



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of India\*

#### I. Introduction

1. The Committee considered the initial report of India (CRPD/C/IND/1) at its 485th and 486th meetings (see CRPD/C/SR.485 and 486), held on 2 and 3 September 2019. It adopted the present concluding observations at its 506th meeting, held on 18 September 2019.
2. The Committee welcomes the initial report of India, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/IND/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/IND/Q/1).
3. The Committee appreciates the constructive dialogue held with the State party's delegation.

#### II. Positive aspects

4. The Committee welcomes the State party's adoption of legislation recognizing and enforcing the rights of persons with disabilities, such as the right of children with disabilities between the ages of 6 and 18 years to free education, measures to reinforce accessibility during electoral processes, and protection from discrimination on the basis of disability, including the denial of reasonable accommodation in different areas of life. It commends the State party for having translated the Convention into Hindi, and for making disability inclusion a component of several international cooperation programmes, including agreements with the World Bank. It notes the State party's measures to improve its institutional and policy framework, including the National Development Agenda, using the framework of the 2030 Agenda for Sustainable Development, and the establishment within the Government of the Department of Empowerment of Persons with Disabilities.
5. The Committee commends the State party on its ratification in 2014 of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually impaired, or Otherwise Print Disabled.

#### III. Principal areas of concern and recommendations

##### A. General principles and obligations (arts. 1–4)

6. The Committee is concerned about:

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\* Adopted by the Committee at its twenty-second session (26 August–20 September 2019).



(a) The prevalence of the medical model of disability in legislation, public policies and attitudes concerning persons with disabilities, particularly in the multiple assessments and certification of disability and the requirement for different assessments to access services in the community, and in the misunderstanding of disability, including leprosy, as solely a biological condition requiring prevention and rehabilitation;

(b) Legislation, public policies and practices that discriminate against persons with disabilities, particularly guardianship, institutionalization, psychiatric treatment and segregated community services based on disability, negative perceptions, including that of “normal life” as opposed to the lives of persons with disabilities, and derogatory terminology such as “mentally ill” and *divyangjan*, the latter of which is still controversial;

(c) The limited coverage of the unique disability identification card, especially in rural areas, and the fact that service providers, such as rail services, do not recognize these cards with a view to facilitating accessible and affordable public services for persons with disabilities.

**7. The Committee recommends that the State party:**

(a) **Adopt national and State strategies to promote understanding about the human rights model of disability among policymakers and in society, and the principles of respect for the inherent dignity and difference of persons with disabilities and acceptance of persons with disabilities as part of human diversity and humanity;**

(b) **Reform the guidelines for assessing and certifying disability to bring them into line with the human rights model of disability, ensuring that organizations of persons with disabilities are involved in the reform, that multiple assessments do not create an undue burden for applicants, and that policies and programmes shift from care, treatment and protection towards the removal of environmental and attitudinal barriers, which prevent equality and inclusion;**

(c) **Complete the review process to bring its legislation, policies and schemes into line with the Convention, including the Rights of Persons with Disabilities Act (2016), the Mental Health Care Act (2017), the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act (1999) and measures governing general services for disability inclusion, and eliminate derogatory terminology and concepts against persons with disabilities from its legislation, policies, government regulations and government websites and from public discourse;**

(d) **Ensure that community services are available for and inclusive of all persons with disabilities without discrimination, especially in rural areas where the unique disability identification card has yet to be implemented.**

8. The Committee is concerned about the absence of comprehensive national and state action plans to implement the Convention and the uneven implementation of legislative measures recognizing the rights of persons with disabilities across all states.

**9. The Committee recommends that the State party:**

(a) **Ensure the prompt review and adoption of an action plan for the implementation of the Convention at the national and state levels, with the meaningful involvement of persons with disabilities through their representative organizations, targeting all persons with disabilities, including those living in rural areas, in public policy efforts and ensuring cross-sectoral human and technical resources and budget allocations;**

(b) **Ensure cooperation with authorities at the state level in order to implement the legislation recognizing the rights of persons with disabilities across all states.**

10. The Committee is concerned that the participation of organizations of persons with disabilities is not prioritized in decision-making processes relating to them, and that their opinions are not reflected in the results of such processes.

11. **The Committee recommends that the State party, guided by the Committee’s general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention:**

(a) **Ensure that those organizations of persons with disabilities defined in paragraphs 10 to 13 of general comment No. 7, including of women with disabilities, are consulted and involved in decision-making processes at all levels of government and in all public policy areas;**

(b) **Remove barriers to the participation of organizations of persons with disabilities, including guardianship regimes, and provide appropriate resources for their effective participation, accessible and inclusive information and methodologies of consultation;**

(c) **Ensure that the opinions of persons with disabilities are given due weight and are reflected in decisions resulting from consultations, and that accountability criteria are adopted concerning public decision-making.**

## **B. Specific rights (arts. 5–30)**

### **Equality and non-discrimination (art. 5)**

12. The Committee is concerned about:

(a) The lack of an explicit prohibition of disability-based discrimination in the Constitution, and the exception to the anti-discrimination clause in section 3 (3) of the Rights of Persons with Disabilities Act, which allows discrimination against persons with disabilities under certain circumstances;

