



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of India*

A. Purpose and general obligations (arts. 1–4)

1. Please inform the Committee about the measures taken to adopt the human rights model of disability in legislation, policies and practices, including in relation to assessment criteria and the certification of disability, and measures to abolish the use of derogatory terminology in legislation, such as *divyangjan* (“persons with divine organs”) and “mental retardation” to refer to persons with disabilities, particularly in the Mental Health Care Act (2017).
2. Please provide information on progress in harmonizing disability-specific legislation with the provisions in the Convention. Please indicate whether the Constitution prohibits discrimination based on disability.
3. Please report on the main strategies and policies for the realization of the rights of persons with disabilities, particularly those living in rural areas. Please include information on the time frames, goals and the human, technical and financial resources allocated for such strategies and policies and on the progress achieved in their implementation.
4. Please inform the Committee about mechanisms, at all levels, to carry out consultations and to ensure the full and effective participation of persons with disabilities, including children with disabilities, through their representative organizations, in processes to implement the Convention and to monitor progress thereon, and in relation to laws, policies, programmes and activities affecting their lives.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

5. Please provide information about:
 - (a) Existing frameworks for promoting equality and non-discrimination with regard to persons with disabilities, including the provision of reasonable accommodation, and the progress achieved in combating multiple and intersectional forms of discrimination against persons affected by leprosy, in scheduled castes (Dalits) and scheduled tribes (Adivasi), internally displaced persons, older persons with disabilities, persons with disabilities living with HIV/AIDS, indigenous persons with disabilities or persons with disabilities who belong to ethnic and religious minorities, and lesbian, gay, bisexual, transgender and intersex persons with disabilities;
 - (b) Measures envisaged to amend section 3 (3) of the Rights of Persons with Disabilities Act (2016) stating that persons with disabilities should not be discriminated

* Adopted by the pre-sessional working group at its eleventh session (8–11 April 2019).



against on the grounds of disability unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim;

(c) The number and percentage of claims of discrimination based on disability, disaggregated by sex, age, geographical location and sector in which the discrimination occurred, and the number and percentage of cases that resulted in sanctions;

(d) Measures to amend discriminatory provisions in the hajj policy for the period 2018–2022, redress for persons with disabilities who have been prevented from undertaking the hajj and progress achieved in implementing the judgment of the Supreme Court of 2018 in *Pankaj Sinha vs. Union of India and others* to address discrimination against persons affected by leprosy.

Women with disabilities (art. 6)

6. Please inform the Committee about:

(a) General gender-based policies mainstreaming the rights of women and girls with disabilities and specific legislation, policies and administrative measures for realizing the rights of women and girls with disabilities. Please provide statistical data, disaggregated by age, sex and rural and urban area, about the progress achieved for women and girls with disabilities in the areas of education, health, work and employment, and in the social, economic, cultural and political fields;

(b) Measures to mainstream the rights of women and girls with disabilities across all sectors and levels of government, and budget allocations for the promotion and empowerment of women and girls with disabilities. Please indicate the human, technical and financial resources allocated to the Ministry of Women and Child Development to undertake activities concerning women and girls with disabilities;

(c) The participation of women with disabilities in the National Commission for Women and state women's commissions, and the number of investigations into violations of the rights of women and girls with disabilities and the redress provided to them. Please also report on the information provided to women and girls with disabilities concerning the complaint procedures available, and whether they are available in accessible formats.

Children with disabilities (art. 7)

7. Please provide information on:

(a) Existing general policies that mainstream the rights of children with disabilities, including in the area of early development, education and social protection;

(b) The progress achieved in protecting the rights of children with disabilities, in particular children living in rural areas and abandoned children, and in ensuring their inclusion in community life;

(c) Available mechanisms of support for children with disabilities, including children with hearing impairments, deafblind children and children requiring high levels of support.

