



राष्ट्रीय मानव अधिकार आयोग National Human Rights Commission

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Sub: Human Rights Advisory on Rights of Persons with Disability in context of Covid-19

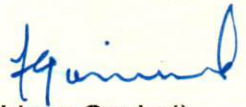
The National Human Rights Commission (NHRC) is mandated by the Protection of Human Rights Act, 1993 to promote and protect the human rights of all in the country. Towards fulfilment of its mandate, the Commission is deeply concerned about the rights of the vulnerable and marginalised sections of the society which have been disproportionately impacted by the COVID-19 pandemic and the resultant lockdowns.

2. In order to assess the impact of the pandemic on realization of the rights of the people, especially the marginalised / vulnerable sections of the population, the NHRC constituted a Committee of Experts on Impact of Covid-19 Pandemic on Human Rights and Future Response including the representatives from Civil Society Organizations, independent domain experts and the representatives from the concerned ministries / departments.

3. On the basis of impact assessment done by the Committee of Experts and recommendations made by it, the Commission hereby issues an advisory on "Rights of Persons with Disability in context of Covid-19", as given in the annexure.

4. All the concerned authorities are requested to implement the recommendations made in the advisory and to submit the action taken report to the Commission.

Encl: As above


(Jaideep Govind)
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National Human Rights Commission

Human Rights Advisory on Rights of Persons with Disabilities in context of COVID-19

Background:

The Covid-19 pandemic and the resultant lockdowns have disproportionately affected the marginalized and vulnerable sections of our population including the persons with disabilities who have experienced serious problems during this period.

Days after the nation-wide lockdown was announced, the Department of Empowerment of Persons with Disabilities (DEPwD), Ministry of Social Justice and Empowerment released guidelines for States & UTs to ensure the safety and protection of persons with disabilities. Despite the guidelines, States have struggled with their implementation and the persons with disabilities are struggling to access basic resources, such as food, medication, pensions, healthcare services, assistive devices and rehabilitation services, mobile applications and online education, etc. Further, disability entails additional costs, which social protection measures have to take into account. Many persons with disabilities are homeless, have neither ration cards nor Aadhar cards and do not have access to PDS.

While the DEPwD guidelines addressed many issues of persons with disabilities that needed urgent attention, the same were not made mandatory and were simply termed as “measures suggested which need to be acted upon by various State/District authorities.”

The National Human Rights Commission (NHRC) constituted a Committee of Experts for consultations with all stakeholders including the concerned Ministries of the Government of India in order to assess the impact of COVID-19 pandemic on human rights of people especially the marginalized/vulnerable sections of the society and to suggest the responses in the form of advisory.

The advisory has been documented using the action points mentioned in the United Nations Policy Brief on Persons with Disabilities and COVID-19; the guidelines issued by the Government of India, Department of Empowerment of Persons with Disabilities, the reports prepared by various civil society organizations, and after taking into consideration the gaps identified in the implementation, i.e., what was prevailing before the pandemic and what is not happening after the onset of the pandemic and the resultant lockdown.

For the purpose of having wider consultations and deliberations with the domain experts representing the persons with various categories of disabilities, a virtual conference was also organized on 1st September, 2020 wherein the representatives of the Department of Empowerment of Persons with Disabilities, National Trust and Skill Council of Persons with Disability also participated to share their views and experiences.

Finally, the following advisory is issued by the National Human Rights Commission for implementation by the Central and State governments in order to protect the rights of persons with disabilities, from the adverse impact of COVID-19 & lockdowns.

I - DATA ON PERSONS WITH DISABILITIES

1. States and UTs to ensure compliance to Section 8.3 of the Rights of Persons with Disabilities Act, 2016 and maintain record of details of persons with disabilities in the district in consultation with Disabled Peoples Organizations (DPOs) and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness.
2. The recorded list should contain disaggregated data including age, gender, degree/severity of disability and individual income/economic status for accessing the level of need and support in times of need.
3. The listing should be done for all the 21 categories of disabilities specified under the RPwD Act, 2016 and the same should be shared with all relevant Departments of the State involved with delivery of health services, distribution of relief and economic packages, Social Welfare Department, Department of Women and Children etc.
4. National Crime Records Bureau (NCRB) must include data on PwDs also.

