overseen by five relevant federation ministries in cooperation with an advisory NGO, determined the severity of each person's specific disability and level of assistance needed. In the Republika Srpska, the government social workers in the Center for Social Welfare under the entity Ministry of Health and Social Welfare evaluated persons for disabilities and assistance.

In the federation, the law mandates that all public buildings must be retrofitted to provide access to persons with disabilities, and new buildings must also be accessible by the end of the year. However, buildings were rarely accessible to persons with disabilities in practice. Several government buildings, including the federation government and parliament buildings, were not in compliance with the law. The Republika Srpska had comparable laws for public access, but few older public buildings were accessible.

There was clear discrimination between different categories of persons with disabilities, although the vast majority of such persons were unemployed. Persons with disabilities resulting from service during the 1992-95 conflict were given a privileged status above civilian war victims and persons who were born with disabilities. The Republika Srpska government paid 40 convertible marks (\$27) monthly to upwards of 5,000 persons recognized by its Center for Social Welfare as disabled. In the federation, some 35,000 persons, using standards adopted by the government in 2009, were officially recognized as "90 percent" or "100 percent" disabled and received 440 convertible marks (\$372) in assistance each month. Veterans and civilian war victims with disabilities received an estimated 1,000 convertible marks (\$680).

Many individuals with disabilities lived in institutions, although a growing number of programs for children with disabilities were available in schools. During the year an estimated 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available. At year's end, an estimated 1,900 persons with varying degrees of intellectual disabilities were institutionalized. During the year the federation government began a pilot program for assisted living in Tuzla which included 20 persons with intellectual disabilities. As of year's end, no such programs existed in the Republika Srpska.

Other Relevant References

The following human rights problems were reported: [...] discrimination against persons with disabilities; trafficking in persons; and limits on employment rights.

The Convention on the Rights of Persons with Disabilities

Bosnia and Herzegovina signed the Convention and Optional Protocol on 29/7/2009. Bosnia and Herzegovina ratified the Convention and the Optional Protocol on 12/3/2010.

Bulgaria

Constitution and Laws

The law prohibits discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal discrimination continued, particularly against ethnic minorities, sexual minorities, and persons with disabilities. Trafficking in persons continued to be a problem.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas; however, the government did not effectively enforce these provisions in practice. Societal discrimination against persons with disabilities persisted.

The law requires improved access to buildings for persons with disabilities, and some new public works projects took this requirement into account; however, enforcement of this law lagged in existing, non-renovated buildings. The law promotes the employment of disabled persons; however, enforcement was poor, and most persons with disabilities were unemployed primarily due to lack of access to adequate education and skills. For the most part, employers did not equip workplaces to accommodate persons with disabilities, and many were not able to find accessible transportation.

Persons with mental and physical disabilities, including very young children, were often in institutions separated from the rest of society. The majority of these institutions were located in remote rural areas, which prevented hiring of qualified staff and hampered access to timely medical assistance. Despite some incremental improvements, conditions in institutions for persons with disabilities remained poor. The government operated 26 institutions for children and youth with disabilities.

The government continued to lack a policy with regard to children with disabilities, resulting in their receiving inadequate access to education, healthcare, and social services. Children with varying types and degrees of disability were placed in the same institution. In 2009 there were 2,906 children with disabilities in public institutions.

NGOs criticized the government for continuing to isolate persons with disabilities in a costly parallel system of education, socialization, and health care. Critics maintained that the government lacked both institutional capacity and the will to move from the old model to an inclusive, community-oriented model.

The constitution provides the right of all citizens to vote, and the law provides specific provisions to ensure that persons with disabilities have access to the polls. However, authorities rarely enforced these provisions in practice, and the majority of polling stations were not wheelchair accessible.

The Interagency Council for Integration of Persons with Disabilities was responsible for developing the policy supporting persons with disabilities. The Ministry of Labor and Social Policy, through its executive agency for persons with disabilities, was responsible for protecting the rights of disabled persons and worked with government-supported national representative organizations for persons with disabilities. However, human rights groups remained concerned about the lack of vision and transparency regarding financial and other support to the national representative organizations as well as the poor capacity of the agency to implement any reforms.

Other Relevant References

Societal discrimination continued, particularly against ethnic minorities, sexual minorities, and persons with disabilities.

Human rights problems included[...] and discrimination against persons with disabilities, Roma, other members of minority groups, and lesbian, gay, bisexual, and transgender (LGBT) persons.

A defense attorney is mandatory if the alleged crime carries a punishment of 10 or more years in prison for juveniles, foreigners, persons with mental or physical disabilities, or for trials conducted in the absence of the accused.

The government lacked a policy on children with disabilities, resulting in their receiving inadequate access to education, healthcare, and social services (see section 6.).

Problems in state-run institutions for children, including incidents involving the exploitation of children, continued to receive media attention during the year. In September the BHC and the prosecution service conducted a joint inspection of institutions for disabled children that uncovered 238 deaths in the preceding decade as a result of poor treatment, lack of supervision, and unsanitary conditions as well as violence.

In 2009 there were 6,920 children, including children with disabilities, in 137 specialized institutions. This was a decrease from 7,466 children in 140 institutions in 2008 and a 45 percent decrease from 12,609 children in 165 institutions in 2001. The majority of children in institutions were Roma. Most children in state institutions were not orphans; courts institutionalized children when they determined that their families were unable to provide adequate care.

The Convention on the Rights of Persons with Disabilities

Bulgaria signed the Convention on 27/9/2007 and the Optional Protocol on 18/12/2008.

Croatia

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, discrimination occurred.

The government maintained 10 counseling centers offering assistance to persons with physical, sensory, intellectual, and mental disabilities and their families. A total of 943 persons with disabilities were employed during the year, while there were 6,207 disabled persons who were unemployed. An estimated 68 percent of unemployed persons with disabilities were unemployed for more than a year.

In a report covering the second half of 2009, the ombudsman for disabilities noted the majority of complaints received by her office involved welfare and pension payments, followed by complaints involving accessibility and legal matters. The office actively cooperated with NGOs dealing with persons with disabilities.

During the year there were several legal changes affecting the lives of persons with disabilities. On June 16, the constitution was changed to remove the word "invalid" and replace it with "persons with disabilities." In July a new law on checks and bonds was passed that allows blind persons to sign their own checks without a lengthy bureaucratic procedure, as had previously been the case.

During the year the ombudsman criticized a new law on public roads that limited free-of-charge use of the highway for persons with disabilities; under the previous law, the definition of disability was broadly construed, resulting in overuse of the benefit. While intended to correct the overuse, the tougher standards of the new law, according to some observers, disadvantaged many who should have benefited from the provision.

The number of persons with mental disabilities in institutions did not decrease, despite some efforts to develop community-based alternatives to institutionalization. On September 23, Human Rights Watch released a report criticizing the country for doing little to deinstitutionalize persons with intellectual or mental disabilities. According to the report, more than 4,000 persons with mental disabilities and 5,000 persons with intellectual disabilities remained in institutions, while only 16 from the former group and 250 from the latter moved to alternative community living programs allowing for a better quality of life.

The law provides that unemployed parents of children with disabilities be granted 2,200 kunas (\$390) in monthly compensation. The law also provides compensation to foster-care families.

The law mandates access to buildings for persons with disabilities; however, the government did not always enforce this provision, and the law did not mandate that existing facilities be retrofitted. As a result, access to public facilities for persons with disabilities remained limited.

Other Relevant References

The law provides longer sentences for sexual violence against persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Croatia signed the Convention and Optional Protocol on 30/3/2007. Croatia ratified the Convention and the Optional Protocol on 15/8/2007.

Cyprus

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, and 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, access to health care, or in the provision of other state services, and in practice the government generally enforced these provisions. The law mandates that public buildings and tourist facilities built after 1999 be accessible to all; government enforcement of the law was ineffective, however, and older buildings frequently lacked access for persons with disabilities. There were no appropriate institutions for adults suffering from mental disabilities who were in need of long-term care.

The amended People with Disabilities Law, which extended the ombudsman's authority to cover discrimination based on disabilities in both the private and public sectors, had not been fully implemented by year's end. Problems facing persons with disabilities included narrow or nonexistent sidewalks and lack of transport, parking spaces, accessible toilets, and elevators. During the year the ombudsman examined 26 complaints of discrimination against persons with disabilities. While many of the cases were still under investigation, the ombudsman reported full compliance of private and government organizations with her recommendations in the cases that were completed.

There were no long-term care facilities specifically for persons with mental disabilities, but many such persons were housed at the Athalassa Psychiatric Hospital. In 2007 an association representing approximately 300 families with children with Down syndrome complained that the government did not respond to its repeated calls for the creation of a specialized center for the treatment of such children, particularly those in need of temporary hospitalization. Some were housed at the hospital, where they allegedly received inadequate care. The parents claimed that the children were left naked, locked in their wards for excessive amounts of time, and placed under the influence of sedative medication. In December 2009 the same association complained that the government rejected its request for a subsidy to cover its operating expenses, and as a result it had to close its office.

According to a study presented at a meeting of the House Committee on Human Rights in May, one in three patients discharged from Athalassa Psychiatric Hospital were living in retirement homes and were experiencing difficulties integrating into society. Ten percent of these former patients were under the age of 30. Members of the committee noted that there is no infrastructure to support mental health patients with the result that, when they leave the psychiatric hospital, their medication is stopped and

there are no programs for their social integration or aftercare in general, a situation that could lead to serious problems.

On August 27, the Paraplegics Association complained that the new public buses, introduced in June as part of the overhaul of the public transport system, did not meet the needs of wheelchair users as they only had space for one wheelchair instead of two. After a meeting with the minister of communications and works on September 2, the Paraplegics Association said that the government agreed to satisfy the demand for two wheelchair spaces in all buses ordered from now on. The government also agreed to modify current buses if demand showed that there was a need for two wheelchair spaces.

In 2008 the president of the Cyprus Mental Health Commission, Christodoulos Messis, stated that, in order to reduce numbers, patients in the Athalassa psychiatric unit were being released into nursing homes for the elderly regardless of their age, with no plan for their rehabilitation within the community. He criticized the mental health services for not creating appropriate halfway houses and boarding schools to host psychiatric patients wishing to reintegrate into society and return to active employment.

The Ministry of Labor and Social Insurance's Service for the Care and Rehabilitation of the Disabled was responsible for protecting the rights of persons with disabilities. In addition the minister of labor and social insurance chaired the Pancyprian Council for Persons with Disabilities, which included representatives of government services, organizations representing persons with disabilities, and employer and employee organizations. The council monitored actions that affected the protection of the rights of persons with disabilities and served as a forum for persons with disabilities to contribute to public policy.

