

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

East Asia and the Pacific

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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Australia

Constitution and Laws

Federal laws prohibit discrimination based on sex, disability, race, color, descent or national or ethnic origin, marital status, or age. An independent judiciary and a network of federal, state, and territorial equal opportunity offices effectively enforced the law.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment; education; access to premises; provision of goods, services (including health services), and facilities; accommodation; purchase of land; activities of clubs and associations; sport; and the administration of federal laws and programs. The government effectively enforced the law.

The disability discrimination commissioner, who is part of the HREOC, promotes compliance with federal laws that prohibit discrimination against persons with disabilities. The commissioner also promotes implementation and enforcement of state laws that require equal access to buildings and otherwise protect the rights of persons with disabilities, including ensuring equal access to communications and information. The law also provides for mediation by the HREOC of discrimination complaints, authorizes fines against violators, and awards damages to victims of discrimination.

The HREOC's July 2009 to June 2010 annual report stated that 1,057 complaints citing 2,354 alleged grounds of discrimination were filed under the Disability Discrimination Act during that period. Of these, 36 percent were employment related, and 37 percent involved the provision of goods and services. The HREOC resolved 978 complaints during the period, 486 of them through conciliation.

Other Relevant References

Federal and various state laws prohibit discrimination on the grounds of HIV-positive status. The HREOC reviews complaints of discrimination on the grounds of HIV/AIDS status under the category of disability-related complaints, but a specific breakdown of HIV/AIDS-related cases was not available. There were no reports of violence against persons based on HIV/AIDS status.

The Convention on the Rights of Persons with Disabilities

Australia signed the Convention on 30/3/2007. Australia ratified the Convention on 17/7/2008 and the Optional Protocol on 21/8/2009.

Brunei Darussalam

Constitution and Laws

The law does not contain specific provisions prohibiting discrimination based on race, sex, disability, language, or social status.

Persons with Disabilities

The law does not mandate accessibility or other assistance for persons with disabilities. The government provided educational services for children with disabilities, but the level of services available was uneven. The Department for Community Development conducted several programs targeted at promoting awareness of the needs of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Brunei Darussalam signed the Convention on 18/12/2007.

Burma

Persons with Disabilities

There is no law providing for equal treatment before the law and for general protection against discrimination, including discrimination against persons with disabilities. Under the constitution all citizens have the right to education and health care. The government did not actively discriminate against persons with disabilities in employment, access to healthcare, education, or the provision of other state services or other areas, but there were few official resources to assist persons with disabilities. There are no laws mandating accessibility to buildings, public transportation, or government facilities.

The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training. The government operated three schools for the blind, two for the deaf, two rehabilitation centers for adults with disabilities, and two for children with disabilities. However, the government provided inadequate funds for its schools and programs for persons with disabilities.

Military veterans with disabilities received benefits on a priority basis, usually a civil service job at equivalent pay. Official assistance to nonmilitary persons with disabilities in principle included two-thirds of pay for up to one year for a temporary disability and a tax-free stipend for permanent disability; however, the government did not provide job protection for private-sector workers who became disabled.

Other Relevant References

The State Peace and Development Council continued to rule by decree and was not bound by any constitutional or statutory provisions concerning discrimination based on race, gender, disability, language, or social status.

The government did not permit media or other independent groups to monitor prison conditions. The government continued to deny the International Committee of the Red Cross (ICRC) unfettered access to prisons. As a result the ICRC could not follow the cases of more than 4,000 detainees, including prisoners of conscience, minors, foreigners, and sick and elderly prisoners. The government limited the ICRC's activities to supporting family visits to detainees and providing physical rehabilitation for landmine victims and other persons with disabilities. There was no ombudsman to serve on behalf of prisoners and detainees.

The Convention on the Rights of Persons with Disabilities

Burma has not signed the Convention.

Cambodia

Constitution and Laws

The constitution prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not generally protect these rights.

Persons with Disabilities

The 2009 Law on the Protection and Promotion of the Rights of Persons with Disabilities prohibits discrimination, neglect, exploitation, or abandonment of persons with disabilities. It includes persons with mental illnesses and intellectual impairments in the definition of persons with disabilities and requires that public buildings and government services, including education, be accessible to persons with disabilities. The Ministry of Social Affairs holds overall responsibility for protecting the rights of persons with disabilities, although the law assigns specific tasks to other ministries, including the

Ministries of Health, Education, Public Works and Transport, and National Defense. The government requested that all television channels adopt sign language interpretation for programming; as of year's end, two major television stations had sign language interpretation, and the Ministry of Information was working with the other stations to develop such capabilities. The government continued efforts to implement the law, although the full period for compliance in some cases extends to 2015. By year's end, the Council of Ministers had approved three of four subdecrees to support the law and was reviewing the fourth.

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

There are no legal limitations on the rights of persons with disabilities to vote or participate in civic affairs, but the government did not make any concerted effort to assist them in becoming more civically engaged. MOSAVY is responsible for making policy to protect the rights of persons with disabilities and for rehabilitation and vocational skills training for such persons.

The Convention on the Rights of Persons with Disabilities

Cambodia signed the Convention and Optional Protocol on 1/10/2007.

China (includes Tibet, Hong Kong, and Macau)

Constitution and Laws

There were laws designed to protect women, children, persons with disabilities, and minorities. However, some discrimination based on ethnicity, sex, and disability persisted.

Persons with Disabilities

The law protects the rights of persons with disabilities and prohibits discrimination; however, conditions for such persons lagged far behind legal dictates, failing to provide persons with disabilities access to programs designed to assist them.

The MCA and the China Disabled Persons Federation, a government-organized civil association, were the main entities responsible for persons with disabilities. In September 2009 government officials confirmed that there were 83 million persons with disabilities living in the country. According to government statistics, in 2008 there were 3,731 vocational education and training facilities, which provided training and job-placement services for 774,000 persons with disabilities. More than 4.5 million persons with disabilities were employed in cities and towns; 17.2 million were employed in rural areas. Government statistics stated that 7.4 million persons with disabilities enjoyed the minimum life guarantee; nearly three million had social insurance.

The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juvenile offenders. In 2007 the Ministry of Education reported that nationwide there were 1,618 schools for children with disabilities. According to NGOs, there were approximately 20 million children with disabilities, only 2 percent of whom had access to special education that could meet their needs. In 2008 there were 419,000 children with disabilities in schools. NGOs claimed that while the overall school enrollment rate was 99 percent, only 75 percent of children with disabilities were enrolled in school. Nationwide, 243,000 school-age children with disabilities did not attend school. Nearly 100,000 organizations existed, mostly in urban areas, to serve those with disabilities and protect their legal rights. The government, at times in conjunction with NGOs, sponsored programs to integrate persons with disabilities into society.

