



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities Twenty-second session

Summary record of the 485th meeting*

Held at the Palais des Nations, Geneva, on Monday, 2 September 2019, at 3 p.m.

Chair: Mr. Basharu

Contents

Consideration of reports submitted by parties to the Convention under article 35
(*continued*)

Initial report of India

* No summary record was issued for the 484th meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35

Initial report of India (CRPD/C/IND/1; CRPD/C/IND/Q/1 and CRPD/C/IND/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of India took places at the Committee table.*
2. **Ms. Doley Gamlin** (India), introducing her country's initial report (CRPD/C/IND/1), said that, under the Constitution, the Government had a mandate to take effective steps to secure the rights to work, education and public assistance in cases, inter alia, of sickness and disability. India had recently concluded its most inclusive general election. Measures taken to make polling stations more accessible and ensure that all persons could exercise their right to vote had included obstacle-free access to polling stations, accessible toilets, a Braille ballot guide, Braille-embossed electronic voting machines and voter slips, wheelchairs, free local public transport and priority entry to polling stations for persons with disabilities.
3. The Government's commitment to the implementation of the Convention was reflected in the Rights of Persons with Disabilities Act (2016), which had entered into force in 2017. The Act provided for various rights and entitlements in such areas as equality and non-discrimination, community life, protection from cruelty and exploitation, reproductive rights, accessible voting and access to justice. The Act also required the Government to take special measures to ensure that women and children with disabilities enjoyed their rights on an equal basis with others.
4. Under the Act, the Government had an obligation to ensure that persons with disabilities could exercise their legal capacity in accordance with their own will. The Act provided for support for persons with disabilities in the form of limited guardianship by the Government, which could be authorized by a district court or a designated authority at the state level. Designated state authorities were to be appointed to raise awareness and provide the requisite support to persons with disabilities to enable them to exercise their legal capacity freely and independently.
5. The Act provided a broad framework for the creation of a barrier-free built environment, transportation system and information and communications system. All existing public buildings were to be brought into line with accessibility standards within five years and all public and private service providers were required to adhere to accessibility standards within two years. The Prime Minister had launched the Accessible India Campaign in 2015, with phased accessibility targets in a number of areas. An accessibility audit of more than 1,600 government buildings across the country had already been completed. The central Government provided financial assistance to the provincial governments to retrofit accessibility features.
6. According to the most recent census in 2011, there were 27 million persons with disabilities in India. That figure was likely to increase as new categories of disability were recognized. The Prime Minister had suggested a new name to refer to persons with disabilities: "*divyangjan*", which meant "persons with divine or extraordinary abilities" in Hindi. The change had been welcomed by many persons with disabilities.
7. Affirmative action measures under the Act included the introduction of quotas for the representation of persons with disabilities in various areas, poverty alleviation schemes, land allocation for housing and concessional rates of interest for the establishment of businesses. Other features of the Act included a strong monitoring mechanism and penalties for non-compliance.
8. The Government was working to create an environment conducive to inclusive education and had started implementing the universal free education scheme, under which the provinces received support to strengthen school infrastructure and run in-service training for teachers. The Government was developing a standardized course curriculum for in-service training to facilitate universal inclusive education. It also provided scholarships to persons with disabilities.

9. The Government had recently launched the National Health Insurance Programme to cover 500 million individuals nationwide, including persons with disabilities. It also had various schemes and programmes for the prevention of disability, including blindness and deafness. The Federal Government had issued guidelines for the assessment and certification of 21 categories of disability. As part of its efforts to improve the collection of data on persons with disabilities, the Government had launched the Unique Disability ID project to create a national database of persons with disabilities and issue a disability identity card to all persons with a disability. The database could provide data disaggregated by category of disability, gender and place of residence, thus enabling planners and implementing authorities to take appropriate measures for the inclusion and empowerment of persons with disabilities. To date, the project had been implemented in 35 states or union territories.