The Convention on the Rights of Persons with Disabilities

Cyprus signed the Convention and Optional Protocol on 30/3/2007. Cyprus ratified the Convention and the Optional Protocol on 27/6/2011.

Czech Republic

Constitution and Laws

The law prohibits discrimination based on gender, age, disability, race, ethnic origin, nationality, sexual orientation, religious faith, or personal belief. However, the government did not effectively enforce these provisions, and significant societal discrimination against Roma and women persisted. Trafficking in persons also remained a problem.

In June 2009 parliament overrode the president's 2008 veto of antidiscrimination legislation and adopted a comprehensive antidiscrimination act that harmonized the country's law with EU requirements.

In November following a country visit, Council of Europe's Commissioner for Human Rights Thomas Hammarberg stated, "There has been virtually no change on the ground in the Czech Republic since the European Court of Human Rights found three years ago that the country had discriminated against Roma children by educating them in schools for children with mental disabilities."

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the government generally enforced these provisions. However, persons with disabilities faced a shortage of public accommodations and were unemployed at disproportionately high rates.

The ombudsman is required to make regular visits to all governmental and private workplaces of persons with physical restrictions to examine conditions, ensure that fundamental rights are respected,

and advocate for improved protection against mistreatment. His office made these visits throughout the year.

In 2009 through its program to aid persons with disabilities, Mobility for All, the government provided 112.5 million korunas (approximately \$6.25 million) to cosponsor 56 projects in towns and cities throughout the country, building barrier-free sidewalks, crossings, crossroads, and handicapped elevators in government institutions; purchasing barrier-free buses; and providing barrier-free access to government institutions, schools, libraries, galleries, and museums.

Approximately 60 percent of Prague's metro stations were accessible to persons with disabilities, and most buses and new tramcars were configured to accommodate them. However, of 15 major metro stations in the city center, only five were barrier free. There were 294 barrier-free high schools in the country as well as 50 barrier-free institutions of higher learning, including universities.

In prior years, media reports and the UN Human Rights Council sharply criticized the use in several social care homes of "cage beds" for young persons with severe mental and physical disabilities. During unannounced visits in 2009 to 25 psychiatric institutions, the ombudsman found that restraint beds were used in most geriatric psychiatric units. He found that net beds, enclosed areas, and sedatives administered without a physician present were often used to restrict patients' freedom of movement. In his report the ombudsman cited the lack of personnel as a major cause for the use of these beds.

The Convention on the Rights of Persons with Disabilities

The Czech Republic signed the Convention and Optional Protocol on 30/3/2007. Czech Republic ratified the Convention on 28/9/2009.

Denmark

Constitution and Laws

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced the law effectively. However, there were incidents of violence against women, child abuse, and trafficking in persons.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care or other state services, and other areas, and the government effectively enforced these provisions in practice. The law mandates access to buildings, education, information, and communications for persons with disabilities, and the government generally enforced these provisions in practice.

The Ministry of Social Affairs has responsibility for protecting the rights of persons with disabilities, and implementation is the responsibility of municipal governments. The Danish Disability Council, a government-funded organization, monitored the status of persons with disabilities and advised the government and the parliament on issues relating to disability policy. The Equal Opportunities Center for Disabled Persons is a government-funded entity that documented and alerted the government to inequalities in society that affected persons with disabilities. The Danish Institute for Human Rights and the parliamentary ombudsman were also involved in monitoring the treatment of disabled persons. Each year, the ombudsman receives a significant number of complaints related to discrimination against persons with disabilities.

In April 2009 the government reported that more than 16,000 adults were in state-sponsored, long-term or temporary, special-care facilities for the persons with physical or mental disabilities.. The state also provided protected employment for approximately 9,000 persons with disabilities and offered 22,500 such individuals special state-sponsored activities to assist in their well-being. This was a part of the

state's effort to move care for persons with disabilities from institutions to a home environment to promote greater individual self-reliance and reduced dependence on the public sector.

The Convention on the Rights of Persons with Disabilities

Denmark signed the Convention on 30/3/2007. Denmark ratified the Convention on 24/7/2009.

Estonia

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced the prohibitions. However, violence against women and child abuse were problems.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The government generally enforced these provisions. The law does not mandate access to buildings for persons with disabilities; most older buildings were inaccessible, although new or renovated buildings generally were. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities, and local governments are responsible for the provision of social welfare services to persons with disabilities. The government focused on developing rehabilitation services to improve the ability of persons with disabilities to cope independently and increase their social inclusion. Children, adults, and elderly persons with disabilities necessitating prosthetics and orthopedic or other technical aids are compensated by the state for 50 to 90 percent of the cost of the device.

Other Relevant References

The legal chancellor, an independent official with a staff of 30 persons, performs the role of human rights ombudsman. The legal chancellor reviews legislation for compliance with the constitution and oversees observance by authorities of fundamental rights and freedoms and the principles of good governance. The legal chancellor also helps resolve accusations of discrimination based on gender, race, nationality (ethnic origin), color, language, religion, social status, age, disability, and sexual orientation. The legal chancellor makes recommendations to ministries and local governments, requests responses, and has the authority to appeal to the Supreme Court. The legal chancellor compiles an annual report for parliament. Public trust in the office was high, and the government was responsive to the reports and decisions issued by this office.

Authorities have adopted policies, such as funding citizenship and language courses and simplifying the process for persons with disabilities, to facilitate acquisition of citizenship by those stateless persons who wish it.

The Convention on the Rights of Persons with Disabilities

Estonia signed the Convention on 25/9/2007.

Finland

Constitution and Laws

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government effectively enforced these prohibitions. However, there were reports of violence against women and children, trafficking in persons, and societal discrimination against foreign-born residents and Roma.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The government effectively enforced these provisions.

Laws mandating access to buildings for persons with disabilities were generally enforced, although many older buildings remained inaccessible. Most forms of public transportation were accessible, but problems continued in some geographically isolated areas. The Ministry for Social Affairs and Health and the Ministry of Employment and the Economy are responsible for protecting the rights of persons with disabilities, and do so effectively.

The Convention on the Rights of Persons with Disabilities

Finland signed the Convention and Optional Protocol on 30/3/2007.

France

Constitution and Laws

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

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other government services. The government generally enforced these provisions effectively.

During the year according to the Observatory for Inequalities, 19 percent of persons with disabilities were unemployed, twice the national unemployment rate. The law requires companies with more than 20 employees to provide that persons with disabilities make up 6 percent of the company work force. Noncompliant companies could face criminal fines that benefit the National Association for the Professional Integration of the Disabled, an organization of workers and employers unions that funds training for professionals with disabilities. However, many companies admitted to being unaware of their legal obligations. On average persons with disabilities made up approximately 5 percent of the work force of companies that were subject to the law.

The law provides for government compensation to persons for the consequences of a disability and requires that buildings, education, and employment be accessible to them. The law requires that any new building with public or community space and any existing public building be accessible for persons with disabilities. Many existing buildings as well as transportation systems did not yet meet these requirements. The law also requires the establishment of centers in each administrative department to assist disabled persons with receiving compensation and employment assistance.

On September 13, the president announced that social security payments to adults with disabilities would continue to increase by 5 percent per year until 2012. The increases, which began in 2007, would total 25 percent by 2012. During the year the government paid adults with disabilities 696.63 euros (\$933.48) per month.

The Convention on the Rights of Persons with Disabilities

France signed the Convention on 30/3/2007 and Optional Protocol on 23/9/2008. France ratified the Convention and the Optional Protocol on 18/2/2010.

Georgia

Constitution and Laws

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

Persons with Disabilities

The constitution and law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas; however, the government was not effective in enforcing these provisions. Enforcement was a low priority for the government. Discrimination, including social discrimination, against persons with disabilities was a problem.

During the year 138,614 persons with disabilities were registered compared with 139,354 in 2009. This number included 10,134 children, compared with 8,034 in 2009. These numbers included only those officially registered; the actual number could be higher.

The law mandates access to buildings for persons with disabilities and stipulates fines for noncompliance. However, very few public facilities or buildings were accessible, although notably the newly constructed presidential residence and the Ministry of Internal Affairs building were. During the May 30 elections, ballots in Braille were available for voters with visual disabilities.

The CPT noted in a September 21 report that at the institution for persons with mental and physical disabilities in Dzevri, there were no allegations of mistreatment of residents by staff, and that it had a generally positive impression of residents' living conditions.

In the 2009 National Preventive Mechanism Report (released during the year), the PDO drew the same conclusions as the CPT. The PDO noted, however, that living conditions were poor, including poor ventilation; lack of heat; lack of access to hygiene products, and poor nutrition. Patients who were admitted voluntarily were not allowed to leave of their own free will.

The Ministry of Labor, Health, and Social Affairs was the lead government agency responsible for policy regarding persons with disabilities. Other ministries were also involved, including the Ministry of Education and Science, which has an inclusive education program, and the Ministry of Sport and Youth Affairs, which runs the Special Olympics program. The PDO monitors the treatment of persons with disabilities through its Center for Disability Rights.

The government took some steps to address the needs of persons with disabilities. On December 3, the International Day of Persons with Disabilities, a forum was held in Tbilisi to raise public awareness on the problems and needs of persons with disabilities. In December 2009 the government approved a national action plan for activities for persons with disabilities, mandating clearly increased budgets and diversified activities across many ministries. The national action plan prioritizes disability classification, access to information, healthcare, access to buildings, education, habilitation and rehabilitation, employment, culture and sports, social protection, data, and legislative improvement. During the year work on the following elements of the action began, including revision of disability classification, creation of a new data system for persons with disabilities, and creation of an inclusive education program. State agencies provided protected work places for persons with disabilities, including the civil registry that employs dozens of persons with disabilities who work from home.

There were nine major committees in the country that evaluated children and assisted with their inclusion, or integration, in schools; approximately 200 schools became inclusive during the year by providing access ramps and other facilities and specialized teachers with individual approaches to teaching and assessment. During the year standards for day care centers for children with disabilities were developed. All existing day care centers were evaluated based on these standards, and state

vouchers were granted to individuals with disabilities, permitting them to be enrolled in quality daycare facilities.

The Convention on the Rights of Persons with Disabilities

Georgia signed the Convention and Optional Protocol on 10/7/2009.

Germany

Constitution and Laws

The constitution prohibits the denial of access to housing, health care, or education on the basis of race, ethnicity, gender, religious affiliation, age, sexual orientation, disability, language, or social status, and the government effectively enforced these provisions in practice.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, or mental disabilities in employment, education, access to health care, and the provision of other federal state services, and the government effectively enforced these provisions. The relevant law, enacted in 2006, makes no specific mention of persons with sensory or intellectual disabilities but these are believed to be subsumed under the other headings. However, the federal states of Bavaria, Baden-Wuerttemberg, North Rhine-Westphalia, and Saxony limited the number of children with disabilities attending secondary schools. For example, in Baden-Wuerttemberg 54,200 students with disabilities were required to go to special schools, which often prevented them from attending secondary school. During the year only 15.7 percent of children with disabilities attended regular schools together with children without disabilities. While special schools are often better equipped to take special care of students with disabilities, critics argued that such separation prevented the full integration of children with disabilities into the professional world and society as a whole.

