

REPORT OF NGO CONSULTATIVE MEETINGS ON THE PROPOSED UN CONVENTION TO PROMOTE AND PROTECT THE RIGHTS OF PERSONS WITH DISABILITIES

Background

In May 2003, the British Council in partnership with the National Human Rights Commission of India, the Asia Pacific Forum of National Human Rights Institutions and the Office of the UN High Commissioner for Human Rights, had organised an International workshop for promoting human rights of people with disabilities. This workshop outlined a proposal regarding the key elements, structure and the complementarity of a new convention on the theme of disability with existing Human Rights treaties. This proposal was submitted to the UN Ad Hoc committee and has been widely appreciated.

The UN Ad Hoc Committee established a Working Group for harmonizing the draft text based on the proposals received from Members States; UN bodies disability organisations and human rights institutions. The Working Group was mandated to compile a draft text, which would be the basis of negotiations by the Ad Hoc Committee. Therefore it identified possible approaches and narrowed down the options from a wide range of proposals received. The issues, which could not be resolved by the working group due to divergent positions, have been captured in the footnotes through out the text for consideration by the Ad Hoc Committee. This draft text of the convention has been circulated both by the UN and Government of India inviting views of various stakeholders including persons with disabilities by April 15 2004.

Purpose

Keeping in view the initiatives of the UN and Government of India, the British Council in partnership with interested Government and non-government partners decided to support the process by convening consultative workshops involving disability Organisations, experts and representatives of State and Central Governments in various parts of India. The purpose of these consultations were two fold, at one hand it aimed to promote awareness about the Treaty elaboration process and achievements made by the UN Ad Hoc Committee and Working Group so far. On the other hand it provided opportunities for critical review of the draft convention on the theme of disability with an ultimate objective to suggest improvements taking into account the lived realities of persons with disabilities in India and the overall economic, social and cultural conditions of the country.

NGO Consultative Meetings

The first NGO consultation under this process was organised on 3-4 March 2004 at Bangalore, Karnataka. 64 participants representing Disability NGOs from South India (including Karnataka, Tamil Nadu, Kerala, Andhra Pradesh and Pondicherry) participated in this consultation. The meeting was co-hosted by the British Council and the Office of Commissioner of Disabilities, Government of Karnataka. The National Human Rights Commission of India provided technical inputs on the meeting. Mr K K Mishra, Chief Secretary, Government of Karnataka inaugurated the meeting in Bangalore. A completely participatory approach was adopted at the meeting where all participants interacted freely and voiced their opinions. Ms Jayati Chandra, Joint Secretary, Ministry of Social Justice and Empowerment, Government of India, addressed the participants at the Valedictory session of the meeting.

The second NGO consultation meeting was held in Delhi. 48 participants from North, East and Western States of India representing various disability organisations participated in a three day national consultation from 6th to 8th April 2004 at New Delhi. The National Federation of the Blind (NFB) and the British Council co-hosted the Delhi workshop while the National Human Rights Commission of India provided the analytical input on the draft convention. The workshop received active support of senior officers of the Ministry of Social Justice and Empowerment, Government of India including the office of the Chief Commissioner for Persons with Disabilities and the National Trust. The workshop was conducted in a participatory manner providing opportunities for sharing and learning in an open, democratic environment in which participants from diverse sectors interacted.

Methodology

To facilitate focussed discussions, the text of the draft convention was classified in four parts:

- Discussion on Part I covered Articles 1 to 7, omitting Article-3 on Definitions and Article 6- on Statistics and Data Collection.
- In Part II- Articles 8 to 14 and 18 & 19 were discussed.
- Part III covered - Articles 15-17 and 20 to 24 and
- Part IV- Article 25 on Monitoring was discussed.

Discussion on each part was preceded by a presentation providing an analysis of the draft text, legal issues it addressed their implications on fundamental freedoms and human rights of diverse disability groups and other stakeholders. For efficiency and optimum participation, the members held discussions in four small groups. The group work was shared during the plenary and the outcomes fine-tuned collectively by the rapporteurs and facilitators. In total twelve working sessions were dedicated to the review of draft convention, where as two sessions provided the opportunity to exchange national and international experience.