10. The Government was working continuously to improve the mobility of persons with disabilities. In the previous five years, it had distributed free modern aids and assistive devices to approximately one million persons with disabilities across the country. It had also covered the cost of 2,066 cochlear implant surgeries for children with hearing disabilities.

11. There were seven national institutes working on research, training and delivery of services to persons with various types of disabilities. The Indian Sign Language Research and Training Centre had launched an Indian Sign Language dictionary of 6,000 terms. The National Institute of Mental Health Rehabilitation, currently being established in Sehore, would develop protocols for community-based rehabilitation of persons with mental illness. The Government was establishing a centre in Gwalior, in central India, to provide sports facilities and training for persons with disabilities and would set up more such centres in the near future. In order to promote the participation of persons with disabilities in performing arts and culture, two national cultural events entitled “Divya Kala Shakti: Witnessing Ability in Disability” had been organized earlier in 2019, in which children and young people with disabilities from several states had given musical and dance performances before the President of India.

12. Social security for persons with disabilities was mostly covered by the provinces in the form of a disability pension. In some cases, provincial governments also provided unemployment allowances and financial support to promote the marriage of persons with disabilities. Under the Rights of Persons with Disabilities Act, States had an obligation to develop schemes and programmes in line with their economic capacity.

13. The link between poverty and disability was clear. However, the rapid growth of the Indian economy had lifted millions of people out of poverty in the past two decades and had reduced the hardships faced by persons with disabilities. In accordance with the Government’s motto – “collective efforts, inclusive growth” – persons with disabilities were and would continue to be an integral part of the country’s development.

14. The Government involved persons with disabilities in all decision-making processes. The Central Advisory Board on Disability included among its members 10 representatives of persons with disabilities and their organizations, half of whom were women. The Government always engaged in consultation with all stakeholders, including persons with disabilities, when developing schemes and programmes.

15. **Mr. Buntan** (Country Rapporteur) said that, given the State party’s linguistic, cultural, social and ethnic diversity, it could not be expected to comprehensively implement the Convention or any other international instrument within just a few years of ratification. The enactment of the Rights of Persons with Disabilities Act, which was closely aligned with the Convention, was a major achievement. However, the Committee had many questions concerning the implementation of that and other legislation.

16. The Committee was concerned, for example, that the Constitution did not include an explicit prohibition of discrimination on the basis of disability. The continued use of the medical model to assess, certify and document disability and the use of derogatory terminology in legal and policy documents, including government websites, also needed to be examined. Slow progress had been made in harmonizing laws and policies with the Convention, and more than 150 laws restricted or completely removed the legal capacity of

persons with disabilities, especially women and children, persons with intellectual or psychosocial disabilities and persons belonging to ethnic, cultural, linguistic and/or religious minorities. The provisions of the Rights of Persons with Disabilities Act allowing for “limited guardianship” and the total lack of recognition of the legal capacity of persons with psychosocial disabilities in the Mental Health Care Act put persons with psychosocial disabilities, especially women and girls, at risk of forced institutionalization.

17. Other issues of concern to the Committee included the level of impunity for acts of discrimination and the lack of recognition of multiple and intersectional forms of discrimination. The protection and inclusion of persons with disabilities in the context of situations of risk and humanitarian emergencies, including natural and man-made disasters, and the different forms of violence affecting women and girls with disabilities also needed to be addressed. Lastly, the Committee would be interested in learning more about the full and effective participation of persons with disabilities through their representative organizations in the implementation and monitoring of laws and policies that affected them.

Articles 1 to 10

18. **The Chair**, noting that the Rights of Persons with Disabilities Act allowed for disability-based discrimination if it was considered a proportionate means of achieving a legitimate aim, said that he wished to know what would constitute a legitimate aim and who would make that determination. He noted that members of the disability community had raised objections to the term *divyangjan*, which they considered patronizing, and wondered whether the Government planned to act on the concerns expressed. The Committee had received information indicating that persons with intellectual or psychosocial disabilities in conflict areas, particularly Kashmir, were being killed by security agents because they were suspected of being militants. What was being done to address that situation?