The physical abuse of children can be grounds for criminal prosecution. However, misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems. According to

reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, where care was often inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty.

Unemployment among adults with disabilities remained a serious problem. Under the Employment Promotion Law, local governments were required to offer incentives to enterprises that hired persons with disabilities. Regulations in some parts of the country also required employers to pay into a national fund for the disabled when the employees with disabilities did not make up the statutory minimum percentage of the total workforce.

Standards adopted for making roads and buildings accessible to persons with disabilities were subject to the Law on the Handicapped, which calls for their "gradual" implementation; however, compliance with the law was lax. Students with disabilities were discriminated against in access to education. The law permits universities legally to exclude otherwise qualified candidates from higher education.

The law forbids the marriage of persons with certain acute mental illnesses, such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The law stipulates that local governments must employ such practices to raise the percentage of healthy births.

Other Relevant References (China)

Principal human rights problems during the year included [...] discrimination against women, minorities, and persons with disabilities; a coercive birth limitation policy, which in some cases resulted in forced abortion or forced sterilization.

The law forbids the mistreatment or abandonment of children. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages were usually disabled or in poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into orphanages.

The government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems.

Persons with Disabilities (Hong Kong)

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, access to health care, or the provision of other state services, 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 Social Welfare Department, directly or in coordination with NGOs and employers, provided a range of services and training to assist persons with disabilities in finding work commensurate with their abilities. As of March a total of 15,158 persons were participating in these various programs.

As of March the government employed 3,316 civil servants with disabilities, including 17 at the senior directorate grade, in a total workforce of 156,573. Persons with disabilities filled 2 percent of LegCo Secretariat positions, 1 percent of judicial positions, and 2 percent of nonjudicial positions in the judiciary.

Instances of discrimination against persons with disabilities persisted in employment, education, and the provision of some public services. The Disability Discrimination Ordinance calls for improved building access and sanctions against those who discriminate. As of September 30, the EOC had received 396

complaints under the ordinance and handled 560 cases (including cases carried over from the previous year).

Despite inspections and the occasional closure of noncompliant businesses under the Buildings Ordinance, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities.

On September 9, EOC commissioner Lam Woon-kwong called on the government to lead the way in addressing access for people with disabilities. He cited an EOC study of 60 government buildings that he contended "were doing a far from satisfactory job" in providing barrier-free facilities. He specifically cited the lack of access for persons with disabilities at 15 percent of polling stations used in the LegCo by-election. He also criticized one of Hong Kong's largest owners of shopping centers and carparks for failing to address access issues.

The media, legislators, and activists championed the cause of injured worker Lee Shing-leung, who lost his leg in an industrial accident in 2007. Because the government ruled he was only "60 percent disabled," Lee did not qualify for a disability allowance. On September 20, the High Court ruled against Lee in a judicial review, but the judge expressed sympathy for his case and urged greater flexibility in the welfare system.

Other Relevant References (Hong Kong)

There is an Office of the Ombudsman and an Equal Opportunity Commission (EOC), both appointed by the government but independent in their operations. Both organizations operated without interference from the government and published critical findings in their areas of responsibility. In a change welcomed by activists, the new EOC commissioner, Lam Woon-kwong, was a vocal public advocate on minority rights, access to public and commercial buildings for persons with disabilities, and other issues within the EOC's responsibility.

The law provides that all residents are equal, and the government enforced this in practice. The EOC is responsible for implementing the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance, the Family Status Discrimination Ordinance, and the Race Discrimination Ordinance.

Persons with Disabilities (Macau)

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, and the government generally enforced these provisions in practice. The law mandates access to buildings, information, and communications for persons with disabilities. The government enforced the law effectively. The Social Welfare Institute was primarily responsible for coordinating and funding public assistance programs to persons with disabilities. There was a governmental commission to rehabilitate persons with disabilities, with part of the commission's scope of work addressing employment.

The Convention on the Rights of Persons with Disabilities

China signed the Convention on 30/3/2007 and ratified the Convention on 1/8/2008.

Fiji

Constitution and Laws

The constitution prohibits discrimination based on race, sex, place of origin, ethnicity, sexual orientation, color, primary language, economic status, age, or disability. The government generally enforced these provisions effectively, although there were problems in some areas. After the constitution's abrogation, only the 2007 Employment Relations Promulgation (ERP), which came into force in 2008, had similar provisions, but these are limited to workers and industrial relations matters.

Persons with Disabilities

Under the constitution abrogated in 2009, all persons are considered equal under the law, and discrimination against persons with disabilities in employment, education, provision of housing and land, or provision of other state services is illegal. Since the constitution's abrogation, no new decree has addressed specifically the rights of persons with disabilities; however, existing statutes provide for the right of access to places and all modes of transport generally open to the public. Public health regulations provide penalties for noncompliance; however, there was very little enabling legislation on accessibility for persons with disabilities, and there was little or no enforcement of laws protecting them.

Building regulations require new public buildings to be accessible to persons with disabilities, but only a few existing buildings met this requirement. Under the Health and Safety at Work Act, all new office spaces must be accessible to persons with disabilities. There were only a small number of disabled-accessible vehicles in the country. The Fiji Disabled People's Association, an NGO, reported that most persons with disabilities were unemployed due to lack of sufficient education and training and negative attitudes of employers. There were no programs to improve access to information and communications for persons with disabilities, and persons with disabilities, in particular persons with hearing or vision impairments, had difficulty accessing public information. There were a number of community organizations to assist those with disabilities, particularly children.

Most persons with mental and intellectual disabilities were separated from society and typically were supported at home by their families. The September Mental Health Decree stipulates that treatment should be provided for persons with mental and intellectual disabilities in the community, public health, and general health systems. Institutionalization of persons with severe mental disabilities was in a single underfunded public facility in Suva. There were a number of special schools offering primary education for persons with physical, intellectual, and sensory disabilities; however, cost and location limited access. Opportunities for a secondary school education for those with disabilities were very limited.

The Fiji National Council for Disabled Persons, a government-funded statutory body, worked to protect the rights of persons with disabilities. Several NGOs also promoted attention to the needs of persons with various disabilities.

The Convention on the Rights of Persons with Disabilities

Fiji signed and ratified the Convention on 2/6/2010.