(b) Multiple and intersecting discrimination and discrimination by association in legislation and in practice against persons affected by leprosy and their family members, particularly women, who experience isolation, seclusion in “leprosy colonies” or at home, rejection from school, dismissal from jobs, and barriers to autonomy;

(c) The absence of measures to combat multiple and intersecting discrimination against, inter alia, persons with disabilities in scheduled castes and scheduled tribes, including Dalits and Adivasi, older persons with disabilities, persons with disabilities living with HIV/AIDS, indigenous persons with disabilities, persons with disabilities who belong to ethnic, linguistic and religious minorities, and lesbian, gay, bisexual, transgender and intersex persons with disabilities;

(d) The lack of effective redress in cases of discrimination on the basis of disability and multiple and intersecting discrimination, including gender-based discrimination against women with disabilities.

13. **The Committee recommends that the State party, guided by the Committee’s general comment No. 6 (2018) on equality and non-discrimination and taking account of targets 10.2 and 10.3 of the Sustainable Development Goals:**

(a) **Amend the Constitution to explicitly prohibit disability-based discrimination and repeal section 3 (3) of the Rights of Persons with Disabilities Act, ensuring that its legislation recognizes direct and indirect disability-based discrimination and multiple and intersecting discrimination as faced by persons with disabilities;**

(b) **Repeal all discriminatory legislation against persons affected by leprosy in all areas, including provisions in the Hindu marriage rules and the family court rules and provisions restricting their freedom of movement or preventing them from participating in public life, and be guided by the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members (A/HRC/15/30, annex) in order to address the situation of persons affected by leprosy and their family members;**

(c) **Assess the situation of and adopt anti-discrimination legislation and public policies to tackle multiple and intersecting discrimination, with the aim of achieving inclusive equality for persons with disabilities facing such discrimination;**

(d) **Ensure access by persons with disabilities to effective legal remedies and redress, including compensation in cases of disability-based discrimination and the denial of reasonable accommodation, taking account of the gender dimension of discrimination against women with disabilities.**

#### **Women with disabilities (art. 6)**

14. The Committee is concerned about multiple and intersecting discrimination faced by women and girls with disabilities, and:

(a) The disability stereotypes and stigmas and lack of awareness about multiple and intersecting discrimination against women and girls with disabilities, particularly those with intellectual or psychosocial disabilities and those living in rural areas, and the lack of inclusion of women with disabilities in general and disability-inclusive policies;

(b) The lack of gender-responsive policies and budgeting, and the absence of disaggregated information by gender concerning equal enjoyment of and access to all rights and services, in all areas of life, by women and girls with disabilities;

(c) Barriers to the participation and involvement of women with disabilities in policymaking processes.

15. **The Committee recommends that the State party, guided by the Committee's general comment No. 3 (2016) on women and girls with disabilities and taking account of targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals:**

(a) **Strengthen measures to address multiple and intersecting discrimination against women and girls with disabilities;**

(b) **Adopt national and state action plans for promoting equality and the inclusion of women and girls with disabilities in all areas of life, ensure that the national policy for women mainstreams disability, and ensure the effectiveness of campaigns to raise awareness and reduce stigmatization and gender and disability stereotypes, involving women with disabilities through their representative organizations in such awareness-raising programmes in line with general comment No. 7;**

(c) **Establish gender-responsive policies and budget allocations at the national and state levels to address the rights of all women and girls with disabilities, irrespective of impairment, rural or urban location, ethnic identity and social or economic background, and collect data disaggregated by gender, age and ethnic, linguistic or religious background to better inform policy and the provision of services;**

(d) **Ensure the full and effective participation of women with disabilities in decision and policymaking at all levels, including in relation to policies adopted by the Ministry of Women and Child Development, the National Commission for Women and state women commissions.**

#### **Children with disabilities (art. 7)**

16. The Committee is concerned about:

(a) The exclusion of and disregard for children with disabilities from basic public services such as health care and education, particularly girls with disabilities, and the lack of early intervention and support programmes for children with disabilities;

(b) The limited coverage of schemes to protect children with disabilities living in rural areas and to prevent abandonment on account of disability and poverty;

(c) The lack of measures to ensure that children with disabilities can participate and express their views with respect to matters affecting them, such as legal proceedings or the provision of care and protection.

17. **The Committee recommends that the State party:**

(a) **Allocate financial resources to ensure the inclusion of all children with disabilities in basic public services and support, including in early childhood, ensuring accessible early development centres for all children;**

(b) **Ensure the effective protection of all children with disabilities under the Child Protection Scheme and other programmes, prioritizing children in rural areas and children who face a risk of abandonment and institutionalization and strengthening measures to provide support in the community, including in foster families;**

(c) **Adopt measures to enable children with disabilities to express their views in all matters related to their lives, including in administrative or judicial procedures.**

**Awareness-raising (art. 8)**

18. The Committee is concerned about:

(a) The prevalence of prejudices and stigmas underpinning the isolation and segregation of persons with disabilities, and the limited impact of and lack of information provided by awareness-raising campaigns undertaken in rural areas, where disability is seen as an “outcome of fate”;

(b) The regressive negative portrayal of persons with disabilities in the media, and a recent spate of unaddressed discriminatory and derogatory narratives by political leaders and actors;

(c) The lack of information made available on the Convention and other disability-rights related laws and policies, particularly in states in the north-east region.