Mr B S Baswan, Secretary to Ministry of Social Justice and Empowerment, inaugurated the consultation in New Delhi. Speaking at the Inaugural, Mr Baswan, lauded the British Council for being a long and trusted partner in the area of capacity building. He extended his wholehearted support to the British Council and assured the National Federation of the Blind that the government would take cognisance of the recommendations of this consultative meeting.

Among the other eminent persons present in the inaugural ceremony were **Dr Uma Tuli**, Chief Commissioner for Persons with Disabilities in the Government of India; **Jacqui Christy James**, Consultant to the International Disability Equality Agency, UK and **Dr Alok Guha**, Chairperson, National Trust for Welfare of People with Autism, Cerebral palsy, Mental Retardation and Multiple Disabilities.

Sessions of the meeting were chaired by these persons along with Mr Sarabjeet Singh, Member Principal Bench of the Central Administrative Tribunal.

Over three days of the workshop, the participants, resource persons, the representatives of British Council and NFB deliberated over each draft article of the Convention in group work and outlined a set of recommendations with an aim to balance the Treaty content allowing equal opportunities for the flourishing of fundamental freedoms and human rights of all persons with disabilities who belong to

developing countries like India. These recommendations were presented at the Valedictory of the Delhi Consultative meeting on 8 April. **Mrs Sarita Prasad**, Special Secretary, Ministry of Social Justice and Empowerment, Government of India was the chief guest at the Valedictory. Addressing the participants, Mrs Prasad outlined the efforts of the Government of India in protecting the interests of people with disabilities. She complemented the participants for having gone through the Convention carefully and making clause by clause recommendations. She stressed the need of making interests of the mentally disabled more fully spelt out in the Convention. In conclusion, Mrs Prasad assured the participants that the suggestions and recommendations of the workshop would be very carefully considered at the Government level and those which receive final unanimity would be put forth in the meetings of the Ad Hoc Committee when they elaborate on the draft text for finalisation of the Convention.

Other eminent persons present at the Valedictory were Dr Uma Tuli, Chief Commissioner for Persons with Disabilities in the Government of India; Jacqui Christy James, Consultant to the International Disability Equality Agency, UK and Dr Aloka Guha, Chairperson, National Trust for Welfare of People with Autism, Cerebral palsy, Mental Retardation and Multiple Disabilities. Mr Edmund Marsden, Director British Council, welcomed the guests and participants and congratulated them on the successful conclusion of the three-day consultation. Elaborating the process of the adoption of a UN Convention for the benefit of the participants, **Dr Aloka Guha**, Chairperson, National Trust observed that the process on the new Convention on Disability was moving much faster than all previous treaties and expressed the hope that there may be a Convention on Disability by 2005.

Speaking at the Valedictory, **Dr Uma Tuli** expressed her appreciation at the zeal and vigour of the participants to improve the UN Convention draft on disability over three days of the meeting. She hoped that the implementation of the Convention would be done with similar seriousness and concern. Dr Uma Tuli was pleased that concerned authorities, policy makers as well as implementers who were willing to see the dream come true had attended the meeting.

The concrete proposals are outlined in the subsequent paragraphs of this report. Outcomes of both the Bangalore and Delhi consultative meetings have been harmonised in the recommendations below. The lists of participants of both the Bangalore and Delhi meetings have been appended as Annex One and Annex Two respectively. In addition, participants were encouraged to write specific recommendations to the Government of India and the UN. Since representatives of people with mental illness were concerned about their interests not being adequately expressed, they wrote specific recommendations to protect interests of people with mental illness which have been appended as Annex Three.