Awareness-raising (art. 8)

8. Please inform the Committee about:

(a) Measures to eliminate and combat stigma associated with persons with disabilities, inter alia, persons affected by leprosy and persons with neurological conditions, including dementia, specifying the stakeholders and teachers who have taken part in sensitization programmes, particularly in rural areas, with disaggregated data on types of measures, targeted groups and geographical area;

(b) The monitoring of public media to prevent the portrayal of persons with disabilities in a manner inconsistent with the Convention, including complaints received in this regard and addressed by the competent authority;

(c) Measures to translate all Convention documents into official languages and to disseminate them in accessible formats.

Accessibility (art. 9)

9. Please update the Committee about measures:

(a) To improve accessibility, particularly in rural areas, and to implement intersectoral programmes to ensure accessibility compliance for the physical environment, transportation, information and communication technology, facilities and services, including toilets open or provided to the public;

(b) To ensure accessibility and universal design requirements in public procurement legislation and policies for goods and services;

(c) To implement a long-term road map to accomplish statutory commitments with regard to accessibility.

Right to life (art. 10)

10. Please inform the Committee about measures:

(a) To prevent deaths of children with intellectual disabilities in institutions, including in particular the Asha Kiran Complex, and measures to investigate such deaths, to provide redress to survivors, and to sanction perpetrators. Please indicate measures to deinstitutionalize children with disabilities living in all types of institutions;

(b) To eradicate the mercy killing of and harmful practices against persons with disabilities, particularly children;

(c) To investigate and prevent the extrajudicial execution of persons with intellectual or psychosocial disabilities in Kashmir who are reported to be members of non-State armed groups.

Situations of risk and humanitarian emergencies (art. 11)

11. Please provide information about:

(a) Disaster risk reduction strategies and responses to humanitarian emergencies that are inclusive of and accessible to persons with disabilities;

(b) Existing assessment and reporting mechanisms for disaster risk reduction and emergency management, and how persons with disabilities, through their representative organizations, are involved in the planning, monitoring and evaluation of such mechanisms;

(c) The situation of persons with disabilities, including internally displaced persons, in conflict-affected areas, such as the Kashmir region, and existing effective remedies, including reparations, or any violations of their rights.

Equal recognition before the law (art. 12)

12. Please inform the Committee about measures:

(a) To repeal incapacity and custody laws and to abolish all forms of guardianship, and to establish supported decision-making mechanisms for persons with disabilities;

(b) To raise awareness about the rights of persons with disabilities to legal capacity and to supported decision-making, particularly targeting persons with disabilities, their families, judicial officials, policymakers and financial service providers.

Access to justice (art. 13)

13. Please provide information about:

(a) Existing procedural, age-appropriate and gender-sensitive accommodation, as well as the accessibility of the physical environment and information, for persons with disabilities throughout the justice system;

(b) Measures to identify and address attitudinal and physical barriers preventing access to justice for women with disabilities, particularly in cases concerning gender-based violence against them;

(c) Free legal aid for persons with disabilities in all areas of law.

Liberty and security of the person (art. 14)

14. Please provide information on measures:

(a) To end all forms of institutionalization, involuntary commitment and segregation on the basis of impairment, and the seclusion of persons with intellectual or psychosocial disabilities in institutions or psychiatric facilities, and leprosy colonies, and to prevent the confinement of persons with intellectual disabilities within their homes;

(b) To ensure the fair trial of persons with psychosocial disabilities throughout criminal proceedings, and to end the use of “criminal wards for the insane”.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

15. Please provide information on measures to ensure that persons with disabilities are free from all practices of coercion, physical and chemical restraint, including shackling, forced electroconvulsive therapy, forced medication, humiliation and degrading treatment in institutions, including children’s homes, rehabilitation centres and psychiatric hospitals, as well as the continued practice of virginity tests in prosecutions of rape. Please report on the concrete steps taken to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

Freedom from exploitation, violence and abuse (art. 16)

16. Please inform the Committee about:

(a) Measures to identify, prevent and combat all forms of violence against persons with disabilities, including physical, psychological and sexual violence, rape, abuse, exploitation as beggars, trafficking, kidnapping, abandonment and corporal punishment in all settings, including in the home, at school and in institutions;