19. **The Committee recommends that the State party, in cooperation with organizations of persons with disabilities:**

(a) **Adopt a national strategy to raise awareness and combat prejudices and stigmas against persons with disabilities, including in rural areas and targeting schools, and monitor its impact;**

(b) **Implement comprehensive awareness-raising programmes, including training, for policymakers, administrative staff at all levels of authority, the judiciary, law enforcement officers, the media, professionals and staff working with and for persons with disabilities and their families. The State party should promote the human rights model of disability, and address prejudices and the use of derogatory language against persons with disabilities in society and multiple and intersecting discrimination against intersex persons and on the grounds, inter alia, of sexual orientation and gender identity;**

(c) **Translate the Convention and its Optional Protocol and the Committee’s general comments into the local languages and disseminate them widely in accessible formats.**

**Accessibility (art. 9)**

20. The Committee is concerned about:

(a) The lack of coordinated and cross-sectoral work and ownership of the Accessible India Campaign under the Ministry of Social Justice and Empowerment’s flagship scheme;

(b) The lack of accessibility requirements for goods and services in the Bureau of Indian Standards Act and under the “broader obligations principle” in the *Manual for Procurement of Goods 2017* of the Ministry of Finance;

(c) The slow progress in improving the accessibility of transportation, the physical environment and information and communications technology, including government websites.

21. **The Committee recommends that the State party, guided by the Committee’s general comment No. 2 (2014) on accessibility and taking account of Sustainable Development Goal 9 and targets 11.2 and 11.7 of the Goals:**

(a) **Implement sections 40–46 of the Rights of Persons with Disabilities Act 2016, on accessibility, by taking a cross-sectoral approach, requiring all ministries engaged in public infrastructure to address accessibility in all planning and implementation processes with an appropriate time frame, budget, monitoring and evaluation, in order to improve accessibility, especially in rural areas, and involving persons with disabilities through their representative organizations at every stage;**

(b) **Ensure that accessibility requirements are included in public procurement legislation and policies for goods and services, especially in the Bureau of Indian Standards Act at the national and state levels;**

(c) **Enforce the accessibility of transportation services, including transport concessions and licences, and accessibility of information, and accelerate the implementation of the barrier-free buildings.**

#### **Right to life (art. 10)**

22. The Committee is concerned about the deaths of children with disabilities in institutions, and information about “mercy killings” of intersex children with disabilities. It is also concerned about information about alleged extrajudicial executions of persons with intellectual or psychosocial disabilities in conflict areas.

23. **The Committee recommends that the State party adopt measures to ensure respect for the right to life of all persons with disabilities, enforce investigations aimed at identifying the cause of death of children with disabilities in institutions and sanction the perpetrators. It also recommends that the State party protect intersex children from attacks against their lives and any related harmful practices, and adopt measures to prevent the execution of persons with disabilities in relation to violence and armed conflict.**

#### **Situations of risk and humanitarian emergencies (art. 11)**

24. The Committee is concerned about:

(a) The lack of policies regarding consultation of organizations of persons with disabilities in planning, implementing, monitoring and evaluating disaster risk reduction strategies;

(b) The information gaps on the number of internally displaced persons with disabilities, particularly those living outside formal camps or resettlement areas, and the absence of humanitarian assessments to ensure appropriate and disability-inclusive emergency responses, including for persons at a higher risk of displacement;

(c) The lack of information about persons with disabilities in Jammu and Kashmir and strategies to ensure appropriate humanitarian assistance.

25. **The Committee recommends that the State party, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Guiding Principles on Internal Displacement:**

(a) **Ensure the effective involvement of organizations of persons with disabilities in the disaster risk reduction strategy and/or national disaster management plan or guidelines, ensuring the implementation of measures for accessibility and the inclusion of persons with disabilities in situations of risk;**

(b) **Develop early warning systems in situations of risk that are accessible for all persons with disabilities;**

(c) **Ensure a human rights-based response for internally displaced persons with disabilities, particularly those who have been displaced for prolonged periods, in all situations of risk, including in relation to violence and armed conflict, natural disasters or the exploitation of natural resources, and adopt policies to protect the**

**rights of internally displaced persons with disabilities, ensuring that they are provided with assistance and accessible and safe shelters;**

**(d) Adopt measures to assess the situation of persons with disabilities in Jammu and Kashmir and ensure their access to assistance and community basic services, such as health and education, and consider endorsing the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.**

#### **Equal recognition before the law (art. 12)**

26. The Committee is concerned that the Rights of Persons with Disabilities Act (sect. 14) allows for “limited guardianship” and a “system of joint decision” affecting persons with disabilities, particularly deafblind persons and persons with intellectual or psychosocial disabilities. It is also concerned that the State party understands guardianship as a form of support (CRPD/C/IND/Q/1/Add.1, para. 62), a perception that is not in accordance with the Convention. It is further concerned about the de facto guardianship imposed on persons affected by leprosy, and the absence of measures to introduce supported decision-making.

