



Edition 40

Editor's Desk

Dear friends,

This edition is dedicated to all those individuals who believe in -

" If a task is once begun, never leave it till it's done. Be the labour great or small, do it well or not at all." --Author Unknown

Happy Reading!!

Regards,

Bhavna Botta

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National CRPD parallel report consultation

Excerpts from the compilation done by *Equals, Centre for social justice* on the recommendations of the three day consultation on parallel report on CRPD held at Chennai

Purpose and general obligations (Articles. 1-4)

Measures taken to adopt the human rights model of disability across legislation, policies & practices

Issues :

1. Lack of **awareness** amongst Government officials about the RPWD Act, lack of data about Pwds so **funds** not utilized properly -Pwds were **not consulted** in the drafting of the act. No feedback was collected either-Funds were not allocated for any consultations- There is no mechanism in rural areas for Pwds to make **complaints/receive** specific support.
2. In rural areas, the Pwds are not receiving the benefits -The Government has no scheme -the criteria for social welfare schemes is **BPL**. -Pwds should also be able to avail them.
- 3 The funds allocated to Pwds schemes are currently going to one **commissioner** instead of different sectors like as health, transport, housing etc.

Recommendations

1. Improved **awareness in the rural areas**, from top to bottom or bottom to top -in the act, there is a provision for training. This should be actively used to build rural capacity.
2. Creating **rural human resources**.-for complaints
3. **Urgency for mechanisms**, at all levels, to carry out consultations for full and effective participation of Pwds

Equality and non-discrimination (Article 5)

Including the provision of reasonable accommodation

Issues :

1. There is no publicly available **data of claims** of discrimination on the basis of disability - lack of awareness amongst the public about the act; Measures to amend discriminatory provisions in the Haj policy 2018-2022
- 2 There are many issues related to this **bank account** opening
3. Discrimination in employment. The **Minimum Wages** Act has a clause which states that applicability can be relaxed for persons with disabilities.

Recommendations:

- 1 Strict monitoring on whether the non-discrimination policies are being **implemented** rightly or not. **Awareness** among persons with disabilities on the various legal / remedial services
- 3.The bank account, Aadhaar card, voter ID and all the social entitlements there can be some relaxation for disabled people in terms of how they are able to **access all of this**.
- 4.**Statistics** on the number and percentage of claims of discrimination on the basis of disability to be available

Children with disabilities (Article 7)

Mainstream the rights of children with disabilities, including in the area of early development, education and social protection

Issues :

In terms of early education, very little information on policies and schemes is available and not enough NGOs working on **early intervention**

POCSO (Protection of Children against Sexual Offences Act) and its implementation is an issue –Child abuse in the family, neighbourhood and schools exists. **Awareness** is not enough at present for schools to support students with disabilities.

Nutrition :GM (genetically modified) food and other hybrid foods have adverse effects, and autism spectrum disorders are connected to the issue of food and nutrition.

Children with developmental disabilities have issues eating. This area has not sufficiently been looked into.

Education:School authorities are not trained to accept children with disabilities. Enough resource persons are not there

Social Protection Bus pass, etc. is not enough. The future of children needs to be considered and supported. Holistic development and extra curriculums are important.

The fact is that a lot of students are pushed into **home-based** education (due to convenience) where resource teacher gives support only once a week is important. The quality of this education is not considered.

In schools itself, proper guidance in terms of **sports** should be there. Children with disabilities aren't motivated enough to play sports.

Recommendations:

1. Ensuring identification and **early intervention** are crucial -All grassroots workers need capacity building to ensure adequate early intervention.
2. Policies on **acceptance of disabled children** in class, school, society, etc. should be incorporated- Common places should display awareness material
3. Comprehensive **sexuality education** for children with disabilities in accessible formats is important -**Data** on girls with disabilities who have experienced sexual assault needs to be available in the public domain. Family must be supported, teachers, etc. must be **sensitised** about child abuse
4. **Environmental policies** should be child friendly and encourage medical professionals to study the impacts related to food and the climate crisis

Awareness-raising (Article 8) -*Eliminate and combat stigma against PWDs including the portrayal of persons with disabilities in a manner inconsistent with the Convention.*

Issues : No Government initiative on **awareness** about persons with **deaf blindness**, people with disability in **LGBTIQ** . **Leprosy** is not only stigmatized based on it being a health issue or disability, but also **social** and economical.

Recommendation: Evaluate the **quality of training** by Government .All statutory and constitutional bodies should have **representation** of people with disabilities. **Disability curriculum** to be part of primary education - to raise a sensitized society.

Accessibility (Article 9) -Improve accessibility, particularly in rural areas, and implement inter-sectoral programmes to ensure accessibility .