The number of schools and day care facilities that accommodated both children with disabilities and children without disabilities increased from 7,789 in 1998 to 14,143 in 2008, while the number of day care centers and schools exclusively for children with disabilities decreased from 691 in 1998 to 378 by mid-2008.

In July 2009 the government released a report on the status of persons with disabilities which indicated that unemployment among persons with disabilities decreased by more than 14 percent between 2005 and 2008. The proportion of employees with disabilities in the workforce increased from 7.3 percent in 2005 to 8.5 percent in 2006. In 2007-08, 72 percent of all juveniles with disabilities, who were eligible to do so, started professional training.

The government promoted the employment of handicapped persons through a number of measures. For example, employers with a minimum of 20 employees must hire persons with disabilities to fill at least 5 percent of all positions, facing a fine if they do not comply.

The federal government has developed guidelines for barrier-free public buildings and for modifying streets and pedestrian zones to accommodate persons with disabilities. All 16 federal states have incorporated these guidelines into their building codes. Almost all federal buildings (98 percent) complied with the guidelines for a barrier-free environment. The federal government provided payments of 518.2 million euros (\$689 million) per year through 2019 to the states to support barrier-free buildings. Efforts were continuing to improve further barrier-free access in public transportation.

By law the federal government is required to provide barrier-free access to communications, especially in the field of administrative Internet sites and official forms and notifications.

In 2008 there were eight violent right-wing extremist crimes against persons with disabilities; there were 45 such crimes between 2001-08.

Under the law, the federal commissioner for matters relating to persons with disabilities is the principal government contact in all matters related to persons with disabilities and has specific responsibility for protecting the rights of persons with disabilities. The Ministry of Labor and Social Affairs; the Ministry of Family, Senior Citizens, Women, and Youth; and the Ministry of Transport, Building, and Urban Affairs also have responsibility for addressing the needs of persons with disabilities.

Other Relevant References

The FCO defined "politically motivated crimes" as offenses related to the victims' ideology, nationality, ethnicity, race, skin color, religion, world view, ancestry, sexual orientation, disability status, appearance, or social status.

The Convention on the Rights of Persons with Disabilities

Germany signed the Convention and Optional Protocol on 30/3/2007. Germany ratified the Convention and the Optional Protocol on 24/2/2009.

Greece

Constitution and Laws

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not protect these rights consistently in practice.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other government services; in practice government enforcement of these provisions was uneven. The law mandates access to buildings for persons with disabilities and special ramps for the sidewalks and means of public transportation; however, authorities enforced this law poorly. Disabled activists reported that, although special ramps for sidewalks were being constructed throughout the country, sidewalks and special ramps were overwhelmingly occupied by parked vehicles, thus hindering accessibility for disabled persons. The general lack of accessibility forced such persons to remain at home and led to serious social exclusion.

Only 5 percent of public buildings were fully accessible to persons with disabilities, with the majority of these in Athens; most buildings with special ramps did not have accessible elevators or lavatories. The deputy ombudsman for social welfare handled complaints related to persons with disabilities, especially those related to employment, social security, and transportation.

In 2009 the Ministry of Health and Social Solidarity estimated that there were 180,000 children with disabilities with special educational needs. The Teachers' Association estimated in 2009 that only 18,500 of these children attended primary school and of these only 10 percent would attend secondary school, due either to a lack of local special education schools or a lack of accessibility. In 2009 the National Confederation of Persons with Disabilities reported that the educational system for persons with disabilities fostered discrimination and social exclusion and, therefore, 90 percent of children with disabilities were excluded from the mandatory nine years of education.

The Confederation of the Disabled reiterated during the year that education was not available for persons with serious disabilities and many such persons were forced either to leave school due to lack of accessibility or to accept a low quality education at the special education schools. The confederation stated that only two of the 10 universities in Athens were accessible to persons with disabilities and that 80 percent of children in special schools for children with disabilities were housed in buildings unsuitable to their needs.

The Confederation of the Disabled estimated that the unemployment rate of persons with disabilities was 84 percent in 2009 and constituted the greatest social problem they faced.

Athens was selected to host the Special Olympics World Summer Games in the summer of 2011.

Other Relevant References

Transgender persons were exempt from military service on disability grounds.

The Convention on the Rights of Persons with Disabilities

Greece signed the Convention on 30/3/2007 and Optional Protocol on 27/9/2010.

Hungary

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, and/or intellectual disabilities in employment, education, access to health care, or the provision of other state services; however, persons with disabilities frequently faced discrimination and prejudice.

Government sources estimated there were 600,000 persons with disabilities, while disability organizations estimated the number to be approximately one million.

NGOs expressed concern about the lack of independent oversight over government-run, long-term-care institutions for persons with mental disabilities. There were sporadic reports that employees of such institutions used inappropriate physical restraints on patients, a problem experts attributed partly to inadequate numbers of qualified staff. NGOs also noted that there was no legal regulation or government strategy for deinstitutionalization of persons.

The international NGO Mental Disability Advocacy Center criticized the government for failing in its obligation to protect the rights of persons with disabilities who were under the legal guardianship of others, particularly in their access to employment, education, and health care services. According to the center, one of the key problems was a lack of alternatives to guardianship for persons with disabilities who needed support in making certain decisions. According to NGOs, almost 80,000 adults were under guardianship. According to the constitution, citizens placed under guardianship by a court immediately lose their right to vote. In addition, NGOs contended that polling places were not accessible for persons with disabilities and the election materials were not available in easy-to-read format.

A government decree requires all companies with more than 20 employees to reserve 5 percent of their jobs for persons with physical or mental disabilities. The decree specifies fines for noncompliance. Employers typically paid the fines rather than employ persons with disabilities. In 2009 approximately 9 percent of working-age persons with mental disabilities were employed.

Both the central government and municipalities continued to update public buildings to make them accessible to persons with disabilities. The law requires that buildings operated by the central government be accessible by 2010; those operated by the municipalities must meet this goal by 2013. There was no data available on the percentage of government buildings that were not accessible, but NGOs contended many public buildings remained inaccessible.

The lead agency for protecting the rights of persons with disabilities is the Ministry of National Resources.

Other Relevant References

On May 20, the ECHR issued a decision favoring a plaintiff who challenged the decision of the authorities denying him the right to vote because he was under partial guardianship for manic depression, a condition the constitution envisages as a possible basis for deprivation of the franchise. However, the ECHR concluded that the indiscriminate removal of voting rights (without an individual judicial evaluation and based solely on a mental disability necessitating partial guardianship) violated the convention and awarded the plaintiff 3,000 euros (\$4,000).

Also on May 20, the ECHR ruled in favor of a plaintiff who claimed he was mistreated due to his physical disability while serving a prison sentence at Szeged Prison in 2005-06. The court awarded him 12,000 euros (\$16,000).

NGOs claimed that the right to public schooling is not honored for children with severe and multiple disabilities because public schools are not obliged to set up classes for those children. NGOs and government officials estimated that one-third of Romani children were educated in segregated classes and that 20 percent were placed without justification in remedial classes for children with mental disabilities, effectively segregating them from other students.

During the year the Chance for Children Foundation (CFCF) initiated a lawsuit against Heves County and the county-operated Expert Committee, which diagnoses and certifies children with disabilities and learning difficulties. The CFCF claimed that the percentage of children certified as having such disabilities was much higher than in other counties, the number of Romani children among them was disproportionately high, and almost all certified children attend segregated remedial schools with substandard curricula. The CFCF asked the court to rule that there was racial bias in the diagnosing and certifying procedure and to ban the county and its institution from the practice. The case was pending at year's end.

The Convention on the Rights of Persons with Disabilities

Hungary signed the Convention and Optional Protocol on 30/3/2007. Hungary ratified the Convention and the Optional Protocol on 20/7/2007.

Iceland

Constitution and Laws

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status. Various laws implement these prohibitions, and the government effectively enforced them.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. There were no reports of official discrimination in employment, education, access to health care, and the provision of other state services. The law also provides that persons with disabilities receive preference for government jobs when they are at least as qualified as other applicants. However, disability rights advocates asserted that the law was not fully implemented and that persons with disabilities constituted a majority of the country's poor.

The government ensured that persons with disabilities have access to buildings, information, and communications. Building regulations require that public accommodations and government buildings, including elevators, be accessible to persons in wheelchairs, that public property managers reserve 1 percent of parking spaces (a minimum of one space) for persons with disabilities, and that sidewalks outside the main entrance of such buildings be kept clear of ice and snow to the extent possible. Violations of these regulations are punishable by a fine or a jail sentence of up to two years; however, the main association for persons with disabilities complained that authorities rarely, if ever, assessed penalties for noncompliance.

The Ministry of Social Affairs and Social Security was the lead government body responsible for protecting the rights of persons with disabilities. It coordinated the work of six regional offices that provided services and support to persons with disabilities. It also maintained a diagnostic and advisory center in Reykjavik that sought to create conditions allowing persons with disabilities to lead normal lives.

Other Relevant References

The children's ombudsman, who is appointed by the prime minister but acts independently of the government, has a mandate to protect children's rights, interests, and welfare. When investigating complaints, which typically involved physical and psychological abuse and inadequate accommodation for children with illnesses or disabilities, the ombudsman had access to all public and private institutions that housed or otherwise cared for children. The ombudsman was not empowered to intervene in individual cases but could investigate them for indications of a general trend. The ombudsman could also initiate cases at personal discretion. While the ombudsman's recommendations are not binding on authorities, the government generally adopted them.

The Convention on the Rights of Persons with Disabilities

Iceland signed the Convention and Optional Protocol on 30/3/2007.

Ireland

Constitution and Laws

The law prohibits discrimination in employment on the basis of gender, marital status, family status, sexual orientation, religion, age, disability, race, and membership in the Traveller community, and the government sought to enforce the law; however, discrimination against racial and ethnic minorities, including immigrants and Travellers, remained a problem.

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 other state services or other areas; and the government effectively enforced these provisions. The government effectively implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications. The government does not restrict the right of persons with disabilities to vote or participate in civic affairs. The National Disability Authority has responsibility for setting and implementing disability standards, as well as directing disability policy.

The Convention on the Rights of Persons with Disabilities

Ireland signed the Convention on 30/3/2007.

Italy

Constitution and Laws

The law prohibits discrimination based on race, gender, ethnic background, and political opinion. It provides some protection against discrimination based on disability, language, or social status. The government generally enforced these prohibitions; however, some societal discrimination continued against women, persons with disabilities, immigrants, and Roma.