**27. The Committee recommends that the State party, guided by the Committee’s general comment No. 1 (2014) on equal recognition before the law:**

**(a) Eliminate all types of guardianship from its national and state legislation and practices, including in the Rights of Persons with Disabilities Act (sect. 14), the Mental Health Care Act (sect. 4) and the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act;**

**(b) Introduce supported decision-making systems that are respectful of the autonomy, will and preferences of all persons with disabilities, and provide information to persons with disabilities about these systems;**

**(c) Raise awareness in society, including families of persons with disabilities, about the right to equal recognition before the law, and about how to realize the right to legal capacity of persons with disabilities, including persons affected by leprosy, deafblind persons and persons with intellectual or psychosocial disabilities. The State party should train public officials on the right of persons with disabilities to equal recognition before the law and on supported decision-making arrangements, in line with the Convention.**

#### **Access to justice (art. 13)**

28. The Committee is concerned about:

**(a) The limited provision of procedural and age-appropriate accommodations and the barriers affecting equal access to justice by persons with disabilities, including the lack of access to court buildings, the lack of accessible information and sign language interpretation and the insufficient legal aid;**

**(b) The fear of retribution faced by victims in cases of violence and gender-based violence against women with disabilities;**

**(c) Gender stereotypes and prejudices in the justice system that curtail the right of women with disabilities to access to justice in cases of gender-based violence against them and in cases affecting women who are under guardianship or institutionalized, including disregard for the testimony of women and girls with intellectual or psychosocial disabilities;**

**(d) The lack of awareness and capacity-building among all actors in the justice system concerning the rights of persons with disabilities, and the absence of measures such as those for the provision of reasonable accommodation that would enable persons with disabilities in assuming positions as judges, members of the jury or other functions in the judiciary.**

**29. The Committee recommends that the State party:**

(a) **Ensure effective access to justice for persons with disabilities without discrimination, and procedural, age-appropriate and gender-sensitive accommodations in complaint mechanisms and the justice system, in all areas of law. The State party should strengthen its efforts to provide persons with disabilities with accessible and free legal aid, remove barriers to the physical environment and information, and develop accessible reporting procedures, particularly in cases of gender-based violence against women and in cases affecting women who are under guardianship or institutionalized;**

(b) **Ensure that the justice system adjudicates cases in a gender-sensitive manner and that procedures for lodging complaints are responsive to women with disabilities and guarantee their privacy and safety;**

(c) **Combat stigmas and gender and disability stereotypes, ensuring that prosecutions and trials are managed in a disability- and gender-sensitive manner;**

(d) **Ensure that the different actors in the criminal justice system, including the police are trained to facilitate the participation of persons with disabilities, and promote and support persons with disabilities' participation as professionals in the judicial system, including as judges.**

#### **Liberty and security of the person (art. 14)**

30. The Committee is concerned about:

(a) The institutionalization of persons with disabilities on the basis of impairment, including in “mental health care homes”, “custodial care institutions” and psychiatric hospitals, particularly affecting persons with intellectual or psychosocial disabilities, homeless persons with disabilities and persons requiring high levels of support, in the absence of measures to end all forms of institutionalization on the basis of impairment;

(b) The confinement of persons with intellectual disabilities at home;

(c) The incarceration of persons reported as “mentally ill” on the basis of impairment and the assumption of being unfit to stand trial.

31. **The Committee recommends that the State party, taking account of the guidelines on the right to liberty and security of persons with disabilities (A/72/55, annex), take measures to:**

(a) **Repeal provisions of the Mental Health Care Act and the Bombay Prevention of Begging Act that allow for institutionalization on the basis of impairment, and adopt strategies 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 all types of institutions;**

(b) **Prevent the confinement of persons with intellectual disabilities within their homes and provide for human rights-based support and community services for all persons with disabilities on an equal basis with others;**

(c) **Ensure the right of persons with psychosocial disabilities to due process and a fair trial in criminal proceedings, and end the use of “criminal wards for the insane”.**

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

32. The Committee is concerned about:

(a) The practice of the “two-finger test” in the prosecution of cases of sexual violence, including rape;

(b) The fact that sanctions against ill-treatment in the Rights of Persons with Disabilities Act cover only certain forms of ill-treatment and require the intention to humiliate (sect. 92 (a));

(c) The prevalence of inherent forms of violence and ill-treatment in institutions, particularly affecting children with disabilities, persons with intellectual or psychosocial disabilities and women with disabilities, including physical and chemical restraints, forced medication, coercion, physical abuse, humiliation, electroconvulsive therapy, shackling, forced labour and corporal punishment, including in childcare facilities;

(d) The absence of measures to prevent and ensure the freedom of persons with disabilities from torture and cruel, inhuman or degrading treatment or punishment.