II - IMPLEMENTATION OF THE DEPwD GUIDELINES

1. States and UTs should comply with 'Comprehensive Disability Inclusive Guidelines for Protection and Safety of Persons with Disabilities during COVID 19' issued by Dept of Empowerment of Persons with Disabilities, Govt. of India.
2. Communication needs of deaf and deafblind persons to be kept in mind in all Covid-19 related communications. Covid-19 helplines should be equipped to address their queries. Caregivers and rehabilitation professionals should also be included as an emergency service and passes should be issued to them, as required.
3. Inter-Departmental taskforce should be created for proper coordination and implementation of all rehabilitation measures and aid packages for PwDs.

III - ACCESS TO HEALTHCARE

1. States and UTs may ensure that all hospitals are adequately staffed and equipped with sufficient stock of medicines and equipments required by persons with disabilities including the availability of blood and anti hemophilia factor.
2. States and UTs may provide home based treatment for those with multiple sclerosis, leprosy affected persons and muscular dystrophy for regular care for changing dressings, administering injections and medicines to those who are unable to do so on their own.
3. A section/part of all tertiary care hospitals should be made available for rehabilitation services to PwDs e.g. - thalassemia, haemophilia patients, etc.
4. Door step delivery for immediate medical attention/treatment may be made available for persons with severe/ multiple disabilities. NGOs with mobile clinics can be used for delivery of supportive medicines.
5. Include a two stage disability certification and UDID mechanism to ensure continued issuance of the certificate-

Stage 1- Online assessment of a person with disability should continue on a secure and confidential platform for PwDs with evident and visible disabilities like Polio, Cerebral Palsy etc. The disability certificates may be issued online itself without physical attendance.

Stage 2- For person with disability with invisible or not evident disabilities like Learning Disabilities, Autism Spectrum Disorder etc. specific appointments may be fixed for a hospital visit for the issuance of the disability certificate.

IV- ACCESS TO LIVELIHOOD

1. Persons with disabilities, who have lost their employment / livelihood, may be provided direct financial support or means of livelihood.
2. Develop and run internet based markets/platforms to support home based small scale commercial activities especially for women with disabilities.
3. As per Section 24 of the RPwD Act, the quantum of assistance should be 25% higher for people with disabilities. The provision for reasonable accommodations may be included in the schemes.
4. As per Section 37 of the Act, 5% reservation should be provided to PwDs in all poverty alleviation and developmental schemes (with priority given to women with disabilities).

V- ACCESS TO ASSISTIVE DEVICES AND REHABILITATION SERVICES

1. The Govt. of India and the State Governments should ensure that online assessments of aids and appliances needed by persons with disabilities are made and the same are made available without hindrance.
2. States and UTs to ensure that all District Disability Rehabilitation Centres (DDRCs) are manned with rehabilitation professionals to provide institution and community based rehabilitation to needy persons with disabilities.
3. DDRCs should be equipped with latest aids and appliances and may also be equipped to provide repairs and maintenance of such equipment in addition to functioning as complete resource centres for persons with disabilities in the district.
4. Government technology initiatives that are being promoted like Bhim App, Aarogya Setu etc. should be disabled friendly, accessible and inclusive to ensure independent living and full participation.
5. States and UTs to ensure that all helplines related to women and children need to take on board the issues of persons with disabilities, especially women and children, and engage counselors trained in disability related issues to deal with such calls.
6. Complaints and redressal mechanisms especially at police stations must be made accessible and inclusive.

VI - DISBURSEMENT OF DISABILITY PENSIONS

1. States and UTs should pay the disability pensions timely and the same may be suitably enhanced keeping in view their survival needs.