(b) Measures to ensure that legislation on gender-based violence, including the Domestic Violence Act (2005), is applicable to women and girls with disabilities, and the collection of disaggregated data on cases of gender-based violence against women and girls with disabilities, including violence inflicted by intimate partners. Please include statistics on gender-based violence against women with disabilities from the National Crime Records Bureau;

(c) Cases concerning offences committed against children with disabilities, including children in institutions, in contravention of the Juvenile Justice (Care and Protection of Children) Act (2015), and whether perpetrators have been brought to justice;

(d) The independent monitoring of facilities and programmes designed to serve persons with disabilities, in line with article 16 (3) of the Convention, and how civil society organizations, including organizations of persons with disabilities, are involved in the monitoring of institutional settings.

Protecting the integrity of the person (art. 17)

17. Please provide information on measures adopted to prohibit and prevent persons with disabilities from being subjected to forced sterilizations, hysterectomies or abortions, including on the basis of a third party’s consent. Please also report about measures to abolish harmful practices, including dowry schemes and forced marriage of women with disabilities, and the practise of “magic” and exorcism on women with psychosocial disabilities.

Liberty of movement and nationality (art. 18)

18. Please inform the Committee about measures taken to ensure that all children with disabilities are registered at birth, and that all persons with disabilities, particularly older persons, have identity cards and unique identification numbers so that they have effective access to community services on an equal basis with others.

Living independently and being included in the community (art. 19)

19. Please provide information about:

(a) Measures to enforce, across all states, the right of persons with disabilities to choose their place of residence and where and with whom they live, pursuant to the ruling of the Supreme Court interpreting article 21 of the Constitution (CRPD/C/IND/1, para. 123), and to withdraw provisions of the national disability policy requiring the establishment of institutions for persons with “severe disability”;

(b) The number of persons with disabilities in institutions, particularly persons with intellectual or psychosocial disabilities, and children with disabilities, and short- and long-term strategies and resources allocated for their deinstitutionalization, including through the provision of individualized support, personal assistance and accessible services in the community;

(c) Efforts to scale up community-based inclusive development and support, and community-based rehabilitation, and to ensure access to housing and the physical environment, particularly in rural areas.

Personal mobility (art. 20)

20. Please inform the Committee about measures:

(a) To recognize personal mobility as an individual, enforceable right;

(b) To improve and promote the development, production and distribution of mobility aids, assistive devices and technologies for all persons with disabilities, irrespective of caste;

(c) To lower the cost of mobility aids and appliances;

(d) To organize or support the training of specialist and qualified staff working with persons with disabilities, and to make training in mobility skills available to persons with disabilities, particularly in rural and remote areas.

Freedom of expression and opinion, and access to information (art. 21)

21. Please report on:

(a) Legislative and administrative measures to recognize sign language as an official language, and measures to increase and improve the availability of qualified sign language interpreters;

(b) Steps taken to ensure that public documents and information for official interactions are provided in accessible modes, means and formats of communication, including Braille, sign language and Easy Read, and that Internet-based information services are accessible to all persons with disabilities;

(c) Progress achieved in implementing the National Policy on Universal Electronics Accessibility (2013);

(d) Measures to monitor and improve the services of the National Resource Centre for Augmentative and Alternative Communication in all states, districts and villages.

Respect for privacy (art. 22)

22. Please indicate how the right to privacy of persons with disabilities has been effectively protected, given the fact that personal data of Aadhaar (unique identification

number) holders have been widely compromised in institutions or when requesting public services.

Respect for home and the family (art. 23)

23. Please update the Committee about amendments made to the religious personal laws restricting the right to marriage of persons with disabilities on the basis of impairment and laws that allow for disability, including leprosy, as grounds for divorce. Please indicate how the State party ensures the right of persons with disabilities to adopt children on an equal basis with others, in the context of the Adoption Regulation Act (2017). Furthermore, please inform the Committee about measures to prevent the abandonment of children with disabilities in “cradle baby reception centres”.