Indonesia

Constitution and Laws

The constitution does not explicitly prohibit discrimination based on gender, race, disability, language, or social status. It provides for equal rights for all citizens, both native and naturalized. However, in practice the government sometimes failed to defend these rights.

Persons with Disabilities

The government classifies persons with disabilities into three categories: physically disabled, intellectually disabled, and physically and intellectually disabled. These categories are further divided for schooling. 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 law also mandates accessibility to public facilities for persons with disabilities; however, the government did not enforce this provision. The government estimated that approximately 3.7 percent of the population had a disability. However, one NGO found 16.8 percent of the population in West Java had a significant hearing deficiency.

The government restricts the rights of persons to vote or participate in civil affairs by not enforcing accessibility laws.

Few buildings and virtually no public transportation facilities were accessible to persons with disabilities. The law requires companies that employ more than 100 workers to set aside 1 percent of positions for persons with disabilities. However, the government did not enforce the law, and persons with disabilities faced considerable discrimination.

In urban areas only a few city buses offered wheelchair access, and many of those had their hydraulic lifts vandalized, rendering them unusable. Few companies provided facilities for persons with disabilities, and fewer companies employed such persons. Surabaya's airport opened in 2006 and was not accessible for persons with disabilities. Lack of funds was generally cited as the primary reason for not improving accessibility.

Access to information and communications technology for persons with disabilities is limited. The government taxes hearing aids as electronics, rather than medical equipment, making them prohibitively expensive.

On September 15, Garuda Indonesia Airlines blocked Irwan Subena, a blind passenger, from boarding his return flight from Makassar to Denpasar.

In 2003 the government stated the country was home to 1.3 million children with disabilities; the actual number was believed to be much higher. The law provides children with disabilities with the right to an education and rehabilitative treatment. A government official alleged many parents chose to keep children with disabilities at home; however, many schools refused to accommodate such children, stating they lacked the resources to do so. According to 2008-09 government statistics, there were 1,686 schools dedicated to educating children with disabilities, 1,274 of them run privately. According to NGOs, more than 90 percent of blind children were illiterate. Some young persons with disabilities resorted to begging for a living. Children with disabilities were sent to separate schools, and mainstream education was extremely rare. The country's universities did not offer a degree in special education.

During the year NGOs reported that people with disabilities were housed in care facilities in unsafe, dirty conditions throughout Riau Province. The government has taken no action.

The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities. To date, they have taken no actions to improve respect for the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Indonesia signed the Convention on 30/3/2007.

Japan

Constitution and Laws

The law prohibits discrimination on the basis of race, gender, disability, language, and social status. Although the government generally enforced these provisions, discrimination against women, ethnic minority groups, and foreigners remained problems.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, and access to health care, and the government generally enforced these provisions; however, the Federation of Bar Associations complained that discrimination is undefined and thus not enforceable through judicial remedies. In December 2009 the government established an advisory committee to help develop domestic laws to enable the country to ratify the UN Convention on the Rights of Persons with Disabilities.

Persons with disabilities generally were not subject to overt discrimination in employment, education, or provision of other state services; however, in practice they faced limited access to these services.

The law mandates that the government and private companies hire minimum proportions of persons with disabilities (including mental disabilities). Companies with more than 300 employees that do not comply must pay a fine of 50,000 yen (approximately \$600) per vacant position per month. Public employment of persons with disabilities exceeded the minimum. According to MHLW statistics, the private sector lagged, despite increases over previous years. In a 2009 survey of private companies with more than 56 workers, 1.6 percent of their employees had disabilities.

Accessibility laws mandate that new construction projects for public use must include provisions for persons with disabilities. In addition, the government grants low-interest loans and tax benefits to operators of hospitals, theaters, hotels, and other public-use facilities if they upgrade or install features to accommodate persons with disabilities.

According to NGOs there were an estimated 20,000 homeless persons who could not receive old-age pensions, disability pensions, and livelihood protection allowances because they were considered to be without residence. NGOs reported that, due to inadequate protection by the social safety net and the social stigma against homelessness, a significant number of elderly citizens and homeless individuals committed petty crimes to obtain the food and shelter provided by life in prison. Surveys showed that persons with mental disabilities may have accounted for up to 60 percent of the repeat-offender population in some prisons. Surveys also showed a significant percentage of repeat offenders were homeless persons who were not receiving social services. Police and prison authorities were particularly slow providing treatment of mental illness and had no protocol for offering psychiatric therapy.

According to NGOs and physicians, persons with mental illnesses also faced stigmatization and both educational and occupational barriers. Mental health professionals stated that insufficient efforts were being made to reduce the stigma of mental illness and to inform the public that depression and other mental illnesses were treatable, biologically based illnesses.

The Convention on the Rights of Persons with Disabilities

Japan signed the Convention on 28/9/2007.

Kiribati

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities; however, there were no formal complaints of discrimination in employment, education, or the provision of other state services for persons with physical, sensory, intellectual, or mental disabilities. Accessibility of buildings, communications, and information for persons with disabilities is not mandated, and there were no special accommodations for persons with disabilities. There were two main nongovernmental organizations that supported and advocated for persons with disabilities: Te Toa Matoa (Disabled Persons' Organization) and the School for the Disabled. The school offered special elementary education classes and programs for children with disabilities from age six to age 14 years. The central hospital on Tarawa had a wing for persons with mental disabilities, and there was a psychiatrist working on Tarawa. Physiotherapy services also were offered at the hospital for persons with physical disabilities.

There was no government agency specifically responsible for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Kiribati has not signed the Convention.

Korea, Democratic People's Republic of

Persons with Disabilities

A 2003 law mandates equal access for persons with disabilities to public services; however, implementing legislation has not been passed. Traditional social norms condone discrimination against persons with physical disabilities. Although veterans with disabilities were treated well, other persons with physical and mental disabilities have been reportedly sent out of Pyongyang into internal exile, quarantined within camps, and forcibly sterilized. According to a report released in 2006 by the World Association of Milal, an international disability NGO, persons with disabilities constituted approximately 3.4 percent of the population, more than 64 percent of whom lived in urban areas. A domestic organization known as the Korean Federation for the Protection of the Disabled (KFDP) has endorsed this number. A foreign NGO reported that the KFDP allowed them to operate in North Korea. The NGO was allowed to provide support and training at an orthopedic hospital, a school for hearing-impaired children, a coal mine hospital, and a home for elderly persons with disabilities. It was not known whether the government restricted the right of persons with disabilities to vote or participate in civic affairs.