**33. The Committee recommends that the State party adopt measures to prevent and stop all forms of ill-treatment against persons with disabilities, including by:**

(a) **Ensuring that the prohibition of the “two-finger test” is enforced and that sanctions are applied when it is performed, and that accountability mechanisms are implemented in the justice system. The State party should ensure implementation of the recommendations issued by the Committee on the Elimination of Discrimination against Women (CEDAW/C/IND/CO/4-5, para. 11 (e)) about standard procedures for the police on gender-sensitive investigations and treatment of victims and of witnesses;**

(b) **Promptly ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto;**

(c) **Establishing accessible complaint mechanisms for persons with disabilities in institutions, ensuring oversight by, inter alia, the National Human Rights Commission and state commissions of all places where persons with disabilities are institutionalized, and setting up a task force to collect data about cases of torture and ill-treatment, with the effective involvement of organizations of persons with disabilities;**

(d) **Ensuring that all forms of ill-treatment of persons with disabilities constitute criminal offences in line with the definition of torture in international law, that cases of torture and ill-treatment are investigated, prosecuted and the perpetrators sanctioned, and that redress is provided for persons with disabilities who are subjected to ill-treatment.**

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

34. The Committee is concerned about:

(a) All forms of violence against children and adults with disabilities, including gender-based violence against women and girls, particularly physical, sexual and psychological violence, harassment, financial exploitation and abuse, trafficking, kidnapping, neglect and corporal punishment and other forms of violent punishment in all settings;

(b) The lack of measures to identify, prevent and combat all forms of violence against persons with disabilities, including the delay in enforcing legislative provisions to tackle such violence;

(c) The lack of disaggregated statistical data in the National Crime Records Bureau on cases of gender-based violence against women and girls with disabilities, including violence inflicted by intimate partners;

(d) The limited availability of accessible shelters for women with disabilities who are victims of violence, and the lack of effective remedies and redress for persons with disabilities facing violence, including rehabilitation and compensation.

**35. The Committee recommends that the State party:**

(a) **Adopt and implement national and state strategies to identify, prevent, combat and end all forms of violence against persons with disabilities, including against women, girls and boys with disabilities. This process should involve organizations of persons with disabilities, particularly of women with disabilities, in adopting measures to identify instances of gender-based violence against women and girls with disabilities;**

(b) **Ensure the prompt implementation of the legal remedies to address the situation of women and girls with disabilities facing gender-based violence against women that are included in the Rights of Persons with Disabilities Act, the Juvenile Justice (Care and Protection of Children) Act (2015) and the Protection of Women from Domestic Violence Act (2005);**

(c) **Ensure that the National Crime Records Bureau collects data disaggregated by gender, age, place of residence, relationship with perpetrator and disability in cases of violence and exploitation, including gender-based violence against women and girls with disabilities and violence inflicted by intimate partners;**

(d) **Ensure remedies for violence, including sexual violence, accessible complaint mechanisms and access to justice for persons with disabilities, including those who reside in institutions;**

(e) **Ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities, in accordance with article 16 (3) of the Convention, and that civil society organizations, including organizations of persons with disabilities, are involved in oversight activities.**

#### **Protecting the integrity of the person (art. 17)**

36. The Committee is concerned about:

(a) Continuing lawful practices of forced sterilization, forced contraception and forced abortion, particularly affecting women with intellectual or psychosocial disabilities in institutions;

(b) Harmful practices against women with disabilities, particularly forced marriages, dowry payments from families, and national schemes to promote financial incentives for marriage with a woman with disabilities or to prompt marriage among persons with disabilities;

(c) Sex-assignment or “sex-normalizing” surgery on intersex children, stigmatization and bullying against intersex children and their restricted access to community services.

37. **The Committee recommends that the State party:**

(a) **Repeal section 92 (f) of the Rights of Persons with Disabilities Act on the exception to the requirement of consent to abortion in women with “severe” disabilities and legislation authorizing medical treatment on the basis of third-party consent, and provide all persons with disabilities with supported decision-making mechanisms for expressing prior and informed consent to medical treatment;**

(b) **Redouble its efforts to enforce the legal prohibition of harmful practices such as dowry payments and forced marriages, in relation to women and girls with disabilities, and end harmful practices. The State party should ensure actual implementation of the recommendations issued by the Special Rapporteur on violence against women, its causes and consequences (A/HRC/26/38/Add.1, para. 80 (b)) on designing and launching targeted awareness-raising campaigns at the community level on harmful practices;**

(c) **Adopt measures to prevent sex-assignment or “sex-normalizing” surgery, stigmatization and bullying against intersex children and ensure their right to respect for their physical and mental integrity.**

#### **Liberty of movement and nationality (art. 18)**

38. The Committee is concerned about:

(a) The lack of registration at birth of children with disabilities, particularly deafblind children, children requiring high levels of support and intersex children at a heightened risk of neglect, the absence of disaggregated data and the insufficiency of measures to ensure the early registration of and access to unique disability identification

cards by children with disabilities in remote and rural areas, those internally displaced and those in refugee camps, resulting in their lack of access to community services;

(b) The situation of persons with disabilities, including Muslim persons with disabilities, rendered stateless as a result of the registry process undertaken in the State of Assam and currently in detention camps.