Education (art. 24)

24. Please inform the Committee about:

(a) Strategies to effectively implement inclusive education across the State party, including their specific time frames and the budget allocations to support them;

(b) The number and proportion of students with disabilities, in comparison with the overall student population, who are enrolled in mainstream inclusive educational settings in primary, secondary and tertiary education with individualized support, and measures taken to address the high rate of school dropout and the low rate of literacy among persons with disabilities, particularly persons with disabilities belonging to minority groups, scheduled castes and scheduled tribes, women and girls with disabilities and children with intellectual disabilities;

(c) Strategies and budget allocations to establish inclusive and accessible schools, to train teachers and personnel working in educational institutions on inclusive methodologies and to provide accessible teaching materials, means and modes of communication.

Health (art. 25)

25. Please provide information on:

(a) Persons with disabilities entitled to participate in the health plans, insurance and services provided through the public health system, including the Swavlamban National Health Insurance Scheme;

(b) Access of women and girls with disabilities to health services, including sexual and reproductive health services, in their own communities, particularly in rural and remote areas;

(c) Whether and how disability-related health-care services are covered through national health-care schemes and made available and accessible to persons with disabilities, including persons affected by leprosy;

(d) Human resource development programmes in the health sector organized by different ministries, and how disability inclusion is made an integral part of such programmes.

Habilitation and rehabilitation (art. 26)

26. Please explain how the Deendayal Disability Rehabilitation Scheme has been evaluated, strengthened and expanded to meet the rights and requirements of persons with disabilities.

Work and employment (art. 27)

27. Please provide information about measures taken:

(a) To increase the number of persons with disabilities in the open labour market by replacing sheltered employment and providing reasonable accommodation and individualized support at work;

(b) To protect women with disabilities from sexual harassment in the workplace, and to ensure the accessibility of safe hostels for women working away from home;

(c) To ensure that the Mahatma Gandhi National Rural Employment Guarantee Act (2005) is fully inclusive of and accessible to all persons with disabilities;

(d) To improve implementation of the 4 per cent employment quota for persons with disabilities.

Adequate standard of living and social protection (art. 28)

28. Please inform the Committee about:

(a) The percentage of persons with disabilities, including persons affected by leprosy, covered by social protection schemes, particularly housing schemes, and the “care giver allowance”;

(b) Social protection schemes covering disability-related extra costs;

(c) Persons with disabilities entitled to food-related schemes, including midday meals for children going to school, and poverty reduction and water and sanitation programmes, including data on such entitlements disaggregated by geographical location.

Participation in political and public life (art. 29)

29. Please inform the Committee regarding any plans:

(a) To repeal constitutional or other legal provisions restricting the participation of persons with disabilities in political life;

(b) To make the entire electoral process accessible, including the provision of election-related information in accessible modes, means and formats of communication.

Participation in cultural life, recreation, leisure and sport (art. 30)

30. Please provide information about:

(a) Measures taken to improve all aspects of accessibility in relation to cultural, tourism, recreational, leisure and sports sites, programmes and activities;

(b) Existing strategies for the implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

31. Please elaborate on measures taken:

(a) To ensure that the next census includes questions that follow the short set of questions on disability of the Washington Group on Disability Statistics, and to increase the availability of quality, timely and reliable data concerning persons with disabilities;

(b) To ensure respect for privacy throughout the process of data collection and in the dissemination of disability-related statistical data.

International cooperation (art. 32)

32. Please provide information about international development assistance programmes that are inclusive of and accessible to persons with disabilities. Please also report about the participation of persons with disabilities in the monitoring of national efforts to implement the 2030 Agenda for Sustainable Development and to achieve the Sustainable Development Goals at the national level.

National implementation and monitoring (art. 33)

33. Please provide additional information on:

(a) How the Department of Empowerment of Persons with Disabilities and the central and state coordination committees work with the various sectors and levels of government to implement the Convention, and their achievements and the challenges they face;

(b) Measures to establish an independent monitoring framework to monitor the implementation of the Convention, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and the role of the Chief Commissioner for Persons with Disabilities in this regard;

(c) Measures taken to ensure the full and effective participation of persons with disabilities, through their representative organizations, in processes to monitor the implementation of the Convention.