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 other state services. The government effectively enforced these provisions, but there was some societal discrimination. The NGO Antigone claimed there was a pattern of abuse in prisons and mental health facilities, highlighting some cases of death possibly resulting from poor treatment of those detained in such facilities. On June 11, a parliamentary committee visited the largest criminal detention center for those with psychiatric problems, which is in Aversa. The committee criticized the lack of adequate treatment for inmates, whom they described as neglected.

On September 9, a woman in a wheelchair claimed that the driver of a water taxi in Venice refused to transport her because of her disability. The municipality opened an investigation.

Although the law mandates access to government buildings for persons with disabilities, mechanical barriers, particularly in public transport, left such persons at a disadvantage. The Ministry of Labor and Welfare was responsible for protecting the rights of persons with disabilities. Many cities lacked infrastructure (such as elevators at subway and funicular stations and ramps on sidewalks) for persons with limited mobility and those in wheelchairs.

ISTAT estimated there were 2.6 million persons with disabilities in 2004, based on a sample survey of the population. Using a different methodology, an independent research center, Censis, estimated that during the year there were 4.1 million persons with disabilities.

Other Relevant References

During the year there were some reports of police abuse of authority and inadequate care for prisoners with mental disabilities.

Human rights groups continued to criticize understaffing and poor infrastructure at the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities.

The Convention on the Rights of Persons with Disabilities

Italy signed the Convention and Optional Protocol on 30/3/2007. Italy ratified the Convention and the Optional Protocol on 15/5/2009.

Kosovo

Constitution and Laws

The law specifically prohibits discrimination on the basis of race, gender, ethnic origin, disability, social status, or language. The government did not effectively enforce these prohibitions.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and in the provision of other state services; however, the government did not effectively implement laws and programs to provide that persons with disabilities have access to buildings, information, and communications. The situation for persons with disabilities remained difficult. Although the law mandates access to official buildings, it was not enforced and such access was rarely available in practice. Even the Office of the Ombudsperson is not accessible for persons with physical disabilities. During the year the country enacted new laws providing for access by deaf and blind persons to all public institutions, but implementation of these laws was poor.

The Ministry of Labor and Social Welfare is the government agency responsible for protecting the rights of persons with disabilities. By law protection and provision of services is offered to all citizens; however, there was considerable discrimination in practice, and ensuring the rights of persons with disabilities was not a government priority.

According to local disability rights NGO HandiKos, existing laws and governmental action plans relating to persons with disabilities were not adequately implemented. As a result, children with disabilities were often excluded from educational opportunities, were not professionally evaluated, and lacked sufficient health and social services.

According to the Ministry of Education, there were seven special residential schools for children with disabilities and 70 special needs classrooms attached to regular schools. The ministry reported that, at year's end, 1,100 pupils were receiving special education.

There were legal protections for children with disabilities. A Law on Material Support for Families of Children with Permanent Disability entered into force in 2008, and a new Law on Material Support for Families of Children with Temporary Incapacity entered into force on January 1. The laws provide definitions of children with disabilities and permit their legal guardians to apply to the Ministry of Labor and Social Welfare for material support. However, the ministry lacked both the funds and personnel to implement the laws.

According to the NGO Kosovo Mental Disability Rights International (K-MDRI), persons with mental disabilities continued to be detained without legal basis in isolated conditions. K-MDRI noted that there is no law to regulate the process of committing persons to psychiatric or social care facilities or to protect their rights within institutions. According to the World Health Organization (WHO), there were an estimated 14,000 persons with mental disabilities; K-MDRI reported an estimated 50,000 persons with mental disabilities living outside institutions. According to K-MDRI, such persons lived isolated and stigmatized lives.

The government-operated Shtime/Stimlje Institute maintained a facility for persons with developmental or intellectual disabilities with 58 residents, run by the Ministry of Labor and Social Welfare, and a separate psychiatric facility with 57 residents, run by the Ministry of Health. Citing insufficient training for staff and a lack of rehabilitative programming for patients and residents, K-MDRI advocated closing the facility, and placing its patients and residents into homes and apartments in urban areas, where they can be integrated with the community.

During the year the Ministry of Health hired a person with special needs to conduct outreach to disabled persons. The ministry operated eight integration and community homes across the country, providing inpatient care for 75 persons with mental disabilities. In addition the Ministry of Labor and Social Welfare operated another nine community homes with approximately 10 to 15 residents in each facility. K-MDRI reported that, while these homes were intended to be transitional, most residents spent years there with little prospect of integration into the community. According to the WHO, there were not enough facilities to provide care for persons with mental disabilities, and employment opportunities for persons with mental disabilities were limited.

The National Council on Disabled Persons, an advisory organization to government authorities and the Assembly, met twice during the year.

Other Relevant References

The Ministry of Labor and Social Welfare reported that there were 258 abandoned children with disabilities, ranging in age from three to 18 years, living in two government-funded community homes receiving 24-hour care.

During the year reported problems and abuses included the following: [...] societal discrimination against persons with disabilities; abuse and discrimination against persons based on their sexual orientation; and child labor in the informal sector.

The Convention on the Rights of Persons with Disabilities

Kosovo has not signed the Convention

Latvia

Constitution and Laws

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to healthcare, or the provision of other state services or other areas, and the government generally enforced these provisions. The law mandates access to buildings for persons with disabilities; however, most buildings were not accessible.

A new law which preserves the rights of handicapped children took effect during the year. The law grants additional assistance to children with disabilities, allowing them and their chaperones to use public transportation free of charge. The law also allows families of children who have been diagnosed with a disability to receive state-funded counseling.

The Convention on the Rights of Persons with Disabilities

Latvia signed the Convention on 18/7/2008 and Optional Protocol on 22/1/2010. Latvia ratified the Convention on 1/3/2010 and the Optional Protocol on 31/8/2010.

Liechtenstein

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, or ethnic group. The government effectively enforced these prohibitions.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or the provision of other state services or other areas.

The government effectively implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications, and disabled persons readily had access. The law mandates that all public kindergartens and schools as well as public transportation systems must be accessible to persons with disabilities by 2012. Recently constructed public buildings must become barrier-free by 2027; older public buildings, by 2019.

The Convention on the Rights of Persons with Disabilities

Liechtenstein has not signed the Convention.

Lithuania

Constitution and Laws

The law prohibits and penalizes discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government programs and efforts at enforcement, discrimination against women and ethnic and sexual minorities persisted.

Persons with Disabilities

The Law on Equal Treatment prohibits discrimination against persons with disabilities, although it does not specify what kind of disabilities. During the year, the equal opportunities ombudsman investigated 22 cases of alleged discrimination based on disability. The law mandates accessibility of buildings for persons with disabilities; however, according to 2009 data from the Department of Statistics, 38.2 percent of housing was inaccessible.

Individuals involuntarily declared incapacitated have no right to appeal the decision in court.

The mental health system was widely regarded as inadequate. In 2007 the government approved a National Strategy for Mental Health; however this area remained among the least reformed areas in the health sector.

The Ministry of Social Security and Labor and the Council for the Affairs of the Disabled are the two primary governmental organizations responsible for developing equal opportunities in the labor market and improving government effectiveness in meeting the needs of and augmenting the social security net for persons with disabilities. The Ministry of Health is responsible for making health services equally accessible to all inhabitants of the country.

The Convention on the Rights of Persons with Disabilities

Lithuania signed the Convention and Optional Protocol on 30/3/2007. Lithuania ratified the Convention and the Optional Protocol on 18/8/2010.

Luxembourg

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services or other areas, and the government effectively enforced these provisions. The law does not require government or privately owned buildings to be accessible to persons with disabilities, but the government subsidized the construction of "disabled friendly" structures. The NGO Aid for Handicapped Children advocated for the protection of the rights of persons with disabilities. The government and Info Handicap, an NGO, organized a campaign entitled "For Mobile People with Handicaps" in which representatives of the national railway company met with persons with disabilities with the goal of improving access to public transportation.

The law establishes quotas requiring businesses that employ more than 25 persons to hire unspecified number of workers with disabilities and pay them prevailing wages, but the government acknowledged that these laws were not applied or enforced consistently.

The Convention on the Rights of Persons with Disabilities

Luxembourg signed the Convention and Optional Protocol on 30/3/2007. Luxembourg ratified the Convention and Optional Protocol on 26/9/2011.

Macedonia

Constitution and Laws

The constitution and law prohibit discrimination based on gender, race, disability, , religion, or national, social, or political affiliation, and the government generally enforced these prohibitions. In April parliament passed a new antidiscrimination law, scheduled to be implemented at the beginning of 2011 that protects against most forms of discrimination. The new law provides for a seven-member commission to review discrimination complaints, to issue recommendations, and to promote the implementation of the law; however, the commission has no power to punish offenders. The law provides for fines ranging from 400 to 1,000 euros (\$530 to \$1,325), which courts can issue against individuals or legal entities found guilty of discrimination.

Persons with Disabilities

Persons with disabilities faced discrimination in employment, education, and access to health care and other state services. The law requires persons with physical or mental disabilities to obtain approval from a medical commission of the government to serve in supervisory positions in both the private sector and the government. The law does offer incentives to certain "shelter companies" to provide employment for persons with disabilities, but NGOs reported that restrictions on which companies qualified limited employment opportunities for persons with disabilities. The new antidiscrimination law, which passed in April, allows for those who allege discrimination to submit their complaints to the Commission for Protection Against Discrimination.

The law requires only that new buildings be made accessible to persons with disabilities. Many public buildings remained inaccessible. Inconsistent inspection resulted in construction of new facilities that were not accessible for persons with disabilities.

Advocates stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented the full integration into society of persons with disabilities.

The Ministry of Labor and Social Policy is responsible for integrating persons with disabilities into economic life and for the payment of benefits. In practice disability benefits did not cover the cost of living. Advocates indicated that employment and life-skills training programs for persons with mental and physical disabilities were very limited and did not contribute significantly to economic integration.

Other Relevant References

On July 16, the prosecutor indicted 36 of 40 medical doctors and officials of the Health Fund whom police arrested in April on bribery and fraud charges related to disability pensions.

On December 2009 parliament passed a law that provides for free legal aid to citizens seeking legal assistance. The law designates those who qualify for assistance including recipients of social or disability welfare, single parents, certain pension recipients, and asylum seekers. The Office of the UN High Commissioner for Refugees (UNHCR) reported that in practice there has been no access to state-funded free legal aid for asylum seekers due to the manner in which the provisions of the law were interpreted.

The Convention on the Rights of Persons with Disabilities

Macedonia signed the Convention on 30/3/2007 and Optional Protocol on 29/7/2009.