RECOMMENDATIONS OF THE NGO CONSULTATIVE MEETINGS HELD AT BANGALORE AND DELHI

1. The participants are of the view that points a) to r), preceding Article 1 of the Draft text by the Working Group (WG), should be organised under the Title **'Preamble'**.
2. Modifications recommended to points- g), k), n) and p) of the Preamble.
3. With reference to point g), the diversity of persons with disabilities needs to be qualified by the types, nature, degree, socio-economic status, gender and other factors. The modified point- g) should read "Recognising the diversity of persons with disabilities **on grounds of the types, nature, degree, socio-economic status, gender and other factors.**"
4. In point k), additional text suggested after "freedom to make their own choice" as- "which should include freedom of assisted / informed choice for those who encounter difficulties in expressing free choice". Therefore the modified text of point k) should read as "Recognising the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices, **which should include freedom of assisted / informed choice for those who encounter difficulties in expressing free choice.**"
5. In point n), the group suggested to replace the expression- "persons with disabilities" with "men, women, boys and girls with disabilities" as expressed in UN Standard Rules. The modified text for point n) should read as "Emphasising the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms **by men, women, boys and girls with disabilities**",
6. The scope of Point-p) of Preamble is suggested to be widened by incorporating "consequences arising due to acts of terrorism and natural disasters" apart from armed and civil conflicts. Therefore the Modified text for point -p) should read as "Concerned that situations of armed conflict, **acts of terrorism and natural disasters** have especially devastating consequences for the human rights of persons with disabilities".
7. An additional clause should also incorporate the reference to the Vienna Declaration, Declaration On Right to Development and World Programme of Action.
8. A special mention is recommended for the work done by Special Rapporteur in the UN Standard rules on equalisation of opportunities for persons with Disabilities 1993 would be valuable in the Preamble.
9. The Preamble could include a statement expressing diversity in economic development to justify progressive realisation of certain rights whereas no compromise is recommended in the immediate realisation of civil and political rights.

Draft Article 1

Purpose:

10. The participants felt that since "promotion and protection" of human rights of persons with disabilities is a central issue, therefore the statement of purpose must reflect this notion explicitly. The modified text should read-"**The States parties to this convention shall introduce all such measures that are necessary to promote, protect equal and effective enjoyment of all human rights and fundamental freedoms by persons with disabilities**".

Draft Article 2

General Principles

11. The Articles arranged under the Title of general principles are comprehensive but the participants felt that principle of social justice and equity to ensure de facto equality should be reflected. To this effect suitable text may be evolved.

Draft Article 4

General Obligations of the States Parties:

12. In this article, the expression “all individuals” should be substituted with “men, women, boys and girls with disabilities” to clearly incorporate gender perspective in the general obligations. The modified article would thus read as “States Parties undertake to ensure the full realisation of all human rights and fundamental freedoms for all **“men, women, boys and girls with disabilities”** within their jurisdiction without discrimination of any kind on the basis of disability.

Draft Article 5

13. In point 2- b), the list of people who should be made aware should be broadened. The modified text in point b) should be read as “promoting awareness, including in all children, from an early age and at all levels of the education system, **including administrators, services providers, media, opinion makers, legislatures and community at large** to foster an attitude of respect for the rights of persons with disabilities;”

Draft Article 7

14. As regard article 7 para 3, additional text is suggested to tightly guard abuse of the provision. The modified text for para-3 should read “Discrimination does not include a provision, criterion or practice that is objectively and demonstrably justified by the State Party by a legitimate aim and the means of achieving that aim are reasonable, necessary **and are consistent with international human rights laws.**”

Draft Article 8

15. In the area of civil and political rights, the participants suggested enlargement of the scope of the provision - “Right to Life” by including the words “survival and development”. The modified text of article 8 would therefore read-“States parties reaffirm the inherent right to life, **survival and development** of all persons with disabilities and shall take all necessary measures to ensure its effective enjoyment by them.”

Draft Article 9

16. In relation of Draft Article 9- b), list of areas should also include socio-cultural and political along with financial. The modified text of article 9-b) should read- “accept that persons with disabilities have full legal capacity on an equal basis as others including in financial, **social, cultural and political matters.**”
17. To translate the obligation stated in Article 9-c) ii, an addition is recommended stating that “the state shall establish objective, neutral and fair criterion.”. Therefore the modified text of 9-c) ii should read “relevant decisions are taken only in accordance with a procedure established by law and with the application of relevant legal safeguards **based on an objective, neutral and fair criterion;**

18. Augmentation of draft article 9-d) is suggested by adding the following text-“ In the event of reduced / temporarily diminished legal capacity a duly appointed surrogate may exercise the legal capacity in the best interest of such a person with disability.” Therefore the modified text of article 9-d) should be read as “ensure that persons with disabilities who experience difficulty in asserting their rights, in understanding information, and in communicating, have access to assistance to understand information presented to them and to express their decisions, choices and preferences, as well as to enter into binding agreements or contracts, to sign documents, and act as witnesses. **In the event of reduced / temporarily diminished legal capacity a duly appointed surrogate may exercise the legal capacity in the best interest of such a person with disability.**”