The KFDP was founded in 1999 to coordinate the work with disabled population countrywide. In 2008 KFDP formed a partnership with the World Federation for the Deaf (WFD). According to WFD, North Korea reported that it had eight schools for the deaf, founded following Kim Il-Sung's instruction to build several schools for deaf children in 1959.

UNICEF has noted that very high levels of malnutrition indicate serious problems for both the physical growth and psychosocial development of young children. The UN Food and Agriculture Organization (FAO) estimated that 7.8 million, or 33 percent of the population was undernourished. FAO estimated 37 percent of children suffered from stunting.

Other Relevant References

Although disabled veterans were treated well, other persons with physical and mental disabilities, as well as those judged to be politically unreliable, were sent out of Pyongyang into internal exile.

The UN Committee on the Rights of the Child repeatedly has expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure these children had effective access to health, education, and social services.

The Convention on the Rights of Persons with Disabilities

The Democratic People's Republic of Korea has not signed the Convention.

Korea, Republic of

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, and the government effectively enforced the law. The government effectively implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications. The law establishes penalties for deliberate discrimination of up to three years in prison and 30 million won (\$26,535). The government, through the Ministry of Health and Welfare, continued to implement a comprehensive set of policies that included encouraging public and private buildings and facilities to provide barrier-free access, providing part-time employment, and employing a task force to introduce a long-term care system. The government operated a national rehabilitation research center to increase opportunities and access for persons with disabilities.

Firms with more than 50 employees are required by law to hire persons with disabilities, and firms with more than 100 employees are required to contribute to funds used to promote the employment of persons with disabilities if they fail to hire persons with disabilities up to a certain percentage of their workforce. In July the government began providing financial assistance to low-income persons with severe disabilities. In 2009 the government raised the target percentage of the workforce at relevant public institutions from 2 to 3 percent and at relevant private companies from 2 to 2.3 percent. At the end of 2009, the percentage of the workforce composed of persons with disabilities was at 1.86 percent at firms with more than 50 employees, compared with 1.35 percent in 2006.

The Convention on the Rights of Persons with Disabilities

The Republic of Korea signed the Convention on 30/3/2007 and ratified the Convention on 11/12/2008.

Laos

Persons with Disabilities

The constitution provides citizens protection against discrimination but does not specify that these protections apply to persons with disabilities. The Ministry of Health has primary responsibility for protecting the rights of persons with disabilities. Because of the large number of disabilities resulting from unexploded ordnance accidents, the ministry works extensively on this issue, especially in coordination with the international NGO COPE. Regulations promulgated by the MLSW and the Lao National Commission for the Disabled protect such persons against discrimination; however, the regulations lack the force of law. The law does not mandate accessibility to buildings or government services for persons with disabilities, but the MLSW has established regulations regarding building access and built some sidewalk ramps in Vientiane. While there was some progress on accessibility, lack of resources for infrastructure slowed the retrofitting of most buildings. There were no reports of discrimination in the workplace.

The Lao Disabled People's Association operated a care center for children with cerebral palsy; the cost was covered by foreign assistance. The Ministry of Health in conjunction with international NGOs operated the Cooperative Orthotic and Prosthetic Enterprise to supply prosthetic limbs, correct club feet, and provide education to deaf and blind persons.

Other Relevant References

The law also mandates extensive employer responsibility for those disabled at work, and this provision appeared effectively enforced.

The Convention on the Rights of Persons with Disabilities

Laos signed the Convention on 15/1/2008 and ratified the Convention on 25/9/2009.

Malaysia

Persons with Disabilities

Neither the constitution nor other laws explicitly prohibit discrimination based on physical or mental disabilities, but the government promoted public acceptance and integration of persons with disabilities.

The government did not discriminate against persons with disabilities in employment, education, access to health care, or in the provision of other state services. A public sector regulation reserves 1 percent of all public-sector jobs for persons with disabilities. The government did not mandate accessibility to transportation for persons with disabilities, and few older public facilities were adapted for such persons. New government buildings were generally outfitted with a full range of facilities for persons with disabilities.

A code of practice serves as a guideline for all government agencies, employers, employee associations, employees, and others to place suitable persons with disabilities in private sector jobs.

Special education schools existed but were not sufficient to meet the needs of the population with disabilities.

The government undertook initiatives to promote public acceptance of persons with disabilities, make public facilities more accessible to such persons, and increase budgetary allotments for programs aimed at aiding them. Recognizing that public transportation was not "disabled-friendly," the government maintained its 50 percent reduction of the excise duty on locally made cars and motorcycles adapted for persons with disabilities. The Ministry of Human Resources was responsible for safeguarding the rights of the disabled.

The 2008 Persons with Disabilities Act recognizes the rights of persons with disabilities to enjoy the benefits of public transport, housing, education, employment, and health care. However, there is no penalty for those who do not comply with its provisions. For example, there are by-laws to compel new buildings to provide access for persons with disabilities but also loopholes that allow local authorities to exempt compliance. Critics called the act a "toothless tiger."

The Convention on the Rights of Persons with Disabilities

Malaysia signed the Convention on 8/4/2008 and ratified the Convention on 19/7/2010.

Marshall Islands

Persons with Disabilities

The constitution states that no person may be treated in a discriminatory manner under law or by public officials, but it does not include disability in its listing of specific prohibited grounds of discrimination. In practice persons with physical, sensory, intellectual, and mental disabilities faced difficulties in obtaining employment and accessing health care and other state services. There were no laws or policies designed to ensure access for individuals with disabilities to buildings, public transport, education, communications, or information. There were no building codes, and in practice most buildings were not accessible to persons with disabilities. Hospitals and two major grocery stores had ramps for persons with disabilities.

The government provided minimal support for persons with mental disabilities.

There were no psychiatric facilities in the country. Persons whom the police deemed as exhibiting psychotic behavior were held with the general prison population and visited by a doctor. When prison officials protested the disruptions caused by this practice, other arrangements, such as house arrest, were made.

There is no government agency specifically charged with protecting the rights of persons with disabilities in general. The Ministry of Health is charged with treating mental and physical disabilities, and the Ministry of Education is responsible for supporting special education for children with disabilities. In practice there were no special education classes for children with disabilities, except for a small foreign-funded class providing three months of instruction for the hearing impaired at Ebeye on Kwajalein Atoll. The attorney general is responsible for handling court cases involving complaints of discrimination against persons with disabilities, but no such cases were brought during the year. Authorities declared November 21-27 as "Disability Week," and a large event was held on a field across from the capitol to spread awareness of the rights and concerns of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Marshall Islands has not signed the Convention.