39. **The Committee recommends that the State party:**

(a) **Adopt a programme to ensure the registry of children with disabilities immediately after birth and the disaggregation of data of the birth registry, and to facilitate the recognition of unique disability identification cards for all children with disabilities and their access to appropriate early intervention and community services;**

(b) **Ensure respect for and the protection of all human rights of persons with disabilities rendered stateless, including those in detention camps, urgently adopting measures to allow the reacquisition of nationality, and ratify or accede to the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961).**

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

40. The Committee is concerned about:

(a) The institutionalization of persons with disabilities, including children with disabilities, in large and small congregated settings, and the absence of measures to ensure independent living and inclusion in the community;

(b) The lack of measures to establish individualized support to live in the community, and the reliance of persons with disabilities on kinship support to undertake daily activities;

(c) The lack of progress in improving access to community services by all persons with disabilities, particularly women and girls with intellectual or psychosocial disabilities, including access to affordable and accessible urban housing.

41. **The Committee recommends that the State party, guided by the Committee's general comment No. 5 (2017) on living independently and being included in the community:**

(a) **End all forms of institutionalization based on disability, repeal legislation providing for the establishment of institutions for persons with "severe disability", and adopt a deinstitutionalization strategy, with an appropriate time frame and financial, human and technical resources, in consultation with organizations of persons with disabilities, prioritizing the deinstitutionalization of children from all types of institutions;**

(b) **Provide personal assistance and strengthen individualized support, and community support networks that facilitate the inclusion of persons with disabilities in the community;**

(c) **Adopt a strategy and indicators of progress concerning access by persons with disabilities to mainstream community services, and remove the barriers to access to public services, such as housing, inclusive education and work and employment, in particular for women with intellectual or psychosocial disabilities.**

#### **Personal mobility (art. 20)**

42. The Committee is concerned about the lack of available and affordable assistive devices and related support services for all persons with disabilities, particularly in rural and remote areas, and the lack of involvement of persons with disabilities to act as experts on assistive devices and technology and to encourage the development of local manufacture.

43. **The Committee recommends that the State party adopt measures to ensure the availability, equal distribution and affordability of assistive devices. It also recommends that the State party develop training on quality standards and promote**

**the inclusion of local or indigenous manufacturers for the production, maintenance and distribution of assistive devices and appliances, ensuring the involvement of organizations of persons with disabilities at the local level and in rural areas.**

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

44. The Committee is concerned about:

(a) The lack of recognition of sign language as an official language and the very low number of sign language interpreters;

(b) The lack of measures to provide Easy Read and tactile forms of communications and to improve information services, particularly for augmentative and alternative communication;

(c) The low number of television channels that provide closed captioning and sign language interpretation, and the attitudinal barriers in private broadcast service providers regarding accessibility of information for persons with disabilities.

45. **The Committee recommends that the State party:**

(a) **Recognize sign language as official language, allocate public resources to provide training and increase the availability of sign language interpreters in court proceedings and in health-care, education, leisure, religious and cultural services;**

(b) **Ensure that all persons with disabilities have access to all public information and services using augmentative and alternative communication, Easy Read, plain language, tactile communication and accessible digital Internet-based services, taking account of internationally recognized accessibility standards;**

(c) **Enforce the national broadcast legislation that introduced sanctions for lack of compliance with the accessibility requirements.**

**Respect for privacy (art. 22)**

46. The Committee is concerned that persons with disabilities who are Aadhaar (unique identification number) holders have experienced interference in their privacy, with their personal data having been compromised.

47. **The Committee recommends that the State party take measures to ensure that all identification processes guarantee individuals' privacy, and enact legislation for the protection of the privacy of person with disabilities, particularly in their interaction with service providers or personnel providing support.**

**Respect for home and the family (art. 23)**

48. The Committee is concerned about religious personal laws restricting the right to marriage of persons with disabilities, including women with disabilities and persons affected by leprosy, those at the state level allowing for divorce on grounds of disability and restricting parental responsibilities of persons with disabilities and their right to adopt children. It is also concerned at the lack of measures to prevent the separation of children from their parents on the basis of disability.

49. **The Committee recommends that the State party:**

(a) **Repeal from personal laws on marriage and divorce all restrictions relating to the marriage and family of persons with disabilities, including persons with intellectual or psychosocial disabilities and those requiring higher levels of support;**

(b) **Repeal provisions from the Adoption Regulations (2017) under which persons with disabilities may be declared ineligible for the adoption of children based on assessments of physical, mental, emotional or life-threatening medical conditions, and ensure human rights-based monitoring of adoption procedures by the Central Adoption Resource Authority;**

(c) **Adopt policy measures, in accordance with article 23 (3) and (4) of the Convention, to support children with disabilities and their families and prevent**

**separation of children from their families on the basis of disability of either the child or one or both of their parents.**

#### **Education (art. 24)**

50. The Committee is concerned about:

(a) The prevalence of segregated education, the high illiteracy rate among persons with disabilities, particularly persons with intellectual disabilities and women and girls with disabilities, and the low number of students with disabilities enrolled in mainstream inclusive education;

(b) Rejection from school of children with disabilities, particularly children affected by leprosy, and bullying against intersex children, causing many to drop out of school;

(c) The lack of accessible inclusive schools in rural and remote areas;

(d) The lack of training for school personnel, the lack of teaching methodologies and material to include children with disabilities, including for deafblind students, the limited number of seats for children with disabilities in schools, and the insufficient provision of sign language interpretation for students who are deaf or hard of hearing and of safe transportation for children with disabilities.