19. **Mr. Babu** said that he would appreciate information on the work of the Central Advisory Board on Disabilities in ensuring the full participation of persons with disabilities, including children, and on the nomination process for Board members. He would like to know whether the members represented the interests of all categories of persons with disabilities, including those belonging to ethnic minorities, persons with leprosy and persons with intellectual disabilities. It would be useful to have additional information on affirmative measures and awareness-raising campaigns to tackle discrimination against members of ethnic and religious minorities living with a disability.

20. He wished to know whether there were any plans to revise the Juvenile Justice (Care and Protection of Children) Act to remove terms such as “mentally ill” and “physically challenged” and bring the language into line with the Convention. He also wished to know whether the Juvenile Justice Rules addressed the issue of corporal punishment of children with disabilities and whether the practice was explicitly prohibited in the family, school and alternative care settings. He noted that girls with disabilities faced strong intersectional discrimination and were particularly vulnerable to abuse, including on public transport, which meant their parents sometimes kept them home from school for their protection. He wondered what measures were being taken to address that situation. He would like to know more about the exceptional cases in which, if the parents were unable to take care of a child with disabilities, the child could be rehabilitated in the community, in a family setting or in a shelter home.

21. He would be grateful if the delegation would elaborate on the awareness-raising programme and media plan about the rights of persons with disabilities mentioned in paragraph 40 of the State party’s replies to the list of issues (CRPD/C/IND/Q/1/Add.1). In addition, he wished to know whether the Government intended to disseminate the Convention in accessible formats and provide training to public authorities on its provisions. Lastly, he would welcome information on concrete accessibility measures for persons with all kinds of disabilities and specific plans to ensure a fully barrier-free environment and services, steps taken to monitor and improve implementation of relevant legal provisions, and the consequences, including possible sanctions, for non-compliance with accessibility standards. Data on individuals and companies reprimanded for violating accessibility standards would be helpful.

22. **Mr. Kabue** said that he wished to know what measures were being taken to ensure that the Rights of Persons with Disabilities Act was implemented throughout the State party and what role was being played by persons with disabilities in that process. In the light of reports that the input of persons with disabilities had been overlooked in the latter stages of the drafting of the Act, it would be useful to know what measures were being taken to ensure that persons with disabilities were meaningfully involved at all stages of the preparation of policies and legislation concerning them. It was unclear whether the State party planned to revise its disability certification guidelines, which were not aligned with the Convention or with suggestions made by persons with disabilities themselves. With regard to awareness-raising, he would like to know what the Government was doing to tackle the stigmatization of persons with disabilities and discrimination against such persons, in particular persons with leprosy, survivors of leprosy and persons with intellectual or psychosocial disabilities.

23. He wondered to what extent denial of reasonable accommodation was regarded as discrimination in the State party and whether any cases of denial of reasonable accommodation had been handled as discrimination cases. Information about mechanisms to enable persons with disabilities to bring complaints of discrimination would be welcome.

24. **Mr. Lovász** said that he wished to know what legal safeguards were in place to protect the privacy of persons with disabilities whose personal information was stored in the Unique Disability ID database. Had any concerns been raised with regard to the establishment and maintenance of that database? Was the database fully accessible to all persons with disabilities? He wondered what properly funded initiatives and strategies were available to improve the situation of persons who had been cured of leprosy, transform attitudes towards such persons and ease their return to mainstream society. Lastly, he invited the delegation to provide an update on the enforcement of the rules introduced to prevent persons with disabilities from having to bear the cost of reasonable accommodation measures and to indicate what procedural guarantees were in place to ensure that reasonable accommodation could be requested and provided.

25. **Ms. Utami** (Country Rapporteur) said that she would appreciate more information on the accessibility of health care to women with disabilities. In particular, she was interested in learning how accessible sexual and reproductive health services were to women with psychosocial disabilities.

26. **Mr. Gamio Ríos** said that she wished to know what steps were being taken to bring the outdated medical terminology in the 1971 Medical Termination of Pregnancy Act into line with the Convention. In addition, it would be interesting to learn what measures were being taken, particularly in rural and remote areas, to ensure that children with disabilities were covered by the Integrated Child Protection Scheme introduced in 2009.