Micronesia, Federated States of

Persons with Disabilities

The law prohibits discrimination in public service employment against persons with physical disabilities. There were no reports of discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, access to health care, or provision of other state services; however, persons with disabilities usually did not seek employment outside the home. Children with disabilities, including learning disabilities, were provided with special education, including instruction at home if necessary; however, such classes were dependent on foreign funding. Neither laws nor regulations mandate accessibility to public buildings or services for persons with disabilities. In practice many buildings had ramps and/or were only one story. There was one elevator in the two-story Pohnpei State government building--the only elevator in the country. There were no policies or programs to ensure access to information and communications for persons with disabilities.

Due to a lack of facilities for treating mentally ill persons, some persons with mental illnesses but no criminal background were housed in jails. The authorities provided separate rooms in jails for persons suffering from mental illness, and state health departments provided medication as part of their programs to provide free treatment to all mentally ill residents.

The national Health Services Department is responsible for protecting the rights of persons with disabilities.

Other Relevant References

In July the national government held a National Women's Conference that addressed various gender-based issues, including women's health, women in decision making, self employment of women, improving women's education, problems of women with disabilities, and domestic violence.

The Convention on the Rights of Persons with Disabilities

The Federated States of Micronesia signed the Convention on 23/9/2011.

Mongolia

Persons with Disabilities

The labor law prohibits discrimination in employment and education against persons with disabilities. At year's end the NHRC was investigating whether laws discriminate against persons with disabilities in health care or in the provision of other state services. The law defines the types of disabilities as including those concerning physical, sensory, and mental but not intellectual attributes. The Law on Social Protection of the Disabled gives provincial governors and the Ulaanbaatar governor the responsibility to implement measures to protect the rights of persons with disabilities. However, the government did little to execute such measures, and in practice most persons with disabilities faced significant barriers to employment, education, and participation in public life.

According to the Mongolian National Federation of Disabled Persons' Organizations (MNFDPPO), there were an estimated 81,500 persons with disabilities over the age of 16 in the country, of whom 20 percent were employed. The government provided tax benefits to enterprises that hired persons with disabilities. The law requires workplaces to hire one person with disabilities for every 25 employees or pay a fine. However, the law requires that disabled persons may work a maximum of 36 hours a week before overtime, thus creating a disincentive for companies to employ them. Companies often chose to pay the small fine rather than fill the legal quota for disabled individuals. Furthermore, the government itself failed to employ disabled individuals in the ratio required of employers.

Persons injured in industrial accidents have the right to reemployment when ready to resume work, and the government offered free retraining at a central technical school. The reemployment right was generally enforced in practice.

In February a new law took effect mandating standards of physical access for persons with disabilities to newly constructed public buildings; however, by year's end the law had not been applied. One school newly constructed in Songino-Khairkhan District failed to meet the new regulations. Government buildings remained largely inaccessible to persons with disabilities. Public transportation was also largely inaccessible to such persons. Despite a new law introducing standards for road construction under which some textured sidewalks meant to aid visually impaired pedestrians were installed, the persistence of open manholes, protruding obstacles, and unheeded crosswalks prevented many persons with disabilities from moving freely.

There were several specialized schools for youth with disabilities, but these students could also attend regular schools. However, in practice children with disabilities had limited access to education. The MNFDPO estimated that of 33,000 children with disabilities, 60 percent failed to complete secondary education. Schools for individuals with disabilities could accommodate only 2,200 children.

The law requires the government to provide benefits according to the nature and severity of the disability. Although the government generally provided benefits, the amount of financial assistance was low, and it did not reach all persons with disabilities. The MNFDPO stated that benefits were provided in an ad hoc manner, often failing to meet the actual demands of the recipients. According to the MNFDPO, of the 97,000 government-registered persons with disabilities, during the year approximately 42,000 received an allowance from the government's Social Welfare Fund, and 46,000 persons received allowances from the Social Insurance Fund. The MNFDPO alleged that the employment support fund, a program targeted at persons with disabilities through local governments, was often misappropriated at the provincial level.

Persons with disabilities could not fully participate in the political process. Little accommodation was made for such persons at polling stations, and there were no such representatives in the parliament. The MNFDPO estimated that in the 2009 presidential election, only 34 percent of the electorate with disabilities cast a ballot. Persons with sight and hearing disabilities had difficulty remaining informed about public affairs due to a lack of accessible broadcast media. The MNFDPO stated that less than 15 percent of broadcasting on the state-owned television channel had simultaneous sign language.

The MNFDPO worked with the government to encourage vocational education centers to work with children with disabilities so that they could eventually be capable of running small businesses. The Ulaanbaatar city government sponsored one factory staffed with approximately 70 blind individuals.

Other Relevant References

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. For persons 14 and 15 years of age, the workweek is 30 hours; for individuals with disabilities and those 16 and 17 years of age, it is 36 hours.

The Convention on the Rights of Persons with Disabilities

Mongolia ratified the Convention and the Optional Protocol on 13/5/2009.

Nauru

Constitution and Laws

The constitution prohibits discrimination on the basis of race, place of origin, color, creed, or sex, and the government generally observed these provisions.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities. Nonetheless, there was no reported discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. No legislation mandates services for persons with disabilities or access to public buildings. Department of Education teachers provided rudimentary classes for a small group of students with disabilities, which were held at a teacher's home, as no classroom was available.

There is no government agency with specific responsibility for protecting the rights of persons with disabilities. There are no formal mechanisms to protect persons with mental disabilities.

Other Relevant References

Department of Education teachers provided rudimentary classes for a small group of students with disabilities, which were held at a teacher's home, as no classroom was available.

There is no government agency with specific responsibility for protecting the rights of persons with disabilities. There are no formal mechanisms to protect persons with mental disabilities.

The Convention on the Rights of Persons with Disabilities

Nauru has not signed the Convention.

New Zealand

Constitution and Laws

The law prohibits discrimination on the basis of race, sex, disability, age, and national or ethnic origin, and the government actively enforced these prohibitions.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment; education; access to places and facilities; and the provision of goods, services, housing, and accommodation. During the year the HRC received 357 disability related complaints which represented 27 percent of the total complaints received. Compliance with access laws varied. The government is prohibited from discriminating on the basis of physical, sensory, intellectual, or mental disability, unless such discrimination can be "demonstrably justified." The government supported equal access for persons with disabilities to polling facilities.