2. States and UTs may formulate and announce the unemployment and caregiving allowance as mandated by Section 24(3) (h) & (i) of the RPwD Act.
3. Insurance for persons with disabilities, especially congenital disabilities, may be introduced for basic protection during the pandemic and thereafter.

VII - ACCESS TO FOOD/RATION

1. Rations should be made available to PwDs against disability certificates. If they don't have a disability certificate or ration card, the local administration should help them in getting ration. The benefit should be provided to all families having persons with disabilities as family members.
2. Free food grains to all households with PwD should be provided till the pandemic period is over. This food kit should also include other essentials.

VIII - ACCESS TO EDUCATION

1. The educational institutions providing online education should be accessible for people with disabilities. Laptops/smartphones with accessibility features to needy students with disabilities may be provided free of cost or at a subsidized cost.
2. States to consider supporting all children with disabilities from BPL category with a onetime grant of Rs 5000 as has been done by Kerala government.
3. Educational institutions may plan for the provision of national sign language interpretation for online and remote classes. Indian Sign language interpreter should be provided if there is a deaf student.
4. The online/video conferencing platforms should be accessible for PwDs.
5. Trainings should be provided to educators on how to deliver study curriculum online to children with disabilities as well as to the parents who are themselves persons with disabilities.

IX - PERSONS WITH DISABILITIES IN INSTITUTIONS

1. Prioritize testing and promote preventive measures within institutions to reduce infection risks by addressing overcrowding, implementing physical distancing measures for residents, modifying visiting hours, mandating use of protective equipment, and improving hygiene conditions.
2. Increase the resources of institutions including human resources and financial resources to implement preventive measures.
3. Promote and coordinate the development of community support networks, and ensure the availability of protective materials, equipment and products.
4. Move prisoners with disabilities out of congested jails/ detention centers and provide them adequate medical treatment on an urgent and immediate basis.

BEST PRACTICES

Data of Persons with Disabilities

Only the State of Kerala has prepared lists of persons with disabilities at the municipal/panchayat ward level. This is one of the main reasons that the State of Kerala has been able to reach out to persons with disabilities providing cooked food, advance pension payments, financial support to students, providing smartphones and internet packages to students with disabilities during this pandemic unlike other states who continue to struggle to reach out to persons with disabilities with aid packages.

Implementation of DEPwD Guidelines

The State of Nagaland conducted daily briefing with the help of Indian sign language interpretation and brings out a daily video briefing on COVID-19 status in the state with Indian sign language interpretation. State advisories and information on COVID-19 are being brought out in local dialect and Indian Sign Language by the office of the Nagaland Disability Commissioner. A helpline for people with disabilities was set up on the initiative of Disability Commissioner. A separate number for WhatsApp video calls was also set up for persons who are deaf/hard of hearing. The office of Disability Commissioner in Nagaland is ensuring that essential food supplies/dry rations are delivered to the doorsteps of persons with disabilities in need in coordination with District Administrations, partner CSOs and local churches.

The State of Kerala has also been very active in ensuring the availability of information in accessible formats. Kerala has established common kitchens where cooked food is served and is also home delivered to persons with disabilities and the elderly who cannot venture out. Dry rations are provided to those who cannot reach these common kitchens.

In the State of Tamil Nadu, people are receiving rations through the local administration after calling the helpline. The state of Tamil Nadu has launched a helpline for persons with disabilities catering to people from state to district level. Indian sign language interpreters are also available to cater to deaf and hard of hearing persons. The Tamil Nadu Disability Commissioner issued instructions for specific timings or doorstep delivery of goods from PDS ration shops.

In the State of Assam, under the directive of the State Disability Commissioner, the State Disaster Management Authority has created videos with information on COVID 19 with Indian sign language interpretation and subtitles. a list of district level officials designated to deal with concerns of persons with disabilities has been shared by the office of the State Disability Commissioner.