27. **Mr. Rebrov** said that he would like to know whether the State party planned to recognize sign language as an official language, whether there was a State programme for training sign language interpreters and how many sign language interpreters currently worked in the State party, including in rural areas. He also wished to know whether deaf persons living in the State party had the right to obtain driving licences. If not, did the State party plan to amend its legislation to grant them that right?

The meeting was suspended at 4 p.m. and resumed at 4.20 p.m.

28. **Ms. Doley Gamlin** (India), noting the question raised about improper treatment of mentally ill patients in some parts of the country, said that she wished to categorically state that there was no armed conflict in any part of India. The Rights of Persons with Disabilities Act applied to all states and union territories without exception. All states, including Jammu and Kashmir, were bound by acts of Parliament.

29. The drafters of the Constitution had not expressly prohibited discrimination on the basis of disability in article 15 because disability, unlike gender, caste and religion, was not one of the principal lines along which Indian society had historically been divided. Persons with disabilities might have suffered prejudice in the past, but their rights to visit religious sites, for example, or to inherit property had never been called into question. Article 14 of

the Constitution served to guarantee the rights of persons with disabilities, including their rights to education and health care.

30. Various measures had been introduced to benefit persons who had leprosy or had been cured of leprosy, including the provision of assistive devices, empowerment and rehabilitation schemes, vocational and skills training and employment services. Leprosy was no longer one of the legal grounds for divorce.

31. The Government had set up the Indian Sign language Research and Training Centre, which offered courses for sign language interpreters. There were already more than 200 sign language interpreters working in the country. All state governments had been informed that sign language interpretation should be provided at official functions and on both State-owned and commercial television channels.

32. With regard to sexual and reproductive health, mothers and children across the country had access to health care, including vaccinations and prenatal care. Women with disabilities had access to reproductive and sexual health services through the Ayushman Bharat National Health Insurance Programme and various other health-care programmes, all of which operated free of charge at all levels of the health system.

33. The Rights of Persons with Disabilities Act established the principle of the universal inclusion of persons with disabilities in matters relating to employment and provided for mechanisms for challenging discriminatory decisions. Persons with disabilities could submit freedom of information requests to oblige the directors of institutions to justify any such decisions. Disputed decisions could be appealed to the Chief Commissioner for Persons with Disabilities, who had the power to impose measures of redress.

34. Mental health fell within the competence of the Ministry of Health and Family Welfare, which was responsible for the implementation of the National Mental Health Programme. The Ministry of Social Justice and Empowerment was exploring options for the provision of rehabilitative care. The two ministries would work together in order to coordinate their initiatives in that regard. The Department for the Empowerment of Persons with Disabilities was in the process of establishing a national mental health and rehabilitation research institute. One particular area of focus was how to rehabilitate persons who had recovered from a serious mental illness for which they had received treatment in a hospital or other institution. Some such persons would require ongoing psychiatric care after their release, including pharmaceutical interventions. The Government was also looking at the possibility of developing a national programme on psychosocial disability, which would cover rehabilitative and early intervention care. Best practices for such care were being explored, including how to engage medical professionals, teachers and the wider community.

35. Sections 7 and 92 of the Rights of Persons with Disabilities Act provided for measures to protect persons with disabilities, including children, from all forms of abuse, violence and exploitation and for penalties for assault or the use of force against such persons. Relevant law enforcement and judicial officials took swift action in response to reports of any such acts.

36. Despite the progress made on the legislative front, persons with disabilities in India continued to face attitudinal barriers. For that reason, extensive awareness-raising activities were being carried out. Civil society organizations were valued partners in those efforts. Civil society representatives were involved in all decision-making processes, either as members of the Central Advisory Board on Disability or in bodies at other levels. Ongoing efforts were being made to ensure that such representatives included women, persons belong to minorities and other marginalized groups.