Malta

Constitution and Laws

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

Persons with Disabilities

The law prohibits both the public and private sectors from discriminating against persons with disabilities in employment, education, health care, access to goods and services, housing, and insurance, and the government effectively enforced these provisions. As of the end of September, the National Commission for Persons with Disabilities (NCPD), the agency responsible for enforcement of this law, was working on 113 discrimination complaints pending from previous years. During the year ending in September 2009, the NCPD opened investigations into 130 new cases and satisfactorily concluded 137.

The Convention on the Rights of Persons with Disabilities

Malta signed the Convention and Optional Protocol on 30/3/2007.

Moldova

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, ethnicity, or social status; however, the government did not always enforce these prohibitions effectively.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to public facilities, healthcare, or the provision of other state services, but the law was rarely enforced. Local NGO Gaudeamus reported continued widespread discrimination against students with disabilities.

On August 25, shortly after the country's ratification of the UN Convention on the Rights of Persons with Disabilities, the Ministry of Education issued an order ensuring the inclusion of orphans and children with disabilities and special educational needs into the educational system.

During the year there were over 170,000 persons with disabilities in the country. While national strategies for reforming the residential childcare system and rehabilitating and integrating persons with disabilities existed, the government did not provide funding to implement them. Persons with disabilities faced discrimination, social exclusion, poverty, unemployment, low quality education, and lack of access to social protection. The director of the Center for Services for Students with Disabilities noted that the structure of educational institutions and the lack of materials for teaching persons who are deaf or blind were illustrative of the government's general failure to meet the needs of persons with disabilities.

Official regulations mandate access to buildings for persons with disabilities, and most government buildings provided such access. While most newly built or reconstructed private buildings were accessible, older buildings often were not. The government provided few resources to training persons with disabilities. The Social Assistance Division in the Ministry of Labor, Social Protection, and Family and the National Labor Force Agency are responsible for protecting the rights of persons with disabilities.

On October 6, authorities approved a framework regulation on organization, operation, and quality standards of "community houses" for persons with mental disabilities. Such community houses were designed to take the place of boarding facilities for children with mental disabilities.

According to the Association of the Blind, there were 9,000 persons nationwide with visual impairment, of which 3,500 were fully blind. The 2009 ombudsman report noted problems involving persons with visual impairment exercising their right to vote. According to the election law, voters unable to complete a ballot on their own have the right to invite another person to help them vote. However, this procedure jeopardizes the voter's right to a secret ballot. The ombudsman urged the government to make ballots available in Braille.

During the November 28 parliamentary election, at one polling station in Chisinau, authorities piloted a new method of direct, secret voting for persons with visual impairments.

In Transnistria children with disabilities and special educational requirements rarely attended school and lacked access to specialized resources.

Although the law provides for equal employment opportunities and prohibits discrimination against persons with disabilities (with the exception of jobs where certain health conditions are required), in practice many employers failed to provide accommodation to persons with disabilities and avoided employing persons with disabilities.

Other Relevant References

On March 23, Transnistrian leader Igor Smirnov signed a decree granting a mass pardon, commutation, or amnesty to hundreds of inmates. More than 900 persons benefitted from the amnesty, including those who had served in the 1990-92 conflict with Moldova, persons convicted of lesser crimes, disabled and ill inmates (including those suffering from tuberculosis, HIV, and cancer), mothers, and single parents.

On July 1, acting president Mihai Ghimpu pardoned a group of convicts condemned for various offences, including two with disabilities. When examining the pardon requests, the reviewers and pardoning officials took into consideration the character and extent of the social threat of committed crimes; the offender's behavior and attitude towards work in prison, as well as participation in social activities within detention facilities; family status; and the term of punishment.

Transnistrian authorities also continued to control and intimidate NGOs by inviting their representatives to meetings where security officials were present and pressuring landlords not to renew leases for office space. Authorities restricted NGOs from providing legal advice and other assistance on political programs, such as domestic disputes, access for persons with disabilities, and property and pension rights. Transnistrian authorities encouraged NGOs operating in the region to cooperate with Russian, Abkhazian, and South Ossetian organizations rather than Western NGOs and those that operated in Moldova proper.

The Ministry of Labor, Social Protection, and Family maintained two boarding schools with a population of 675 children with disabilities and three asylums providing temporary shelter (for up to one year), counseling, and other assistance to up to 110 children from socially vulnerable families. The Ministry of Education oversaw 19 boarding schools with 5,932 students, and two orphanages with 137 children. The ministry reported that 35 percent of the children in its care were orphans or abandoned. The other 65 percent came from socially vulnerable families in which parents were unable to maintain even basic living conditions. The ministry also supervised 42 institutions for children with disabilities, housing up to 5,487 children.

The Convention on the Rights of Persons with Disabilities

Moldova signed the Convention on 30/3/2007 and ratified the Convention on 21/9/2010.

Monaco

Constitution and Laws

The constitution provides that all nationals are equal before the law. It differentiates between rights accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents (including inviolability of the home). The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced it.

Persons with Disabilities

The constitution and the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. The government effectively enforced these provisions. There was no reported governmental or societal discrimination against persons with disabilities. The government through the Ministry of Health and Social Affairs has largely fulfilled the legal requirement to provide access to public buildings for persons with disabilities. According to government statistics, approximately 2 percent of minors (persons under 18) were considered either to have disabilities or to be in danger and therefore in need of assistance from the Social Welfare Services.

The Convention on the Rights of Persons with Disabilities

Monaco signed the Convention on 23/9/2009.

Montenegro

Constitution and Laws

The constitution and laws prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce these prohibitions in practice. On July 27, the Assembly adopted an antidiscrimination statute containing comprehensive prohibitions of discrimination on the basis of race, religion, sexual orientation, gender identity, and other grounds. However, the Office of the Ombudsman, which is responsible for the law's implementation, lacked the human, technical, and financial resources for its enforcement.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, pensions, allowances, family care and support, buildings, information and communication. The constitution also provides persons with mental disabilities with the right to be placed in an adequate residential institution and the right to foster care and support or other state services; however, societal discrimination against persons with disabilities effectively limited their access to these benefits, and authorities did not actively prosecute infractions. While laws mandating that new public buildings have access for persons with disabilities were generally enforced, lack of access to older public buildings, hospitals, and public transportation was a problem. A 2008 Law on Spatial Planning and Construction regulates the accessibility of public facilities and mandates that all public facilities must be made accessible to persons with disabilities by 2013. Facilities at polling stations were inadequate for persons with disabilities, although authorities provided mobile voting for voters who could not come to polling stations because of illness or disability.

Education for children with disabilities, including the implementation of the strategy for inclusive education, was insufficient.

Society often stigmatized persons with disabilities, and such persons depended greatly on government disability allowances, which were not adequate.

The Ministries of Health, Labor and Social Welfare, Education and Sports, Science, Culture, and Human and Minority rights were responsible for protecting the rights of persons with disabilities.

Unemployment remained a serious problem for persons with disabilities. While the law provides incentives and tax breaks to employers who hired them, employers rarely chose to hire persons with disabilities. Only 2 percent of the approximately 63,000 persons with disabilities in the country had employment during the year. In August the Employment Agency reported that 2,297 persons with disabilities were registered. To enhance the employment prospects of persons with disabilities, the Ministry of Labor and Social Welfare, the Employment Agency, trade unions, local governments, and associations of persons with disabilities signed a memorandum of understanding to monitor and evaluate the employment process and create a data base.

Mid-2009 estimates of the number of children with special needs ranged between 6,000 and 7,000. NGOs stated that the ambitious government action plan for implementing its strategy for integration of persons with disabilities for 2008-16 was significantly behind schedule. A study conducted in 2008 by the UN Development Program (UNDP) and the Strategic Studies and Prognosis Institute cited estimates of the number of persons with disabilities in the education system that varied from 2 to 10 percent. Although they were entitled to receive healthcare from the state, the numerous obstacles they faced, including the physical inaccessibility of most health institutions, unequal access to various medical treatment, and the limited availability of prosthetics, blocked full access.

Mental health care was inadequate in terms of service and capacity. Facilities for treating persons with mental disorders were out of date and underfunded. Institutional isolation perpetuated stigmatization and discrimination against the mentally ill. Institutionalized persons often became wards of the state and often lived in isolation.

On March 9, the CPT released a report on its 2008 visit to the country that characterized as "appalling" conditions for disabled persons deprived of their liberty in the Kaminski Most Institution for Persons with Special Needs. In describing Ward B of the institution, the CPT took note of "totally bare and malodorous rooms" and residents (some of whom were physically handicapped or blind, as well as mentally disabled)" were seen to lie alone, occasionally with their heads covered with a blanket, some naked, with flies crawling on them. In a locked "baby room," the delegation saw five bedridden residents, aged between three and 19, lying in cots. There was also a locked dayroom where approximately 25 residents (men, women and children together) were left wandering alone. In an unstaffed and locked part of the ward, where residents appeared to be left alone, the delegation found a dayroom in which seven residents were physically attached to furniture. The CPT report emphasized the importance of safeguards when committing persons to institutions, particularly when these decisions are made by committees of officials.

The Law on Social and Child Protection provides for the right of accommodation and education of persons with physical, mental, and sensual deficiencies in an institution for persons with special needs. The law provides that the initial decision on whether a particular individual needs this type of accommodation is made by the social welfare center commission, while the Ministry of Education is responsible for deciding on the applicant's special educational needs. The decisions of these bodies can be appealed to the Ministry of Labor and Social Welfare Center and then to the Administrative Court. Family Law regulates the area of guardianship.

On September 17, the Podgorica Basic Court fined the Podgorica municipal government 500 euros (\$665) for failing to implement its July 2009 decision, that city employee Marijana Mugosa was entitled to come to her office with a guide dog. The Podgorica government appealed, and the superior court, on October 22, delayed the execution of the basic court's decision. While the ombudsman criticized the Podgorica mayor for failing to implement the court decision, the mayor blamed the ombudsman for overstepping his authority by meddling in the court decision. The city of Podgorica accepted Mugosa's return to work but assigned her to an isolated location, explaining that the presence of her guide dog in the office harmed the health of her two colleagues. The basic court initiated an investigation of the adequacy of the new office location.

On September 22, Andrija Samardzic and his guide dog were expelled from the Carine restaurant in Podgorica where he was having dinner. Following a meeting with the Association of Handicapped Youth, the owner of the restaurant apologized and said that persons with disabilities who use guide dogs would be welcome in his restaurants; however, on November 5, Andrija Samardzic was expelled from the restaurant. The NGO Antidiscrimination Center Equista filed charges with the Podgorica basic court against the owner of the restaurant.

Local residents in the Gorica district near Danilovgrad protested against the construction of a day care center for children with special needs and signed a petition against it. The NGO YIHR criticized the petition and called on the competent authorities to ignore the protests and proceed with the construction.