The government's Office for Disability Issues worked to protect and promote the rights of persons with disabilities. In addition, during the year both the HRC and the Mental Health Commission continued to address mental health problems in their antidiscrimination efforts.

In its December report, the HRC identified areas in which the government made progress in implementing the Convention on the Rights of Persons with Disabilities. One highlighted area receiving complaints was public land transport; an HRC inquiry found it to be "significantly less available, less accessible, less affordable, and less acceptable" to persons with disabilities than to others. During the year the government undertook initiatives to improve accessibility to public land transport, although the government stated that gaps remained.

The Convention on the Rights of Persons with Disabilities

New Zealand signed the Convention on 30/3/2007 and ratified the Convention on 25/9/2008.

Palau

Constitution and Laws

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

Persons with Disabilities

The constitution prohibits discrimination against persons with physical or mental disabilities. The Disabled Persons' Antidiscrimination Act and the Programs and Services for Handicapped Children Act cover both persons with mental disabilities and persons with physical disabilities, and the government enforced the provisions of these acts. No discrimination was reported against persons with disabilities in employment, education, access to health care, or the provision of other state services. The government provides a monthly stipend of \$50 for persons with disabilities. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice. The public schools had special education programs to address problems encountered by persons with disabilities. The government agency Ngak Mak Tang (Everyone Matters) is responsible for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Palau signed the Convention on 20/9/2011.

Papua New Guinea

Persons with Disabilities

The constitution prohibits discrimination against persons with physical or mental disabilities; however, there are no antidiscrimination laws. Persons with physical, sensory, intellectual, and mental disabilities faced discrimination in education, training, and employment. No legislation mandates accessibility to buildings, and most buildings were not accessible. There were no policies or programs to assist persons with disabilities in obtaining access to communications and information.

Through the National Board for the Disabled, the government granted funds to a number of nongovernmental organizations that provided services to persons with disabilities. The government provided free medical consultations and treatment for persons with mental disabilities, but such services were rarely available outside major cities. In several provinces, apart from the traditional clan and family system, services and health care for persons with disabilities did not exist. Most persons with disabilities did not find training or work outside the family structure.

Other Relevant References

Human rights abuses during the year included [...] discrimination against persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Papua New Guinea has not signed the Convention.

Philippines

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual and mental disabilities in employment, education, access to health care, and other social services. The law provides for equal physical access for persons with both physical and mental disabilities to all public buildings and establishments, but in practice many barriers remained.

The National Council for the Welfare of Disabled Persons formulates policies and coordinates the activities of all government agencies for the rehabilitation, self-development, and self-reliance of persons with disabilities and their integration into the mainstream of society. The DOLE's Bureau of Local Employment maintained registers of persons with disabilities indicating their skills and abilities. The bureau monitored private and public places of employment for violations of labor standards regarding persons with disabilities and also promoted the establishment of cooperatives and self-employment projects for persons with disabilities. One NGO reported that the government had limited means to assist persons with disabilities in finding employment, and such persons had limited recourse when their rights were violated because of the financial barriers to filing a lawsuit.

The DSWD operated two assisted living centers in Metro Manila and five community-based vocational centers for persons with disabilities nationwide. Assisted-living centers were understaffed and underfunded. During the year, the DSWD provided services to 3,886 persons with disabilities. Advocates for persons with disabilities contended that equal-access laws were ineffective due to weak implementing regulations, insufficient funding, and government programs that were inadequately focused on integration. Many public buildings, particularly older ones, lacked functioning elevators. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Government efforts to improve access to transportation for persons with disabilities were limited. Two of Manila's three light-rail lines were wheelchair accessible; however, many stops had unrepaired, out-of-service elevators. Buses lacked wheelchair lifts, and one NGO claimed that private transportation providers, such as taxis, often overcharged persons with disabilities or refused service. A small number of sidewalks had wheelchair ramps, which were often blocked, crumbling, or too steep. The situation was worse in many smaller cities and towns.

The constitution provides for the right of persons with physical disabilities to vote; however, persons with mental disabilities are disqualified from voting. Persons with physical disabilities are allowed to vote with the assistance of a person of their choice. In practice, many persons with disabilities did not vote because of the physical barriers described above.

The Convention on the Rights of Persons with Disabilities

The Philippines signed the Convention on 25/9/2007 and ratified the Convention on 15/4/2008.

Samoa

Constitution and Laws

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

Persons with Disabilities

There is no law pertaining specifically to the status of persons with disabilities or regarding accessibility for them. Tradition dictates that families care for persons with disabilities, and this custom was observed widely in practice. There were no reports of discrimination against persons with disabilities, including physical, sensory, intellectual, and mental disabilities, in the areas of employment, education, access to health care, or the provision of other state services. Many public buildings were old, and only a few were accessible to persons with disabilities. Most new buildings provided better access, including ramps and elevators in most multistory buildings.

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

The Convention on the Rights of Persons with Disabilities

Samoa has not signed the Convention.

Singapore

Persons with Disabilities

The MCYS is responsible for protecting the rights of persons with disabilities. MCYS' Enabling Masterplan 2007-11 outlined a five-year policy roadmap for the programs and services in the disability sector.

Electoral law allows those voters who, incapacitated by blindness or other physical cause, are unable to vote in the manner described by law to receive voter assistance by other authorized citizens to mark and cast their ballots.

The government maintained a comprehensive code on barrier-free accessibility; it established standards for facilities for persons with physical disabilities in all new buildings and mandated the progressive upgrading of older structures. There was no comprehensive legislation addressing equal opportunities for persons with disabilities in education or employment; however, the National Council of Social Services, in conjunction with various voluntary associations, provided an extensive job training and placement program for persons with disabilities. A tax deduction of up to S\$100,000 (approximately \$76,500) was available to employers to defray the expense of building modifications to benefit employees with disabilities. The country allows guide dogs for the blind into public places and on trains, but the laws do not cover buses and taxis. During the year 100 percent of public trains and 37 percent of buses were wheelchair accessible. All major pedestrian thoroughfares have curb cuts.

Informal provisions in education permit university matriculation for the visually impaired, those hard of hearing, and students with other physical disabilities.

Approximately 8,200 children with intellectual disabilities attended mainstream schools during the year. There were 20 special education schools that enrolled approximately 4,900 students. All primary and secondary schools were equipped with basic handicap facilities such as handicap toilets and first-level wheelchair ramps. Approximately 20 percent of all primary and secondary schools (68 schools) were equipped with full-handicap facilities.