37. **Mr. Rungta** (India) said that some of the language that had previously been used in India to refer to persons with disabilities had been derogatory in nature. One example was the Hindi word *nishaktjan*, which meant “a person with no capability” or “a weak person”. The use of such language had contributed to negative attitudes towards persons with disabilities and prevented the full realization of their rights. The Prime Minister’s proposal to use the word *divyangjan*, an allusion to the untapped potential of persons with

disabilities, was an attempt to transform societal attitudes. As a person with a disability, he welcomed the Prime Minister's use of the term.

38. It was not necessary for discrimination on the basis of disability to be specifically prohibited under article 15 of the Constitution, as the rights of persons with disabilities were fully protected under both article 14 and article 16. He could attest that civil society organizations, including the one he represented, had played an active role in all stages of the drafting of the Rights of Persons with Disabilities Act (2016). Civil society organizations had raised many points during the consultation process and their input had been incorporated into the Act.

39. **Ms. Doley Gamlin** (India) said that the Government had made airports fully accessible to persons with disabilities and was in the process of launching over 100 accessible websites. Railway stations were being made accessible and plans were in place to identify requirements for special assistance at the point when customers purchased their tickets. Efforts were also being made to ensure that the private sector complied with accessibility standards. Although certain infrastructure might still be insufficiently accessible in remote rural areas, the Government was attempting to raise local officials' awareness of the importance of enforcing accessibility standards.

40. **Mr. Seth** (India) said that State commissioners for persons with disabilities were responsible for monitoring the implementation of the Rights of Persons with Disabilities Act (2016) in every state. Ten of the 101 seats on the Central Advisory Board on Disability were reserved for persons with disabilities or representatives of organizations working for them; 5 of those 10 seats were currently occupied by women with disabilities. The Government allocated grants to civil society organizations to enable them to raise awareness of schemes for empowering persons with disabilities. A screening committee had been established to ensure that such grants were allocated appropriately. Media outlets were also used to raise the public's awareness of programmes for promoting the rights of persons with disabilities.

41. Women were not subjected to any medical procedure unless they had given their consent. The National Commission for Women and the state commissions for women worked to promote the rights of all women, including women with disabilities. Schemes for the empowerment and rehabilitation of persons with disabilities were being implemented in all parts of the country, including the remotest areas. Over 10 million persons with disabilities throughout the country had received aids and assistive devices under one such scheme. Under the Deendayal Disabled Rehabilitation Scheme, which was mainly aimed at persons under 18 years of age, civil society organizations received funding to enable them to run projects for the empowerment of persons with disabilities across the country.

42. In accordance with the Rights of Persons with Disabilities Act, children had the right to live with their parents and were institutionalized only when their parents were unable to look after them. However, the Government had implemented community-based rehabilitation programmes in accordance with a memorandum of understanding established with the Government of Australia. As a result, increasing numbers of children with disabilities were being rehabilitated within the community. Under the Deendayal Disabled Rehabilitation Scheme, a number of programmes for children with disabilities had been established and special schools for intellectually disabled children, hearing impaired children and visually impaired children had been set up. The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities had various schemes, including an early intervention scheme for children aged 10 years and under and a vocational training scheme for children over 10 years of age.

43. **Ms. Doley Gamlin** (India) said that disaster management authorities had been established in every district in the country. During emergencies, priority was given to rescuing persons with disabilities, older persons and children.

44. **Mr. Martin** said that he wished to know what steps were being taken to make all sectors of society, including justice officials and education professionals, aware of the fact that intellectual disabilities and psychosocial disabilities were different and required different forms of reasonable accommodation. He also wished to know what was being

done to remove all instances of derogatory language, including terms such as “mental retardation”, from the State party’s laws, policies and reports.