Issues that came up:

1. Under the 2016 act, **standards for website, apps etc** do not cover private establishments
- 2 Under RPWD act, no new building will be approved unless it is accessible.
- 3.Sign language interpretation should be provided in all news channels and for sports but nothing for deaf-blind persons
- 4.Access to recreation is important- in beaches, heritage buildings, temples -Calipers and wheelchairs are not allowed inside temples
- 4.The manual and the guidelines under the swachh Bharat Abhiyan, do not have clear guidelines on accessible toilets- No clear roadmap for rural areas.

Recommendations:

- 1.Define and monitor standards for websites for all including private sector
- 2.Universal design principle to be applied and made mandatory for designing buildings, products and services - including public ,places of worship.

3. Provide government **subsidy** for goods and services that facilitate accessibility like motorized wheelchairs

4. All national and state gazettes to be made available in all official languages in **accessible formats**. Accessibility should be paramount in all policies and programs at all levels including rural areas-road and transport.

Equal recognition before the law (Article. 12)

Repeal incapacity and custody laws and abolish all forms of guardianship and establish supported decision-making

Issues: Ensuring legal capacity is also a state subject, and states have passed rules but not reflected on **legal capacity**.

There is no effort to **remove custodial laws** or ensure full legal capacity and supported decision making. Despite a discussion on the amendment of the NT Act, there was no consideration of the choices and **decision making**. From a **mental-health** perspective, nothing has changed

Recommendations:

1. The National Trust Act should be **amended** so PwDs will make the choice for themselves.

2. Guardianship should be **abolished** and supported decision making should be made possible - Amendment to the RPDA

3 Demand a larger **budget** for creating awareness.

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

Recommendations:

1. The government should set up a **task force** various ways in which the issues raised in Law are addressed by the government, private players and civil service organisations, and families.
2. **Closely monitor** all institutions for abuse
3. Families must be **sensitized** on what kind of treatment falls under cruelty. Their ignorance feeds into torture
4. A two way **agreement** by the patient and doctor is necessary at the time of admission to hospitals.
5. There should be a mechanism to **track the experimentation** process of various pharmaceutical experiments and there should be data, and the data should be available in the public domain
6. Striking down/ changing the section – **amend the Section 92 of RPDA**
7. **Forced abortions** are not allowed under any law of the land.

Living independently and being included in the community (Article 19)

Measures to apply, across all states, the right of persons with disabilities to choose place of residence and where and with whom they live;

Issues

1. Court says adequate housing does not mean just houses, it also includes the **whole infrastructure**.

2. The state interprets judgement as a justification to create institutions. The court's interpretation allows for any infrastructure to be made available for the individual.

3. **Evaluate** how ready the community/society is ready to take in people with disability .

Recommendations:

1. There should be **specific budget** allocation for transition from institution to community living arrangement

2. Initiate **programmes** such as personal assistant services, care services etc.,

3. Ensure **full legal capacity**



Personal mobility (Article 20)

Recognize personal mobility as an individual enforceable right; Improve and promote development, production and distribution of mobility aids, assistive device and technologies for all persons with disabilities, irrespective of caste; Organize or support the training of qualified mobility and relevant support staff and make them available to persons with disabilities, particularly in rural and remote areas.

Recommendations:

1. **Sign language** interpreters must be available in public places-Hearing and other aids should be provided at lesser cost.-There should be a free maintenance program for assistive devices.
2. **Non- custodial** institutions and the right to choose from community care options are necessary.
3. The limit on age and percentage of disability for entitlement to aids needs to be extended.
4. The **quality of existing wheelchairs**, calipers and ramps is low in many places. The quality of these needs to be monitored and standardized.
5. The **dignity of persons** with disabilities should be respected.
6. Orientation to disability must be provided from the **school-going age**.
7. **5% of funds** received by local governments should be capped for accessibility concerns- PwD should participate in this process at all levels.

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

Recommendations:

1. A **database of sign language interpreters** can be made available at all levels, especially at public places and places of intervention like police stations, hospitals and courts. Constitutional amendment to this effect is important.
2. More awareness on **Augmentative and Alternative communication (AAC)** is needed and it should be recognized as an official mode of communication.
3. Interpreters should be trained and appropriately remunerated, and they are to be made available as part of **reasonable accommodation**. Some method should be introduced to organize volunteers who can learn sign language, and also serve as scribes for blind people.
- 4 **Clear information** must be provided by doctors about their diagnosis, medication and its side effects to people with psychosocial disabilities.
5. Social media can be used as a tool to **create awareness** and sensitisation on schemes and other information related to disability.
6. Measures should be introduced to monitor and improve the series of **national resource centres** for AAC in all states and villages.