Draft Article 11

19. Additional text is suggested to article 11 therefore the new subpara 3 of article 11 should read as “**To ensure that the best interest of the person is protected in the event the person is passing through a phase in which he or she is unable to communicate free consent, no intervention shall occur unless a form of consent is given on their behalf by a duly appointed nominee by the person concern or by an impartial authority established under the law.**”
20. With regard to para 1 of article 12, the participants suggested enlargement of the heads of prevented actions and suggested inclusion of word “abduction”. The modified text of 12-1) should therefore be read as “States Parties recognise that persons with disabilities are at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual exploitation and abuse. States Parties shall, therefore, take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual exploitation, abuse **and abduction.**”
21. Similar addition of the word “abduction” is suggested for article 12-3. Therefore the article 12-3 should read as “States Parties shall also take all appropriate measures to prevent violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual exploitation, abuse **and abduction**, by ensuring, inter alia, support for persons with disabilities and their families, including the provision of information.”
22. Under 12-5 similar addition of the word “abduction” is suggested. Therefore the article 12-5 should be read as “Where persons with disabilities are the victim of any form of violence, injury or abuse **and abduction**, neglect or negligent treatment, maltreatment or exploitation, including sexual exploitation and abuse, States Parties shall take all appropriate measures to promote their physical and psychological recovery and social reintegration.
23. With regard to article 12-6, addition of text was suggested. The 12-6 should be read as “States Parties shall ensure the identification, reporting, referral, investigation, treatment and follow-up of instances of violence and abuse, and the provision of protection services and, as appropriate, **legal remedies, judicial intervention and** judicial involvement.

Draft article 14

24. Augmentation of draft article 14-c) protecting the interests of disabled women in developing countries from rural areas and urban slums by adding the following text-“special measures should be taken to protect the rights of underprivileged women with disabilities in particular. Therefore the modified text of the article 14-c) should be read as “the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children on an equal basis with other persons and to have access to information, reproductive and family planning education, and the means necessary to enable them to exercise these rights, **special measures should be taken to protect the rights of underprivileged women with disabilities in particular.**”
25. The participants suggest alternative text to draft article 14-e) which should read as- **“States parties shall render appropriate assistance to parents with disabilities to enable their children to live with them.”**
26. With regard to article 14 para 2, the participants suggested inclusion of “live-in partnerships” in the text. Therefore the modified text of article 14-2 should be read as “States Parties to this Convention shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, **live-in partnerships** and family relations, and in particular shall ensure:”
27. Some organisations providing services, legal advocacy groups, parent’s associations and self-help lobbies in the field of Mental Retardation and Mental Illness are of the view that the right to marry and parenthood with free consent of two intending spouses should be guided for effective exercise of their marital and parental responsibilities by professionals and experts”

Draft Article 16

28. A substitute text for 16-3- b). is suggested. The new text proposed is as follows “ the extension to the child and those responsible for his/her care, of assistance for which application is made and which is appropriate to the child’s condition and to the circumstances of the parents and others caring for the child.”
29. **New text to be included in article 16 as para 6. This should be read as “ States parties shall ensure children with disabilities specially girl child with disabilities is not subjected to exploitation and abuse of any kind including sexual abuse.”**
30. Further addition to the text of article 16 is suggested by way a new para- 7 of article 16, which should be read as “ **States parties undertake to ensure children with disabilities including girl child with disabilities is not used for any illegal purpose including for economic gains.**

Draft Article 17

31. The participants suggested addition of a new sub-para under article 17 as 17-6, which should be read as **“States parties shall simultaneously promote special education system to meet the specific education needs of respective disability groups.”**

Draft Article 19

32. Augmentation of draft article 19-b) is suggested by adding “auditory signal” among other measures for accessible transportation. Therefore the modified text of article 19-b) should read as “the development and remodelling of

public transportation facilities, communications and other services, including electronic services and **auditory signals**.

Draft Article 20

33. The participants felt that the Article 20 on Personal Mobility in its present shape is weak and vague and it doesn't address the legal issue involved, therefore Government of India and the Members of the Ad hoc Committee may wish to recast this article.

Draft Article 21

34. Minor additions are suggested to the text of article 21 for example- add "disability NGOs" after the word 'monitored' in article 21-i).
35. In 21-j) addition of "his/her guardian" after the word 'persons concerned'.
36. Similarly in 21-k) add " without the consent of the person or their guardians as the case may be" after the word 'disabilities'.
37. Some participants strongly felt that in Article 21- Health and Rehabilitation should be separated in two articles to give prominence to each area.