45. **Mr. Ruskus** said that he wished to know what legal and practical measures were being taken to address violence against women with disabilities and ensure that efforts to prevent it and support victims would be adequately funded. It would be interesting to learn about measures taken to promote the employment and political participation of women with disabilities throughout the country. The Committee had been informed that children with disabilities in institutions and shelters were subjected to acts of violence and would welcome information on policies, measures and budgets aimed at preventing such violence and placing children with disabilities in safe family settings in the community. The Committee was concerned by reports of unnatural deaths of persons, including children, with disabilities in institutions, so-called mercy killings and other alarming practices. He would be grateful if the delegation would indicate what was being done to eradicate such practices and protect the right to life of persons with disabilities.

46. **Ms. Kim Mi Yeon** said that she would welcome additional information on programmes run by the Department of Empowerment of Persons with Disabilities for the benefit of women and girls with disabilities. She would also appreciate information about the annual support grant allocated by the Department and the results of the Department’s efforts to promote social inclusion and educational and economic empowerment. She wondered what measures were in place to ensure the participation of women with disabilities in decision-making and policymaking processes. She would be grateful for information on welfare policies aimed at women with disabilities from Dalit communities who faced intersectional discrimination and the situation of such women in comparison with that of women with disabilities from other castes, men with disabilities and women without disabilities. Lastly, she wondered whether the State party intended to begin collecting disaggregated data on persons with disabilities and the outcome of policies targeting women and girls with disabilities.

47. **Ms. Doley Gamlin** (India), responding to the question about the distinction between psychosocial and intellectual disabilities, said that the Rights of Persons with Disabilities Act recognized 21 categories of disability, including locomotor disabilities, visual and hearing impairments, autism, cerebral palsy, muscular sclerosis, chronic neurological disorders, blood disorders, dwarfism, Down syndrome and dyslexia. Given that evidence indicated that children with disabilities developed better motor and language skills if they received comprehensive rehabilitative care before the age of 6 years, the Government was working to ensure that all children with disabilities had access to such early interventions in adequately equipped rehabilitation centres.

48. The Rehabilitation Council of India was working to raise awareness of disability issues among teachers. It was also standardizing the educational curriculum so that communities, families and teachers could act as special educators, thereby reducing the need to engage in the lengthy process of formally training special educators. Parents were encouraged to bring children with disabilities to rehabilitation centres so that they might acquire literacy and numeracy skills and subsequently enjoy a broader range of opportunities for education and employment. As mental health care could not be separated from mental health rehabilitation, the Rehabilitation Council was in constant dialogue with the Ministry of Health and Family Welfare to determine how mental health and mental rehabilitation programmes could work together to provide the maximum benefit to persons with psychosocial disabilities.

49. Under the Rights of Persons with Disabilities Act, the Government was required to take measures to protect persons with disabilities from acts of abuse, violence and exploitation; to establish procedures for reporting such acts; and to take steps to protect and rehabilitate victims. Executive magistrates who became aware of any act of abuse, violence or exploitation against any person with a disability were required to take action to prevent or stop the act, rescue the victim from the situation and provide for his or her safe custody or rehabilitation. Any police officer who received a complaint of abuse, violence or exploitation towards any person with a disability was required to inform that person of his or her right to apply for protection. A prison sentence of between 6 months and 5 years

would be imposed on any person who insulted, intimidated or assaulted a person with a disability or who knowingly deprived that person of food or water.

50. **Ms. Gamio Ríos** said that it was still not clear whether the State party would be taking steps to remove derogatory terms from all its legislation. In particular, she wondered whether the language used to refer to persons with psychosocial disabilities in the Medical Termination of Pregnancy Act (1971) and other legislation would be brought into line with the Convention. The Committee wished to make clear that the use of a term other than “persons with disabilities”, namely the term “*divyangjan*”, was not in accordance with the Convention.

51. **Ms. Utami** said that she would welcome information on the situation of women and children with disabilities belonging to ethnic and religious minorities, including the Dalit community, and persons affected by leprosy, deafblind persons and persons with disabilities who were considered to belong to untouchable groups. In particular, she wished to know how persons belonging to such groups, including those living in rural and remote areas, received basic services. It would also be interesting to learn whether complaint mechanisms were available for the least visible groups, including children and women with disabilities belonging to ethnic and religious minorities. She wondered what was being done to raise awareness of disability issues and eliminate harmful stereotyping and discrimination and what measures were being taken to mainstream gender and disability in national policies and to bring all policies and legislation into line with the Convention. In that connection, it would be interesting to know what measures had been taken to increase the participation of women with disabilities in public consultations on disability policies.