Other Relevant References

The government provided books for children without parents, the disabled, special social cases, and Romani children.

A deputy ombudsman investigated complaints of violations of children's rights. His office received 32 complaints during the first nine months of the year, mainly involving contact with parents after divorce, protection from violence, the rights of children with disabilities, children's right to education, and access to social benefits.

Children with disabilities faced numerous obstacles in education and other social services. Some children with mental disabilities were confined in institutions under substandard conditions. In its March 9 report on its 2008 visit to the country, the CPT described the treatment of 15 children in the Komanski Most Institution for Persons with Special Needs, where mentally disabled children were held together with adults in unsanitary circumstances and without sufficient supervision to prevent their mistreatment by adults.

Principal human rights problems included [...] discrimination against persons with disabilities; discrimination against ethnic minorities, particularly Roma; intolerance based on sexual identity; and infringement on the rights of workers.

The Convention on the Rights of Persons with Disabilities

Montenegro signed the Convention and Optional Protocol on 27/9/2007. Montenegro ratified the Convention and the Optional Protocol on 2/11/2009.

Netherlands

Constitution and Laws

The law prohibits discrimination based on age, race, gender, disability, language, political preference, sexual orientation, and social status, and the government generally enforced these prohibitions.

Persons with Disabilities

Discrimination against persons with disabilities is illegal in all parts of the kingdom, but government enforcement was inadequate, and there were some reports that such discrimination occurred. The penal code provides penalties for discrimination in employment, education, access to health care, and the provision of state services. In 2009 the CGB received 473 complaints of discrimination, 17 percent of which related to persons with disabilities. Although CGB rulings are not binding, they usually were implemented. The law requires that persons with disabilities have access to public buildings, information, and communications, but public buildings and public transport often were not easily accessible in practice.

Other Relevant References

It is a crime to engage in public speech that incites hatred, discrimination, or violence against persons because of their race, religion, convictions, gender, sexual orientation, or disability.

The Convention on the Rights of Persons with Disabilities

Netherlands signed the Convention on 30/3/2007.

Norway

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced this prohibition in practice, although racial profiling, violence against women, and trafficking in persons were problems.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the government

effectively enforced these provisions. The law applies generally to all persons with disabilities without enumerating specific types of disabilities. It mandates access to public buildings, information, and communications for persons with disabilities, and the government generally enforced this provision in practice. The MCEI and the State Council on Disability divide the responsibility to protect the rights of persons with disabilities. The State Council served as an advisory body for the MCEI, which coordinated national policy and managed the social benefits system for persons with disabilities. All educational institutions are required to have an appointed contact person for disabled students as well as a plan of action to include this group of students.

The Convention on the Rights of Persons with Disabilities

Norway signed the Convention on 30/3/2007.

Poland

Constitution and Laws

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

Persons with Disabilities

Article 32 of the constitution and the 1997 Charter of Persons with Disabilities prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care or the provision of other state services. The government effectively enforced these provisions; however, there were reports of some societal discrimination against persons with disabilities. The government restricts the right of persons with certain mental disabilities to vote or participate in civic affairs.

The law states that buildings should be accessible for persons with disabilities, and at least three laws require retrofitting of existing buildings to provide accessibility. Public buildings and transportation generally were accessible.

The Ministry of Labor and Social Policy is responsible for disability-related matters. During the year the government plenipotentiary for persons with disabilities organized training sessions for central and local government officials to encourage them to hire persons with disabilities. The state fund for rehabilitation of persons with disabilities continued a nationwide campaign encouraging companies to employ them. The fund granted money to NGOs to organize media campaigns on the rights of disabled persons.

Other Relevant References

A government ombudsman for children's rights issued periodic reports on problems affecting children, such as pedophilia on the Internet, improving access to public schools for children with disabilities, and providing better medical care for children with chronic diseases.

In its November 2009 report, the UN Committee on Economic, Social, and Cultural Rights expressed concern that, despite the existence of a ministerial-level position for equal treatment within the Prime Minister's Chancellery, discrimination continued against women and minorities, including ethnic minorities, persons with disabilities, and LGBT persons.

The Convention on the Rights of Persons with Disabilities

Poland signed the Convention on 30/3/2007.

Portugal

Constitution and Laws

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status, and the government effectively enforced these prohibitions.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services or other areas. The government effectively enforced the law. The law also mandates access to public buildings for persons with disabilities, and the government implemented these provisions in practice; however, no such legislation covers private businesses or other facilities.

The Ministry of Labor and Social Solidarity oversees the National Bureau for the Rehabilitation and Integration of Persons with Disabilities, which is responsible for the protection, professional training, rehabilitation, and social integration of persons with disabilities, as well as for the enforcement of related legislation.

The Convention on the Rights of Persons with Disabilities

Portugal signed the Convention and Optional Protocol on 30/3/2007. Portugal ratified the Convention and the Optional Protocol on 23/9/2009.

Romania

Constitution and Laws

The law forbids discrimination based on race, gender, disability, ethnicity, language, or social status, among other categories. However, the government did not enforce these prohibitions effectively, and women as well as Roma and other minorities were often subjected to discrimination and violence.

Persons with Disabilities

The law prohibits discrimination against all persons in employment, education, access to health care, or the provision of other services. However, the government did not fully implement the law, and discrimination against persons with disabilities remained a problem.

The law mandates accessibility for persons with disabilities to buildings and public transportation. In practice the country had few facilities specifically designed to accommodate persons with disabilities, and persons with disabilities could have extreme difficulty navigating city streets or gaining access to public buildings. However, the number of buildings with facilities for persons with disabilities did increase during the year.

According to reports by human rights NGOs, the procedures for commitment, the living conditions, and the treatment of patients in many psychiatric wards and hospitals did not meet international human rights standards and were below professional norms.

In August the CPT issued a report on its follow-up visit to the Nucet Social- Medical Center and Oradea Psychiatric Hospital. At Nucet the delegation found a lower death rate among patients than in 2006 during their last visit, but also continuing indications of neglect such as apparently underweight patients and the lack of inquests into the deaths of some of them. It recommended that patients be given more private space for their possessions and more opportunity to walk around outside. At Oradea the CPT delegation found significant improvements in the juveniles' section but continued poor maintenance, poor sanitary conditions, and understaffing in the adult section.

In October the CRJ expressed concern about the government's failure to consult with the representatives of persons with disabilities on matters that could have an impact on their right to life

and dignity. The CRJ urged the prime minister to consult on draft legislation involving persons with disabilities.

Twice during 2009 the CRJ visited 16 state institutions for persons with mental disabilities (psychiatric wards and hospitals) to assess whether human rights were being observed. In most such institutions the CRJ found overcrowding; underqualified staff; inadequate staff knowledge of the legal requirements regarding such institutions; shortages of staff and medicines; insufficient food; violation of patient privacy; patient neglect; failure to observe patients' human dignity; failure to implement the procedures to resolve the patient complaints; failure to implement regulations regarding involuntary institutionalization and informed consent; patients unaware of their rights; disregard for the legal regulations governing the detention and isolation of patients (for example, patients were tied to their beds for long periods of time); excessive sedation of patients; poor hygienic conditions; and lack of activities and recreational programs. There was no information regarding the government's response to these findings.

In September 2009 the media reported that a patient in the psychiatric ward in Poiana Mare died following the alleged ingestion of a disinfectant. The hospital was known for its particularly poor conditions and the fact that more than 150 patients died there in 2002-2004. In May, after repeated complaints by 13 psychiatric doctors at the institution who accused its director of poor management of the hospital's funds, lack of interest in procuring equipment and medication, and failure to punish the auxiliary staff for inadequately treating patients, the hospital fired the director. The facility continued to operate at full capacity at the end of the year.

During the year there were no reports that the government took action to close or to improve the situation of patients in several state institutions for persons with disabilities where harsh conditions were the subject of a BBC documentary in December 2009.

During the year the government, through the DGPC, started a project to implement good practices to assist children and young persons with special needs in state institutions.

Some minors were sent to psychiatric hospitals without the consent of their legal guardians. According to human rights NGOs, there was no system to ensure that government-run care institutions observed the rights of children with mental disabilities.

Other Relevant References

Government agencies provided inadequate assistance to persons with disabilities and neglected persons with disabilities who were institutionalized.

There were also reports that some personnel in state institutions mistreated abandoned children with physical disabilities and subjected children in state orphanages to lengthy incarceration as punishment for misbehavior.

The Convention on the Rights of Persons with Disabilities

Romania signed the Convention on 26/9/2007 and Optional Protocol on 25/9/2008. Romania ratified the Convention on 31/1/2011

Russia

Persons with Disabilities

Several laws prohibit discrimination against persons with disabilities or mandate their equal treatment; however, the government generally did not enforce these laws. Citizens with disabilities continued to face discrimination and denial of equal access to education, employment, and social institutions. The situation for persons with disabilities reportedly worsened following the replacement of government in-kind subsidies for such items as transportation and medicine with cash payments in 2004. Some

affluent regions, such as Moscow, preserved benefits for persons with disabilities at preexisting levels, while most other regions provided a limited number of benefits, such as free transportation. According to information provided by a leading NGO working on disability rights, persons with mental disabilities were severely discriminated against in both education and employment. In addition, the conditions of guardianship imposed upon them by courts deprived them of practically all personal rights.

In May 2009, the daily *Moskovskiy Komsomolets* reported that there were 13 million persons with disabilities. In 2006 the human rights ombudsman stated that in the previous 10 years more than 120,000 persons have become disabled as a result of military actions and war injuries, and according to the NGO *Perspektiva*, the number continued to grow as a result of new conflicts. Persons with disabilities generally were excluded from the social and political life of their communities and isolated from mainstream society. However, there were several Duma deputies with disabilities, and lobbying in favor of persons with disabilities to improve legislation occurred. A joint study released in May 2009 by the Public Chamber and EU representatives found that 20 percent of respondents considered persons with disabilities to be burdens on society. Forty percent of the disabled surveyed reported that they experienced social problems, in particular insults and hostility. At the same time, disability rights activists believe that some attitudes were changing for the better. An August 27 rally in Moscow, in which many wheelchair users and celebrities participated, attracted three times as many participants as the same rally did in 2009; the rally was supported by many officials and was covered by all major television and radio stations, newspapers, and blogs.

Conditions in institutions for adults with disabilities were often poor, with unqualified staff and overcrowding. The residents were mainly "graduates" of similar institutions for children. Institutions rarely attempted to develop the abilities of residents, who were frequently confined to the institutions and sometimes restricted in their movement within the institutions themselves.