The Bangalore State Police launched the Clear Pass app for COVID-19 passes for essential services and emergencies and Chhattisgarh government had also issued e-passes.

Healthcare

The Tamil Nadu State Commissioner has initiated doorstep medical service for fixing /changing catheters and personal physical therapy has also been enabled. The Institute of Human Behaviour & Allied Sciences (IHBAS) has ensured round the clock emergency services for psychiatry and neurology. Tata Institute of Social Sciences Regional Centre, Guwahati is offering online counseling services. Doctors at the Indian Society of Rare

Diseases have been providing help to patients with neuromuscular disorders through tele-mediations.

Project Mumbai, has been providing counseling service for parents of disabled children from across the country to cope with COVID-19 related stress. The counseling is available in eight languages and fifty counselors from across India have been volunteering in this initiative. The queries are related to a range of aspects addressing the anxiety levels of their children to the activities ideas to engage their children as the schools are shut and there has been a disruption in the daily routine of the child. There are thirty special needs therapists on board whom the organization have equipped with an idea of the questions they are likely to be asked and gave them activity ideas to share.

Like the Prashanti scheme implemented by the Kerala Government to help senior citizens who are living alone, the Police must identify and provide assistance to persons with disabilities, people with high support needs and also disabled family members of senior citizens.

Pension

The States of Tamil Nadu and Kerala were proactive in disability pension disbursements. Tamil Nadu announced a onetime ex-gratia of Rs. 1000/- for persons with disabilities who held a valid disability certificate. This covered around 3.4 lakh persons with disabilities under the State.

The State of Kerala provided two months advance pension to persons with disabilities as also to other pensioners. The State has not only released payments but also made advance payments to help disabled people cope with this challenge. Kerala has also ensured that even students with disabilities receive 5000 rupees ex gratia payment.

The Delhi government has doubled the pension for persons with disabilities for the month of March Whilst Karnataka released pensions till the month of April and Maharashtra has issued a one month advance pension payment.

In Jammu & Kashmir, an advance pension of 1,000 rupees has been issued for 3 months, along with 3 months' advance ration with doorstep delivery to BPL card holders.

The State of Himachal Pradesh has issued 3 months' advance pension and an amount of Rs. 2,000 per month under the Sahara Yojana. For BPL card holders, free ration is being provided through the PDS.

Food/ Ration

Office of Commissioner of Disabilities Assam has moved to ensure essential commodities reach persons with disabilities.

In Chandigarh Social Welfare Department, the Chandigarh Administration and the Red Cross have come together to reach out to children and adults in need, including those with disabilities. Food is being delivered to them at home. Anganwadi workers are delivering 7 packets of panjiri per week to each child in their area, including children with disabilities. The ICDS Supervisors are connecting all families in their area with persons with disabilities across all age groups, children and adults, with the government agencies and they are able to reach out with dry rations, other essentials and cooked food. In Tamil Nadu, people are receiving rations through the local administration after calling the helpline.

In Karnataka, the government is working pro-actively to provide food to the needy. The government is distributing cooked as well as raw food through Indra Canteen. The Disability Commissioner is pro-active and reaching out to the organizations to assist persons with disabilities and their families.

Education

Students with disabilities were given Rs. 5000/- as a support measure in the State of Kerala, which is a practice that can be adopted in other parts of the country as well. State of Kerala students who did not possess smartphones/tablets/laptops were provided the same to pursue online education. Moreover, where connectivity was an issue, teachers paid visits to neighbourhoods with recordings of such classes.

National Association for the Blind, Delhi continued online education of blind students who were sent home due to lockdown. This was possible as NAB provides all blind students with laptops and additionally NAB also provided internet packages to their students to enable them access online education.

The recent judgement of the Delhi High Court on ensuring inclusive measures during online examinations to the Delhi University is a welcome step.

In The States of Chhattisgarh and Madhya Pradesh the teachers are using loudspeakers to teach students. A similar model can be replicated in rural areas of various States.

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