52. **Mr. Buntan** said that he wished to know whether the Convention and the State party’s laws and policies on disability had been translated into the various languages of the State party, including those spoken by ethnic or linguistic minorities living in remote areas. The Committee would welcome data on the technical and financial support provided by the Government to enable persons with disabilities, and their organizations, to participate fully in the formulation, implementation, monitoring and evaluation of laws and policies affecting them.

Articles 11–20

53. **Mr. Ishikawa** said that he would like information on measures to guarantee the accessibility of legal services for persons with disabilities, particularly “Tele-Law” services, and on how the Government ensured that legal professionals were aware of the rights of persons with disabilities, including through training and awareness-raising activities. It was of concern that a combination of legal procedures and social norms could cause intersectional barriers to justice. For example, a female rape victim might be required to demonstrate the loss of virginity in legal proceedings, but could suffer social stigmatization for doing so. He would appreciate information on concrete steps taken to eliminate such social barriers, including any training on multiple and intersectional discrimination provided to relevant professionals. Lastly, he would like to know what steps had been taken pursuant to the Rights of Persons with Disabilities Act to provide personal assistance and other support to enable persons with disabilities to live independently.

54. **Mr. Martin** said that he wished to know how long persons with disabilities could be deprived of their legal capacity and whether decisions to do so were ever reviewed. It would be useful to learn more about the National Register of Citizens in the State of Assam, particularly whether the citizenship process was accessible for persons with disabilities and whether they would receive adequate support to complete the process or defend their right to citizenship.

55. **Mr. Alsaif** said that he would like disaggregated data on violence against women and children with disabilities, particularly those with intellectual disabilities. He would also like information on any reported cases involving torture or abuse of persons with disabilities, particularly women, children and those in institutions, and on any sanctions against the perpetrators in such cases. Lastly, he would appreciate information on any measures taken to provide persons with disabilities with technical aids, equipment and medical devices and data on the resources allocated for that purpose.

56. **Mr. Ruskus** said that the State party's legislative provisions on guardianship and substitute decision-making for deafblind persons and persons with psychosocial or intellectual disabilities were in conflict with the Convention. He wished to know whether the Government planned to repeal those provisions and put in place supported decision-making mechanisms for persons with disabilities. He would also like to know what measures had been taken to ensure systematic, independent monitoring of institutions and to ensure that women with disabilities in institutions had access to justice. In addition, he wondered whether the Government planned to bring the Mental Health Care Act into line with the Convention and the human rights model of disability, and whether it intended to provide community-based services and prohibit the involuntary institutionalization and forced medication of persons with disabilities.

57. In the light of reports that persons with disabilities, especially women, children and members of marginalized groups, were regularly subjected to inhuman and degrading treatment, it would be useful to know whether the State party planned to ratify the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. Information on measures to promote physical and psychological recovery, rehabilitation and social reintegration of victims would also be welcome. Women with disabilities reportedly continued to be subjected to practices such as forced or coerced sterilization, contraception and abortion. He would like information on measures taken by the State party to prohibit such practices and ensure respect for the right of women and girls with disabilities to physical integrity. Noting that there were reportedly over 800 leper colonies in India, he asked what the Government was doing to end the seclusion of persons with leprosy and uphold their right to live in the community.

58. **Ms. Kayess** said that, while there was a gender equality provision in the Rights of Persons with Disabilities Act, there was limited guidance on protection of women and girls with disabilities from gender-based physical and sexual violence, which was reportedly commonplace, particularly in the case of women and girls with psychosocial and intellectual disabilities. She would appreciate information on measures being taken to ensure that women and girls with disabilities were able to report violence and had access to justice, compensation and other forms of redress. She would also like to know whether the Government intended to establish independent mechanisms to monitor, investigate and address systemic, normalized violence and abuse against women and girls with disabilities, especially in institutions, and whether it planned to close institutions, in line with the Committee's general comment No. 5 (2017). Lastly, she wished to know what measures were being taken to ensure that the ban on the invasive and degrading "two-finger test", used in cases of rape, was respected and that sanctions were imposed on anyone who violated the ban.