Federal law on the protection of persons with disabilities requires that buildings be made accessible to persons with disabilities, but authorities did not enforce the law, and in practice most buildings were not accessible. A reporter for *Noviye Izvestiye* estimated in a September 2009 article that 10 to 30 percent of Moscow's buildings were inaccessible to persons with disabilities. Likewise, only 8 percent of the city's 36,000 street crossings were completely equipped for the disabled. Although accessibility requirements were imposed in 1995, efforts to realize them have been undertaken in earnest only in the last three to five years.

There are laws establishing employment quotas for persons with disabilities at the federal and local levels; however, some local authorities and private employers continued to discourage such persons from working, and there was no penalty for failure to honor quotas. Human rights NGOs made some progress in persuading foreign companies in larger cities, including Moscow, to consider persons with disabilities as potential employees, and the Moscow city government reportedly encouraged employers to hire persons with disabilities. In September the NGO *Perspektiva* reported that the onset of the economic crisis had worsened employment prospects for persons with disabilities; however, *Perspektiva* had no statistics on the scope of the problem. In 2008 the ombudsman's office reported that approximately 640,000 of the country's persons with disabilities were children. Authorities generally segregated such children from mainstream society through a system that institutionalized them until adulthood. Observers concluded that issues of children's welfare often were ignored, and there were few means of addressing systemic problems of abuse. Human rights groups alleged that children with disabilities in state institutions were poorly provided for and, in some cases, physically abused by staff members. "Graduates" of state institutions also often lacked the necessary social, educational, and vocational skills to function in society. According to a 2006 report by the Prosecutor General's Office, half of the more than 600,000 children with disabilities in state care lacked medicines, hearing aids, and wheelchairs. The NGO *Children's Rights* confirmed in September 2009 that this situation had not changed. There appeared to be no legal mechanism by which individuals could contest their

commitment to a facility for persons with disabilities. The assignment of categories of disability to children with mental disabilities often followed them through their lives. The labels "imbecile" and "idiot," which were assigned by a commission that assesses children with developmental problems at the age of three and signifies that a child is uneducable, were almost always irrevocable. Even the label "debil" (slightly retarded) followed an individual on official documents, creating barriers to employment and housing after graduation from state institutions. This designation was increasingly challenged in the case of children with parents or individual caregivers, but there were few advocates for the rights of institutionalized children.

Youths with disabilities not in institutions faced significant barriers to education, including a lack of access to schools. According to the May 2009 Public Chamber study, only 3 percent of children studied under conditions analogous to mainstream students, and 87 percent of higher education institutions did not accept students with disabilities. Education authorities often tried to keep youths with disabilities out of school due to lack of special programs. Parents of children without disabilities often were averse to their children studying with children with disabilities. Rights activists stated, however, that attitudes toward including disabled children in mainstream schools were changing, with such children being admitted to schools in many places around the country, although the numbers are still small.

There have been mixed results in attempts to accommodate children with disabilities in educational facilities. According to Perspektiva, part of the problem is due to the absence of a formal federal-level definition of inclusive education for persons with disabilities and the fact that the law does not contain a clear mechanism to ensure inclusiveness in education. On April 28, the Moscow City Duma passed a law on The Education of Persons with Disabilities in Moscow, which observers contended created some improvements in education for persons with disabilities.

Perspektiva noted that rather than provide special equipment that would allow a visually impaired child to attend class, the school administration in Stavropol recommended that the child receive education at home. In response to a complaint filed by lawyers on behalf of the student's family, the school revoked its initial recommendation and provided the needed equipment as well as a staff member to escort the child to classes.

The mother of a student wheelchair user appealed to the education department in Nizhny Novgorod to provide a wheelchair-accessible environment at the State University. After being denied her request, during the following two years, the parent unsuccessfully petitioned the governor, the Nizhny Novgorod Department of Education, and the regional ministry of education for wheel-chair access at the university before abandoning her efforts, reportedly for fear of attracting harm to her son.

The mother of an 11-year-old wheelchair user was initially unsuccessful in her campaign in Butovo to have the student's new school accommodate his special mobility needs for his classes on the third and fourth floor of the school. It was primarily due to the public appeal and rally organized by the NGO Perspektiva and coverage by the media that authorities eventually built a chair lift in the school.

According to government reports, of approximately 450,000 school-age children with disabilities, an estimated 200,000 did not receive any education. Of the 250,000 who received an education, 140,000 attended regular schools, 40,000 studied at home, and 70,000 attended special education schools. Because special education schools constituted only 3 percent of all schools, most children with disabilities could not study in the communities where they lived and were isolated from other members of the community.

The election laws contain no special provisions concerning the accessibility of polling places, and the majority of polling places were not accessible to persons with disabilities. However, the law provides for mobile ballot boxes to be brought to the homes of the disabled.

The mandates of government bodies charged with protecting human rights included the protection of persons with disabilities. These bodies carried out a number of inspections in response to complaints from disability organizations and, in some cases, appealed to the responsible agencies to remedy individual situations. Inspections by the Ombudsman's Office of Homes for Children with Mental Disabilities continued to disclose severe violations of children's rights and substandard conditions. According to the Moscow Department of Education, there are approximately 26,000 children with disabilities in Moscow, but only the special needs of 100 children with disabilities in secondary level education have been accommodated. According to Perspektiva, federal funding for social support of the disabled from 2006-10 was 310 million rubles (\$10 million), and a subprogram for rehabilitation of those disabled due to violent conflict was 9.58 million rubles (\$333,000). Federal grants to non-governmental organizations serving the disabled in 2010 alone totaled 800 million rubles (\$27.8 million), and the Moscow government reportedly spent 36.5 billion rubles (\$1.27 billion) between 2007 and 2009 on its Social Integration of Disabled Persons and Other Persons with Disabilities program. The federal government plans to spend 46 billion rubles (\$1.6 billion) over five years through its Accessible Environment program to improve access for the disabled.

Other Relevant References

There were several dozen large NGO umbrella organizations, as well as thousands of small grassroots NGOs. In the regions, NGO coalitions continued to focus their advocacy on such causes as the rights of the disabled [...].

In March 2007 the government implemented its flagship child welfare program, Children of Russia. During the year this program continued the construction and renovation of orphanages and centers for disabled children and detention centers for juvenile offenders. The program also focused on the comprehensive rehabilitation and social integration of disabled children in a family environment and supplied children's rehabilitation centers with equipment.

There continued to be some governmental and widespread social discrimination against persons with disabilities, ethnic minorities, and dark-skinned immigrants.

The Convention on the Rights of Persons with Disabilities

Russia signed the Convention on 24/9/2008.

San Marino

Constitution and Laws

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services, and the government effectively enforced these provisions. There were no reports of societal discrimination against persons with disabilities. The Ministry for Territory has not fully implemented a law that mandates easier access to public buildings by persons with disabilities, and many buildings were inaccessible.

Other Relevant References

The minimum age of consent is 18 years, and the penalty for sexual acts with a minor is imprisonment from six months to three years. The penalty increases to two to six years if the act involves a child under 14 years of age or a child under 18 with physical or mental disabilities.

The law punishes anyone distributing information aimed at enticing or sexually exploiting children under the age of 18. The penalty for this type of crime is imprisonment from two to six years, which is

increased to four to 10 years if the act involves sexual intercourse or if it has been committed to the detriment of a child under 14 years of age or a child under 18 with physical or mental disabilities.

The Convention on the Rights of Persons with Disabilities

San Marino signed the Convention and Optional Protocol on 30/3/2007. San Marino ratified the Convention and the Optional Protocol on 22/2/2008.

Serbia

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government made efforts to enforce these prohibitions effectively.

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The government generally enforced the law. However, lack of access to older public buildings and public transportation was a problem. The law mandates access for persons with disabilities to new public buildings, and the government generally enforced this provision in practice.

The law prohibits physical, emotional, and verbal abuse in all schools, and there were no reports of abuse in special education facilities.

The Center for Independent Living (CIL), a disability rights NGO, reported that most persons with disabilities lived isolated from their communities and that facilities for their education and care were nonexistent or inadequate.

Unemployment remained a serious problem for persons with disabilities; in April it was reported to be 87 percent. A lack of workplace accommodations combined with overall high unemployment made it difficult for persons with disabilities to obtain work. While there were no reports of overt discrimination against persons with mental or physical disabilities, the CIL reported that it was difficult to detect discrimination because employers usually gave other reasons for not hiring persons with disabilities.

On May 23, the Law on Employment of Persons with Disabilities went into effect, requiring companies with more than 20 employees to hire persons with disabilities.

The Ministries of Labor and Social Policy, Education, and Health all had sections with responsibilities to protect persons with disabilities. The Ministry of Labor and Social Policy had a broad mandate to conduct liaison with NGOs, distribute social assistance, and monitor laws to provide that the rights of disabilities were protected in new legislation. The Ministries of Health and Education offered assistance and protection in their respective spheres.

The Convention on the Rights of Persons with Disabilities

Serbia signed the Convention and Optional Protocol on 17/12/2007. Serbia ratified the Convention and the Optional Protocol on 31/7/2009.

Slovakia

Constitution and Laws

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; the government made efforts to enforce these prohibitions in practice. All government agencies are required to create special favorable conditions for groups who are victims of discrimination, including but not limited to, employment, education, and vocational training.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. Persons with disabilities were able to vote and participate in civic affairs. In practice, however, experts reported that access to buildings and higher education remained a problem, and laws to provide assistance to students with disabilities have not been implemented with regard to school facilities or educational materials. There were reports that persons with severe physical disabilities received less than the minimum wage in some instances. NGOs reported limited resources for psychiatric care outside of Bratislava, a lack of community-based psychiatric care, and mechanisms to monitor human rights violations against persons with such disabilities. Psychiatric institutions and hospitals, which fall under the purview of the Ministry of Health, continued to use cage beds to restrain patients. The law prohibits both physical and nonphysical restraints in social care homes, managed by the Ministry of Labor, Social Affairs, and Family. Several NGOs conducted public education campaigns on mental illness and worked cooperatively with the health ministry.

NGOs have operated a project on patient advocacy in selected psychiatric wards throughout the country since 2007. They have reported no complaints from patients regarding the use of cage beds in the facilities. A patient in a psychiatric facility in Pezinok was reportedly chained to his bed from February to July 2009. The Ministry of Health believed the physical restraint was lawful and necessary to protect facility staff, although several international NGOs expressed concern and dissatisfaction with this treatment.

While the government enacted legislation in 2007 requiring television stations to provide "voiceover broadcasting" for blind viewers, this provision has not been implemented by any Slovak broadcaster. While the law defines mandatory standards for access to buildings, NGOs noted that they had not been fully implemented, although access to privately owned buildings improved more rapidly than access to state buildings.

The Council for Citizens with Disabilities, cochaired by the deputy prime minister and the minister of labor, social affairs, and family, served as a governmental advisory body regarding persons with disabilities. NGO representatives also participate in the council.