The government provided funds for two distinct types of early education programs for children with special needs. The Early Intervention Program for Infants and Children (EIPIC) provides educational and therapy services for children up to six years of age who have handicaps or special needs. During the year there were 1,225 children enrolled in the 12 EIPIC programs. At the 18 Integrated Child Care Centers (ICCP), special needs children engage in the same group activities as the other children while also receiving enhancements of the normal childcare curriculum. During the year 97 special needs children were enrolled in the ICCPs.

The government allows a tax deduction of up to S\$3,500 (approximately \$2,700) per individual for families caring for a sibling or spouse with a disability. For families caring for a child who is disabled, they received a tax deduction of up to S\$5,500 (approximately \$4,200) per child. Mental and physical disabilities are treated in the same way. Every child under EIPIC received a S\$300 (approximately \$234) monthly subsidy. The state-mandated health insurance program specifically excludes coverage for mental illnesses and personality disorders.

Press coverage of the activities and achievements of persons with disabilities was extensive, and discrimination or abuse of persons with disabilities did not appear to be a problem.

Other Relevant References

The Children and Young Persons Act created a juvenile court system and established protective services for children orphaned, abused, "troubled," or with disabilities. The Ministry of Community Development, Youth, and Sports (MCYS) worked closely with the National Council for Social Services to oversee children's welfare cases. Voluntary organizations operated most of the homes for children,

while the government funded a substantial portion of living expenses and overhead, as well as expenses for special schooling, health care, and supervisory needs.

The Convention on the Rights of Persons with Disabilities

Singapore has not signed the Convention.

Solomon Islands

Constitution and Laws

The constitution provides that no person – regardless of race, place of origin, color, or disability – shall be treated in a discriminatory manner with respect to access to public places. The constitution further prohibits any laws that would have discriminatory effects and provides that no person should be treated in a discriminatory manner by anyone acting in an official capacity. Despite constitutional and legal protections, women remained the victims of discrimination in the male-dominated society. Unemployment remained high, and there were limited job opportunities for persons with disabilities.

Persons with Disabilities

There is no law or national policy on persons with physical, sensory, intellectual, or mental disabilities, and no legislation mandates access to buildings for such individuals. In practice very few buildings were accessible to persons with disabilities. There were no special accommodations for persons with disabilities to ensure access to information and communications. Their protection and care were left to the extended family and NGOs. The country had one educational facility for children with disabilities, which was supported almost entirely by the ICRC. A disability center in Honiara assisted persons with disabilities in finding employment; however, with high unemployment countrywide and few jobs available in the formal sector, most persons with disabilities, particularly those in rural areas, did not find work outside of the family structure.

Persons with mental disabilities were cared for within the family structure; there were very limited government facilities for such persons. The Kilufi Hospital in Malaita operated a 10-bed ward for the treatment of psychiatric patients. A psychiatrist resident in Honiara ran a clinic at the National Referral Hospital.

The Ministry of Home Affairs is responsible for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Solomon Islands signed the Convention on 23/9/2008 and the Optional Protocol on 24/9/2009.

Taiwan

Constitution and Laws

The constitution provides for equality of citizens before the law irrespective of sex, religion, race, class, or party affiliation. It also provides for the rights of persons with disabilities. The authorities enforced these provisions effectively.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and sets minimum fines for violations.

The MOI and the CLA are responsible for protecting the rights of persons with disabilities. The law stipulates that the authorities must provide services and programs to members of the population with disabilities. Free universal medical care was provided to persons with disabilities. NGOs continued to assert that more public nursing homes were needed and that current programs, such as home care services, needed to be expanded to meet the growing needs of those with disabilities, including the growing number of elderly persons.

From July 2009 a public agency with 34 or more employees must hire at least 3 percent of its workforce from among those with physical or mental disabilities. Private sector enterprises that have a work force of 67 or more are required to have at least 1 percent of the payroll filled by employees with disabilities. The new employment regulations were expected to provide approximately 4,400 job opportunities for persons with disabilities. The authorities provided subsidies ranging from NT\$3,000 to 7,000 (approximately \$107 to \$250) to persons with disabilities. As of September, subsidies amounting to NT\$12.1 billion (\$432 million) had been allocated. In 2009 a total of NT\$15.65 billion (\$559 million) was distributed.

By law new public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and this requirement was generally met. Violations resulted in fines ranging from NT\$60,000 to NT\$300,000 (approximately \$2,140 to \$10,700).

The Convention on the Rights of Persons with Disabilities

Taiwan has not signed the Convention.

Thailand

Constitution and Laws

The constitution provides for equal treatment without respect to race, gender, religion, disability, language, or social status; however, in practice some discrimination existed, and government enforcement of equal protection statutes was uneven.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, access to health care, or the provision of other state services; however, government enforcement was not effective. The law also mandates that persons with disabilities have access to information, communications, and newly constructed buildings, but these provisions were not uniformly enforced. Activists continued to work to amend laws that allow employment discrimination against persons with disabilities.

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

The Community Based Rehabilitation Program remained active in all provinces. The Community Learning Center for People with Disabilities project expanded to 30 provinces. A National People with Disabilities Day is recognized annually on The government maintained 43 special schools for students with disabilities. The Ministry of Education reported that there were 76 centers nationwide offering special education programs for preschool-age children, one in each province. All state schools nationwide, approximately 30,000, are required by law to accept students with disabilities. There also were nine government-operated and at least 23 NGO-operated training centers for persons with disabilities, including both full-time and part-time or seasonal centers. The government operated 111 state shelters specifically for persons with disabilities, including two day-care centers for autistic children. In addition there were private associations providing occasional training for persons with disabilities. There were reports of schools turning away students with disabilities, although the government claimed that such incidents occurred because schools did not have appropriate facilities to accommodate such students.

Some persons with disabilities who found employment were subjected to wage discrimination.

Government regulations require private firms either to hire one person with a disability for every 200 other workers or contribute to a fund that benefits persons with disabilities, but this provision was not uniformly enforced. Government officials estimated that as many as 50 percent of firms complied with the law; the chairman of the Council of Disabled People of Thailand believed the number to be 35 to 45

percent, mostly due to inadequate government follow-up with companies. Some state enterprises had discriminatory hiring policies.