**51. The Committee recommends that the State party, guided by the Committee's general comment No. 4 (2016) on the right to inclusive education and taking account of targets 4.5 and 4.a of the Sustainable Development Goals:**

(a) **Take measures to ensure the implementation of inclusive education for students with disabilities, and redouble its efforts to reduce illiteracy among persons with disabilities;**

(b) **Take measures to prevent the rejection, stigmatization and bullying of children with disabilities, particularly children affected by leprosy and intersex children, review regulations to ensure access to education, undertake campaigns to combat disability stereotypes and establish complaint mechanisms and sanctions in cases of discrimination;**

(c) **Ensure sustainable human and financial resources to build and maintain accessible schools for children with disabilities in rural areas;**

(d) **Ensure that the learning environment, including the physical environment, admission procedures, teaching resources and methodologies, online platforms for learning, classrooms and transport, are accessible and safe for children with disabilities, and adopt measures to ensure the provision and availability of sign language interpretation in the classrooms, augmentative and alternative communication and Easy Read at all levels of education.**

#### **Health (art. 25)**

52. The Committee is concerned about:

(a) The lack of gender-sensitive programmes on sexual and reproductive health and rights for women and girls with disabilities;

(b) The insufficient coverage of the national health protection scheme in relation to persons with disabilities, and lack of affordable insurance for persons with intellectual disabilities;

(c) Discrimination in disability-related health-care services in national health-care schemes, particularly affecting persons affected by leprosy and women and girls with intellectual or psychosocial disabilities.

**53. The Committee recommends that the State party:**

(a) **Adhere to article 25 of the Convention in its efforts to achieve targets 3.7 and 3.8 of the Sustainable Development Goals;**

(b) **Adopt measures to provide women and girls with disabilities with appropriate and accessible sexual and reproductive health care, and ensure that response and counselling in cases of gender-based violence against women and girls with disabilities is accessible, inclusive and age- and gender-sensitive;**

(c) **Ensure universal health-care coverage and access for all persons with disabilities in rural and urban areas;**

(d) **Adopt measures to ensure equal access to health services and non-discrimination in the provision of disability-related health-care services in national health-care schemes, including for persons affected by leprosy and women and girls with intellectual or psychosocial disabilities, ensuring that service providers facilitate access to health services.**

#### **Habilitation and rehabilitation (art. 26)**

54. The Committee is concerned that the Deendayal Disabled Rehabilitation scheme emphasizes a medical and charity-based approach to disability, and that it discriminates against persons with disabilities from marginalized groups.

55. **The Committee recommends that the State party promote community-based inclusive development, reframing the Deendayal Disabled Rehabilitation scheme in consultation with organizations of persons with disabilities, particularly those in rural areas, and ensure budgetary allocations for habilitation and rehabilitation across the State party and the quality standards of programmes, with monitoring and evaluations on a regular basis.**

#### **Work and employment (art. 27)**

56. The Committee is concerned about:

(a) The fact that, according to information received by the Committee, only 37 per cent of persons with disabilities have access to employment, the fact that only 1.8 per cent of women with disabilities have access to employment, and the very low representation of persons with intellectual disabilities in employment;

(b) Information about cases of sexual harassment in the workplace against women with disabilities and the lack of measures to prevent and protect them;

(c) The lack of implementation of the State party's quota of 4 per cent for persons with disabilities in employment.

57. **The Committee recommends that the State party:**

(a) **Adopt national and state strategies for ensuring access to employment by persons with disabilities in the open labour market, through equal opportunity policies, recruitment and skills development training programmes for persons with disabilities. The State party should ensure the inclusion of all persons with disabilities in the implementation of the Mahatma Gandhi National Rural Employment Guarantee Act, and collect information and disaggregated data on its implementation;**

(b) **Decisively combat sexual harassment, exploitation and abuse in the workplace against women with disabilities, including by disseminating accessible public information and providing redress for women who are victims of sexual harassment;**

(c) **Take effective measures to promote the employment of persons with disabilities in the open labour market, particularly persons with disabilities from marginalized groups.**

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

58. The Committee is concerned about:

(a) The lack of measures to ensure that all persons with disabilities are registered and covered by national social protection schemes;

(b) The absence of social protection schemes covering disability-related extra costs for persons with disabilities requiring higher levels of support;

(c) The situation of homeless persons with disabilities, and the absence of policies to ensure affordable and accessible housing and security of tenure for persons with disabilities, including persons affected by leprosy.