Other Relevant References

[Amnesty International (AI)] also found that Romani parents were offered cultural and financial incentives regardless of the presence of a mental disability to send their children to what was locally known as the "gypsy" school. AI's investigation found that authorities lacked proper assessment procedures for enrolling students in special schools.

A number of children's foundations operated programs for abused or disabled children (or both).

NGOs reported that most Romani victims, including children with disabilities, were exploited by family members or other Roma.

Although Romani children comprised only 15 percent of the total number of children under the age of 16, they were disproportionately enrolled in "special" schools for children with mental disabilities, despite diagnostic scores that were often within the average range of intellectual capacity.

The Convention on the Rights of Persons with Disabilities

Slovakia signed the Convention and Optional Protocol on 26/9/2007. Slovakia ratified the Convention and the Optional Protocol on 26/5/2010.

Slovenia

Constitution and Laws

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other government services, and the government generally enforced these provisions in practice. The law mandates access to buildings for persons with disabilities. The government implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications, but modification of public and private structures to improve access continued at a slow pace, and many buildings were not accessible in practice. The Ministry of Labor, Family, and Social Affairs has primary responsibility for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Slovenia signed the Convention and Optional Protocol on 30/3/2007. Slovenia ratified the Convention and the Optional Protocol on 24/4/2008.

Spain

Constitution and Laws

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, access to information technology and communication, including social media, and the provision of other state services, and the government effectively enforced these provisions. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions; however, levels of assistance and accessibility differed between regions. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities.

The law provides for fines for discrimination against disabled persons of up to one million euros (\$1.3 million). In July 2009 the government adopted its third plan of action for persons with disabilities. The program has a 2.5 billion euro (\$3.4 billion) budget, and the funds are used to provide tax-free pensions and job training for disabled persons, as well as to maintain services and build centers for the disabled. The plan was intended to further promote the autonomy of persons with disabilities and supplement the plan of action for women with disabilities (2005-2008) and the first national accessibility plan (2004-2012).

Other Relevant References

Penalties for recruiting children or persons with disabilities into prostitution is imprisonment from one to five years (previously it was one to four years); if the child is under the age of 13, the term of imprisonment is four to six years.

The Convention on the Rights of Persons with Disabilities

Spain signed the Convention and Optional Protocol on 30/3/2007. Spain ratified the Convention and the Optional Protocol on 3/12/2007.

Sweden

Constitution and Laws

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

On September 30, after the government amended the country's antidiscrimination laws, the European Commission ended legal proceedings against the country for incorrectly implementing EU rules on equal treatment in employment on the basis of religion, belief, disability, age, and sexual orientation. The new law against discrimination merges a scattered number of discrimination laws into one. It also establishes new grounds for financial compensation.

Persons with Disabilities

The law prohibits employers from discriminating against persons with physical, sensory, intellectual, and mental disabilities in hiring decisions and prohibits universities from discriminating against students with disabilities in making admissions decisions. No other specific law prohibits discrimination against persons with disabilities. The discrimination ombudsman is responsible for protecting the rights of persons with disabilities.

The law on discrimination does not cover accessibility. Regulations for new buildings require full accessibility. Similar requirements exist for some, but not all, public facilities; many buildings and some means of public transportation remained inaccessible.

The number of reports of discrimination against persons with disabilities increased during the year. There were 965 reports of governmental discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services; most of the cases involved lack of access to public buildings. Difficulty in accessing apartments, restaurants, and bars generated the most frequent reports of societal discrimination against persons with disabilities. Many cases were handled by mediation procedures rather than through formal court hearings.

Other Relevant References

At the national level, the country has seven ombudsmen: [...] disabilities. On September 30, after the government amended the country's antidiscrimination laws, the European Commission ended legal proceedings against the country for incorrectly implementing EU rules on equal treatment in employment on the basis of [...] disability [...]. The new law against discrimination merges a scattered number of discrimination laws into one. It also establishes new grounds for financial compensation.

The Convention on the Rights of Persons with Disabilities

Sweden signed the Convention and Optional Protocol on 30/3/2007. Sweden ratified the Convention and the Optional Protocol on 15/12/2008.

Switzerland

Constitution and Laws

The constitution prohibits discrimination based on [...] disability [...]. The government generally enforced these prohibitions effectively. The constitution and federal law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health

care, or the provision of other state services or other areas, and the government generally enforced the prohibition.

Persons with Disabilities

The constitution and federal law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas, and the government generally enforced the prohibition. The law mandates access to public buildings and government services for persons with disabilities, and the government generally enforced these provisions in practice. The Federal Equal Opportunity Office for Persons with Disabilities promoted awareness of the law and respect for the rights of the disabled through counseling and financial support for projects to facilitate their integration in society and the labor market. The government continued a pilot project to empower persons with severe disabilities to live on their own by providing them with additional funding to pay for assistance in their daily lives. On the fifth anniversary of the country's Disability Discrimination Law in December 2009, Egalite Handicap, a local NGO acting on behalf of persons with disabilities, published a report noting that important steps toward equality for persons with disabilities had been taken since the entry into force of the law. At the same time, the report criticized a number of defects in the fields of construction, transport, school, professional training, and state services; in particular, it criticized cantonal differences in access to inclusive education for children with disabilities. On September 8, Egalite Handicap filed a complaint against the low-cost air carrier Easyjet at the Federal Office of Civil Aviation and the Geneva Civil Court for refusing to transport a man in a wheelchair without an escort on a flight from Geneva to Berlin in late 2009.

The Convention on the Rights of Persons with Disabilities

Switzerland has not signed the Convention.

Turkey

Constitution and Laws

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these prohibitions effectively. The September 12 constitutional amendments allow measures to be taken to advance gender equality, as well as measures to benefit children, seniors, persons with disabilities, widows, and veterans without violating the constitutional prohibition against discrimination. The government maintained hotlines to prevent the exploitation of women, children, persons with disabilities, and senior citizens, although some human rights groups questioned their effectiveness.

Persons with Disabilities

The September 12 constitutional amendments allow positive discrimination based on disability status. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; the government generally enforced the law effectively. The law does not mandate access to buildings and public transportation for persons with disabilities, and access in most cities was extremely limited. The

Administration for Disabled People under the Prime Ministry was responsible for protecting the rights of persons with disabilities. The Ministry of Transport and Communication announced in May that 38,192 persons with disabilities would be employed by the state by year's end.

There was no movement on the investigation into Duchess of York Sarah Ferguson's documentary about the abuse of children with disabilities in two care centers. Prosecutors accused Ferguson of breaking privacy laws, and according to press reports, the government's request to the United Kingdom to extradite Ferguson to stand trial remained pending at year's end.

According to the EC, mental health hospitals and rehabilitation centers did not provide sufficient medical care or treatment. In November 2009 the Initiative for Human Rights in Mental Health reported a need to increase the number of professional care staff, improve hygienic conditions, vary treatment beyond only antipsychotic drugs and antidepressants, and allow for greater freedom of movement.

The Convention on the Rights of Persons with Disabilities

Turkey signed the Convention on 30/3/2007 and Optional Protocol on 28/9/2009. Turkey ratified the Convention on 28/9/2009.

Ukraine

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and other state services; however, the government generally did not enforce these laws.

The government estimated the number of persons with disabilities at between 2.4 and 2.7 million; however, NGOs working on disability rights asserted that the real number of disabled was twice the government's estimate. The government did not track the number of children with disabilities. NGOs complained that the lack of official data limited their ability to lobby for more government assistance to children with disabilities.

According to the law employers must allocate 4 percent of employment opportunities to persons with disabilities. NGOs noted that many of those employed to fill these positions received a nominal salary to meet the requirement but did not really work at their companies. During the first six months of the year, 4,233 persons with disabilities received jobs through government employment placement services, according to the Ministry of Labor and Social Policy. The Ministry of Education confirmed that there were 398 specialized secondary schools and boarding schools with a total of 46,480 children, including 54 specialized secondary schools in which 5,608 children with disabilities studied while staying with their families. In addition the Ministry of Education confirmed that there were 484 classes for children with disabilities in general secondary schools. These classes served 5,652 children.

Advocacy groups maintained that, despite existing legal guarantees, most public buildings remained inaccessible to persons with disabilities. As a result, access to essential services and activities such as employment, education, health care, transportation, and financial services remained difficult. NGOs expressed concern over the lack of programs to promote the integration of students with disabilities into the general student population and noted that the lack of needs assessment programs by state-funded employment centers led to the placement of graduates with disabilities in inappropriate jobs.

Other Relevant References

According to Semen Gluzman of the Ukrainian Psychiatric Association (UAHRB), patients in mental health facilities remained at risk for abuse, and many psychiatric hospitals continued to use outdated methods and medicines. According to the UAHRB, insufficient funding, the absence of public watchdog councils at psychiatric hospitals, patients' lack of access to legal counsel, and poor enforcement of legal protections deprived patients with disabilities of their right to adequate medical care.

In April, Andriy Fedosov reported that an investigation by his group, Uzer (Ukrainian Organization of Users of Psychiatric Care), had uncovered poor living conditions and physical abuse in psychiatric hospitals in Crimea. Some women with small children and persons with disabilities were trafficked abroad for begging.

The Convention on the Rights of Persons with Disabilities

Ukraine signed the Convention and Optional Protocol on 24/9/2008. Ukraine ratified the Convention and the Optional Protocol on 4/2/2010.

United Kingdom

Constitution and Laws

The law prohibits discrimination based on race, nationality, gender, sexual orientation, or disability, and the government generally enforced the law effectively. The EHRC has a mandate to combat discrimination based on race, sex, religion and belief, sexual orientation, and age.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services or areas. It mandates access to buildings for persons with disabilities, and the government effectively enforced this requirement in practice.

The law requires that all public service providers (except in the transportation sector) make "reasonable adjustments" to ensure their services are available to persons with disabilities. The law forbids employers from harassing or discriminating against job applicants or employees with disabilities.

The mandate of the EHRC included work on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The commission provided legal advice and support for individuals, a hotline for persons with disabilities and employers, and policy advice to the government. It may also conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

A briefing paper produced by the UK Learning Disabilities Observatory suggested that persons with learning disabilities face many health inequalities and have a disproportionately higher risk of health disorders. The group noted the need for promoting "health literacy" among persons with learning disabilities by increasing access to information, appointment times, and the number of regular health checks.

Other Relevant References

The law requires that all public service providers (except in the transportation sector) make "reasonable adjustments" to ensure their services are available to persons with disabilities. The law forbids employers from harassing or discriminating against job applicants or employees with disabilities.

The Convention on the Rights of Persons with Disabilities

The United Kingdom signed the Convention on 30/3/2007 and Optional Protocol on 26/2/2009. The United Kingdom ratified the Convention on 8/6/2009 and the Optional Protocol on 7/8/2009.