Other Relevant References

During 2009 there were 149,436 reported incidents of diseases and injuries from industrial accidents. This included 106,598 minor disabilities (resulting in no more than three days of missed work) and 42,838 disabilities resulting in more than three days of missed work (including permanent disabilities and deaths). However, the rate of incidents occurring in the informal and agricultural sectors and among migrant workers was believed to be higher. Occupational diseases rarely were diagnosed or compensated, and few doctors or clinics specialized in them. Many of the young migrant women employed along the Burma border had limited and substandard medical care options. In medium-sized and large factories, government health and safety standards often were applied, but overall enforcement of safety standards was lax. In the informal sector, health and safety protections were substandard.

Irregular migrant workers that complete the new amnesty and related nationality verification process have access to the Workmen's Compensation Fund (WCF) and Social Security Office (SSO) funds. However, migrant workers faced discrimination by an SSO policy that denies migrants registered but with disabilities access to the WCF.

The Convention on the Rights of Persons with Disabilities

Thailand signed the Convention on 30/3/2007 and ratified the Convention on 29/7/2008.

Timor-Leste

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a problem, and discrimination against women, persons with disabilities, and members of minority groups occurred.

Persons with Disabilities

Although the constitution protects the rights of persons with disabilities, the government has not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. There were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services; however, in many districts children with disabilities were unable to attend school due to accessibility problems.

Training and vocational initiatives did not address the needs of persons with disabilities. In the past some persons with mental disabilities faced discriminatory or degrading treatment due in part to a lack of appropriate treatment resources or lack of referral to existing resources; it was not clear whether this situation had improved. Mentally ill persons were imprisoned with the general prison population and were denied needed psychiatric care. An office in the Ministry of Social Solidarity was responsible for protecting the rights of persons with disabilities. Persons with disabilities are eligible for monthly special monetary stipends through the Ministry of Social Solidarity.

Other Relevant References

On May 3, the parliament passed the Law against Domestic Violence. The law was enacted to provide protection and defense to vulnerable groups including women, children, the elderly, and persons with disabilities, against all forms of violence, exploitation, discrimination, abandonment, oppression, sexual abuse, and mistreatment.

The Convention on the Rights of Persons with Disabilities

Timor-Leste has not signed the Convention.

Tonga

Persons with Disabilities

There are no legally mandated provisions for services for persons with physical, sensory, intellectual, or mental disabilities. There were no formal complaints of discrimination in employment, education, and provision of other government services. However, there were no programs to ensure access to buildings for persons with disabilities, and in practice most buildings were not accessible. There also were no programs to ensure access to communications and information for persons with disabilities. The Tonga Red Cross Society operated a school for children with disabilities and conducted occasional home visits. A Ministry of Education pilot program, which began in 2007, continued during the year to assimilate children with disabilities into primary schools. The queen mother ran a center providing accommodation and meals for adults with disabilities. There was an NGO advocating on behalf of persons with disabilities.

There was no specific government agency with responsibility for protecting the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities

Tonga signed the Convention on 15/11/2007.

Tuvalu

Persons with Disabilities

The law does not prohibit discrimination on the basis of physical, sensory, intellectual, or mental disability. There were no known reports of discrimination against persons with disabilities in employment, education, or the provision of other state services. However, supplementary state services to address the special needs of persons with disabilities were very limited. There are no mandated building accessibility provisions for persons with disabilities. Although the one multi-story government building had elevators, they were not operational, and there were no elevators in other multi-story buildings. Persons with disabilities had limited access to information and communications. The Fusi Alofa Association (Tuvalu National Disabled Persons Organization) and the Tuvalu Red Cross undertook regular home visits to persons with disabilities and conducted educational programs to raise community awareness of the rights of persons with disabilities and to advocate for such persons. The Fusi Alofa Association ran basic education classes in Funafuti for children with disabilities who were not able to attend school.

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

The Convention on the Rights of Persons with Disabilities

Tuvalu has not signed the Convention.

Vanuatu

Persons with Disabilities

There is no law specifically prohibiting discrimination against persons with physical, sensory, intellectual, or mental disabilities. There is a national policy designed to protect the rights of persons with disabilities, but the government did not implement it effectively. There were no special programs to assist persons with disabilities and no legislation mandating access to buildings, information, and communications for them. Their protection and care were left to the traditional extended family and NGOs. In practice most buildings were not accessible to persons with disabilities. Due to a high rate of

unemployment, few jobs were available for persons with disabilities. Persons with mental illness generally did not receive specialized care; members of their extended families usually attended to them. The Ministry of Justice and Social Welfare is responsible for overseeing the implementation of the country's obligations under the UN Convention on the Rights of Persons with Disabilities.

The Convention on the Rights of Persons with Disabilities

Vanuatu signed the Convention on 17/5/2007 and ratified the Convention on 23/10/2008.

Vietnam

Constitution and Laws

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

Persons with Disabilities

Articles 59 and 67 of the constitution provide for the protection of persons with disabilities. The Law on Disabled Persons prohibits discrimination against or maltreatment of persons with disabilities. The law also encourages the employment of persons with disabilities. In June the National Assembly enacted a national law providing for the rights of people with physical, sensory, intellectual, and mental disabilities. The new law requires equality for people with disabilities through accommodation, access to education, employment, health care, rehabilitation, transportation, and vocational training.

The provision of services to persons with disabilities, although limited, improved during the year. The Ministry of Transportation continued to implement accessibility codes for public transportation facilities and trained transportation agency officials and students on use of the codes. Construction or major renovation of new government and large public buildings must include access for persons with disabilities. The Ministry of Construction maintained enforcement units in Hanoi, Ho Chi Minh City, Danang, Quang Nam, and Ninh Binh to enforce the barrier-free codes.

Access to education for children with disabilities, including blindness, deafness, and mobility restrictions, was extremely limited. The law provides for preferential treatment for firms that recruit persons with disabilities and for fines on firms that do not meet minimum quotas that reserve 2 to 3 percent of their workforce for workers with disabilities; however, the government enforced these provisions unevenly. Firms that have 51 percent of their employees with disabilities can qualify for special government-subsidized loans.

The government respected the political and civil rights of persons with disabilities. Under the election law, ballot boxes may be brought to the homes of individuals unable to go to a polling station.

The government supported the establishment of organizations aiding persons with disabilities. Such persons were consulted in the development or review of national programs, such as the national poverty reduction program, vocational laws, and various educational policies. The National Coordination Committee on Disabilities and its ministry members worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The government operated a small network of rehabilitation centers to provide long-term, inpatient physical therapy. Several provinces, government agencies, and universities had specific programs for those with disabilities

The Convention on the Rights of Persons with Disabilities

Vietnam signed the Convention on 22/10/2007.