59. **The Committee recommends that the State party:**

(a) **Ensure access for all persons with disabilities to social protection programmes, including to pension schemes and to unemployment, transportation or care allowances or other entitlements, fostering adequate living conditions in urban and rural areas. The State party should ensure adequate monitoring and collection of disaggregated data by disability, gender and age;**

(b) **Introduce and ensure that all persons with disabilities have access to entitlements to cover disability-related extra costs and disability pensions, strengthen identification procedures for access to pensions, and increase pension wages;**

(c) **Adopt a public policy for housing to ensure equal access by persons with disabilities to affordable housing, and measures to ensure security of tenure, paying attention to the recommendations issued in 2017 by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (A/HRC/34/51/Add.1).**

#### **Participation in political and public life (art. 29)**

60. The Committee is concerned about the constitutional provisions restricting the participation of persons with disabilities in political life on the basis of impairment, and the insufficient accessibility of information and electoral proceedings for all persons with disabilities.

61. **The Committee recommends that the State party:**

(a) **Amend constitutional and legislative provisions restricting the rights of all persons with disabilities to vote and to stand in elections and hold public office, and promote the participation of persons with disabilities in political life and in public decision-making processes at all levels, including through affirmative action measures;**

(b) **Ensure the accessibility of electoral processes, including physical and informational environments, in consultation with organizations of persons with disabilities and taking account of resolution of the sixth meeting of the Forum of Election Management Bodies of South Asia, in 2015.**

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

62. The Committee is concerned about the lack of measures to ensure access to mainstream recreation, cultural activities, leisure and sports by persons with disabilities, and the insufficient measures to further promote the implementation of the Marrakesh Treaty.

63. **The Committee recommends that the State party monitor the accessibility of leisure and sports sites, recognize cultural identities and encourage the participation of persons with disabilities in cultural performances and cultural exchanges. It also recommends that the State party adopt policies to incentivize publishers to make reading material available in accessible formats, and promote the cross-border exchange of resources in accordance with the Marrakesh Treaty.**

## C. Specific obligations (arts. 31–33)

### Statistics and data collection (art. 31)

64. The Committee is concerned that the available official statistics are based on the medical model of disability, and that questions concerning persons with disabilities limit the possibility of self-identification.

65. **In view of target 17.18 of the Sustainable Development Goals, the Committee recommends that the State party rely on the methodology of the Washington Group short set of questions on disability statistics to collect, analyse and disseminate data on its population of persons with disabilities, in cooperation with organizations of persons with disabilities, disaggregated by gender, age, ethnicity, disability, socioeconomic status, employment, barriers encountered and place of residence, and data on cases of discrimination or violence against persons with disabilities, ensuring both disability-specific and disability-inclusive or mainstream data collection.**

### International cooperation (art. 32)

66. The Committee is concerned at the absence of appropriate mechanisms to measure the impact of development cooperation efforts on persons with disabilities, and the lack of information about the effective involvement of organizations of persons with disabilities as development cooperation partners.

67. **The Committee recommends that the State party:**

(a) **Adopt measures to ensure effective participation, inclusion and consultation of organizations of persons with disabilities in the design, implementation, monitoring and evaluation of programmes and projects developed as part of international cooperation efforts;**

(b) **Mainstream disability rights and requirements into the national implementation and monitoring of the 2030 Agenda and the Sustainable Development Goals.**

### National implementation and monitoring (art. 33)

68. The Committee is concerned about:

(a) The lack of executive power of the Central Advisory Board on Disability and the equivalent state bodies for coordination across different departments and sectors to ensure the effective implementation of the Convention;

(b) The absence of an independent framework for protecting, promoting and monitoring the implementation of the Convention, despite the appointment of the Chief Commissioner for Persons with Disabilities and the state commissioners for persons with disabilities;

(c) The lack of information about mechanisms for the participation of organizations of persons with disabilities in the independent monitoring of the Convention.

69. **The Committee recommends that the State party:**

(a) **Take measures to strengthen the Central Advisory Board and the equivalent state bodies beyond an advisory role and ensure the coordination of focal points on disability, at all levels in the State party and in all sectors, for the effective implementation of the Convention;**

(b) **Ensure that the national and state human rights commissions are part of the independent monitoring framework under article 33 (2) of the Convention, providing technical, human and financial support to accomplish their mandates. The State party should take account of the Committee's guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities (CRPD/C/1/Rev.1, annex) when designing the independent monitoring framework;**

(c) Ensure that persons with disabilities, through their representative organizations, effectively participate in monitoring of the implementation of the Convention.

## **IV. Follow-up**

### **Dissemination of information**

70. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 6 (c), on the harmonization of legislation with the Convention, and paragraph 34 (c), on the collection by the National Crime Records Bureau of data on cases of violence and exploitation, including gender-based violence against women and violence inflicted by intimate partners.

71. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities, the private sector and the media, using modern social communication strategies.

72. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

73. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.

### **Next periodic report**

74. The Committee requests the State party to submit its combined second to fifth periodic reports by 1 November 2025 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.