Respect for privacy (Article 22)

The right to privacy of persons with disabilities has to be protected.

Recommendations

1. There are **clear barriers** in obtaining Aadhar, specifically for deaf-blind persons (because of scanning) and for people with impairment in hands and fingers. It is also the case for persons with cerebral palsy who face difficulties due to involuntary movements. Many children with high support needs cannot make eye contact. There needs to be a **change** in the working of this whole process.
2. There is a need to have **strict rules to protect** disabled people's privacy in public places, especially at security screening points.
3. Right to privacy is provided by the Aadhar card but it does not **record any disability**.



Respect for home and the family (Article 23)

Amendments have been made to the religious personal laws restricting the right to marriage of persons with disabilities on the basis of impairment, and divorce laws that provide for seeking divorce on the grounds of disability, including leprosy and the right of persons with disabilities to adopt children on an equal basis with others

Recommendations:

1. All the **personal laws** to determine whether they discriminate against disabled persons.
2. There should be schemes which you can access to hire a **personal assistant**
3. **Financial aid** should be made available as soon as there is a semblance of disability to prevent abandonment
4. Anganwadi/ Government Hospital – need to be functional and strengthened on **early childhood development**- need to be linked to schemes supporting the family



Education (Article 24)

Recommendations:

1. **Sensitization** of teachers
2. The district disability welfare officer (DWO) should play a more **proactive role** in identification and admission of students with disabilities . Grievance redressal meeting should be conducted by district authority.
3. Curriculum should be **adapted** in a way that it is useful for the child and the teacher should be able to teach the concept effectively
4. **Transportation** and **infrastructural** and teaching and learning methods should be accessible
5. There has to be a **committee and assessment board** under the RPD 2016 act.
6. **Textbook audit** - how do our textbooks talk about disability and disabled people
7. Implementation of **5% reservation act** should be done properly.

Health (Article 25)

Persons with disabilities entitled to the health plans, insurance, and services in the public health system including the Swavlamban National Health Insurance Scheme 2015

Recommendations:

1. **Sensitization** of medical professionals and Awareness on **rare diseases** and rehabilitation for them is important.
2. The state should review an **insurance** that covers all the services, and the cost should be borne by the state
3. **Affordable health services** for children with disabilities.

Work and employment (Article 27)

Increase the number of persons with disabilities in the open labour market through replacing sheltered employment, providing reasonable accommodation and individualized support at work, Protect women with disabilities from sexual harassment at the work place and ensure accessibility of safe hostels for women working away from home, Improve implementation of the four percent employment quota for persons with disabilities.

Recommendations:

1. Work place **accommodations** has to be ensured so that persons with disabilities are included in all jobs
2. **Strengthening of skills** should happen from school itself to

empower children so that they can access the jobs they want

3. **Awareness programme** for employers in public, private, and unorganized sectors is needed

4. **Support staff** at these workplaces should be encouraged, incentivize the employers

5. The **2013 Act should be amended** to include the needs of women with disabilities at the workplace.

6. Provision of **adequate funds** for reasonable accommodations and officials are accountable for this

7. All **vacancies** in every department should be made publicly available, and inter-departmental meetings must happen every month or so to review that these vacancies are properly filled.

8. There should be a **transparent and accountable monitoring** mechanism put in place in all public-sector agencies, as well as the publication of data from time to time



Adequate standard of living and social protection (Article 28) *Percentage of persons with disabilities, including persons affected by leprosy, covered by social protection schemes, particularly housing schemes, and the 'care giver allowance*

Issue:

There is no specific scheme that looks at **caregiver allowance** or support for personal assistants. No specific **data** is available with respect to social protection programmes .Lack of awareness among implementing officials .A beneficiary for the housing scheme should be **married and above 18** -We rarely find people with marriages in the disability sector.

Recommendations:

1. The government should collect disabled people's details and the **schemes modified and implemented-accessible Data** -Section 48 of the RPWD says the appropriate govt shall undertake social **audit of all general schemes** involving Persons with disabilities -this section should be implemented with immediate effect-
2. National and state governments should allocate certain amount of resources to **provide caregiver allowance** and travel allowance for PwDS
3. The food basket system should have **nutritious meal**

Technology Corner

JABtalk-Free download on Google Play

JABtalk is an app to help non-verbal adults and kids communicate. With it you can build sentences from words, organize words into user-defined categories, import pictures and audio, and more. It even has text-to-speech capabilities. There's also a backup feature. With it, you can make sure to transfer your settings to a new device.. It essentially turns any Android device into an AAC (augmentative and alternative communication) device. It's also completely free.



Originally featured at Access and Inclusion through Technology

<https://www.closingthegap.com/aftershokz-the-next-generation-of-bone-conduction-technology/>

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