59. **Ms. Kim Mi Yeon** said that she would appreciate concrete information on awareness-raising programmes for lawyers and judges on gender-based violence against women and girls with disabilities.

60. **The Chair** asked whether there were any measures enabling persons with disabilities to work in the judicial system, for example as judges and lawyers.

61. **Mr. Buntan** said that he would like to know whether the Government had any comprehensive measures to prevent parents from abandoning children with disabilities, which often led to the institutionalization of the children. He would appreciate further information on how the Government planned to implement the Rights of Persons with Disabilities Act, given the reported reductions in the budget for disability-related activities. It was not clear whether the Disaster Management Act and related protocols were inclusive of persons with disabilities, as called for in the Sendai Framework for Disaster Risk Reduction 2015–2030. In the event of any disaster or unrest, would persons with disabilities be protected and would they have access to accessible evacuation centres and services, including disability assessment and certification services? Lastly, he wished to know whether there were any plans to abolish limited guardianship and to recognize the legal capacity of persons with intellectual or psychosocial disabilities under the Mental Health Act.

62. **Ms. Doley Gamlin** (India) said that, although the cultural and geographical diversity of India could make it difficult to establish the systems needed to address all issues affecting the lives of persons with disabilities, much progress had been made in a short space of time. The Rights of Persons with Disabilities Act was applicable nationwide. However, while the central Government provided overall leadership regarding the systemic changes required, responsibility for disability-related matters lay with state governments and local bodies. The Act had to be formally adopted at the state level, as did any legislative changes required to implement it. As of August 2019, 20 states had adopted the Act and published the related rules and regulations.

63. The budget allocated to disability-related activities had, in fact, increased significantly since 2012. Moreover, additional funding had been allocated from the central level for the state pension schemes for persons with disabilities to ensure that pensions would be disbursed in a timely manner. In regard to disaster management protocols, all relevant agencies, including at state and local level, had been sensitized as to the particular needs of persons with disabilities. All members of the National Disaster Response Force had also received awareness training.

64. **Mr. Seth** (India) said that the Government acknowledged the difference between intellectual disabilities and psychosocial disabilities and had two separate institutions to cater for them: the National Institute for Empowerment of Persons with Multiple Disabilities, which worked to empower persons with intellectual disabilities, and the new National Institute of Mental Health Rehabilitation, which would work with persons with psychosocial disabilities. Civil society organizations and organizations working for persons with disabilities had been actively involved in the process of finalizing the Rights of Persons with Disabilities Act. Representatives of organizations working for persons with disabilities also played an important role in policymaking as part of the Central Advisory Board on Disability. Derogatory terminology, such as “retardation”, had not been used in the Rights of Persons with Disabilities Act, which referred instead to “intellectual disabilities” and “developmental disabilities”. The budget for the Department of Empowerment of Persons with Disabilities had more than doubled in the previous five years.

65. **Mr. Schefer** said that the blocking of Internet access for an extended period of time in Jammu and Kashmir had reportedly impeded the supply of medications, with some supplies running out. He would like to know what measures the Government had taken during that period to ensure unfettered access to medical care and the availability of medications for persons with disabilities.

66. **Ms. Kayess** said that the ban in the State of Tamil Nadu on gender reassignment surgery for intersex infants and children was a positive development. She wished to know whether there were any measures to enact consistent legislation across the country to prohibit such surgery, which, without consent, constituted torture and ill-treatment.

67. **Mr. Buntan** said that he would like information on measures taken by the Government to fully, officially and systematically extend support to organizations of persons with disabilities, which should be distinguished from organizations working for persons with disabilities.

The meeting rose at 6 p.m.