Draft Article 22

38. Article 22 can be strengthened by adding gender perspective to reduce inequalities of the economic status among men and women with disabilities.
39. With regard to article 22-c, additional text is suggested. The modified text of the article 22-c should be read as "**Pursue active labour market policy** to promote employment opportunities and career advancement for persons with disabilities in the open labour market, including opportunities for self-employment and starting one's own business, as well as assistance in finding, obtaining and maintaining employment;
40. In article 22-d) minor addition is suggested to reflect both public and private sector employers. The modified text of article 22-d) should be read as "encourage employers **in both public and private sectors** to hire persons with disabilities, such as through affirmative action programs, incentives and quotas;"
41. In article 22-e) minor addition is suggested. The modified text of article 22-e) should be read as "ensure the reasonable accommodation of persons with disabilities in the workplace, work environment **and in work processes.**"
42. In article 22.i) – prefix "Government" before "public sector" and "private sector"
43. Start article 22.j- with the following sentence-"**Undertake awareness campaigns by disseminating information in..**"
44. A new sub para 22.k) is suggested which should be read as "**To evolve and formulate necessary policy and legislative measures to prevent harassment, discrimination and sexual abuse of women with disabilities in work places.**"
45. A new sub para 22- l) is suggested which should be read as "**To formulate policies and other suitable legislative measures for promoting assured market for the products and services belonging to ventures of persons with disabilities or disability NGOs, which may include preferential treatment, incentives and tax benefits.**"

46. A new sub para 22-m) is suggested, which should be read as **“To promote self employment initiatives by persons with disabilities through formulation of policies and legislative measures for preferential allocation of licence items of raw materials and development of special marketing channels for the sale of product/services of self-employed persons with disabilities and disability NGO.**
47. A new sub para 22-n)is suggested which should be read as –**“Promote research, development and delivery of enabling technologies to expand possible job opportunities for persons with disabilities both in open and protected labour markets.**
48. A new sub para 22-o)is suggested which should be read as- **“Promote establishment of sheltered workshop for ensuring Right to work of persons with severe disabilities or those who may not have access to employment in open labour market.**

Draft Article 23

49. Endorse footnote 100 vehemently { i.e. Some members of the Working Group considered that this provision should be strengthened to mention explicitly technical aids to mobility, transfer, auditory or visual perception and other special devices that persons with disabilities require. The Ad Hoc Committee may wish to consider whether this issue is adequately covered in draft Article 20 on Personal Mobility.}

49. It was recommended that the issues related to intellectual property vis-à-vis accessing materials in appropriate formats might be separately and elaborately dealt with.

Draft Article 24

50. In Article 24.d-Add “mobile library” after “library”

Draft Article 25

51. The participants strongly recommend provision of an international and national mechanism for monitoring and redressal of individual complaints. They note that under existing Treaties, such systems are in place, though an effort is underway for stream lining these procedures. Therefore a proposal to this effect should be concretised after the UN has taken a final view. However the participants recommend inclusion of the provisions outlined in Bangkok Draft regarding monitoring of the convention.

Report compiled by:

1. Anuradha Mohit, Member of the UN Working Group and Special Rapporteur on Disability with the National Human Rights Commission
2. S K Rungta, Secretary General, National Federation of the Blind
3. Akhil Paul, Director, Sense International (India)
4. Neeti Malhotra, Deputy Manager, Governance and Social Justice, British Council

Distribution List:

1. Ministry of Social Justice and Empowerment, Government of India
2. National Human Rights Commission of India
3. Chief Commissioner for Persons with Disabilities, Government of India
4. National Trust, Government of India
5. Chairman, UN Ad Hoc Committee
6. State Commissioners for Disabilities
7. Participants of the Consultative meetings (including invitees who could not attend)

19 April 2004

Annex One

NGO Consultative Meeting on the new UN convention on Disability Bangalore

3-4 March 2004

Participants

1. Dr A Saibaba Gouda
Managing Trustee
Devanar Foundation for the Blind
Allamdoddi Mayuri Marg
Begumpet Hyderabad
2. Annie Shyam
Director
The Spastic Society of Tamil Nadu
Opposite TTTI
Taramani Road
Chennai
Tamil Nadu – 600113
3. Anumeha Fatehpuria
IJJNM
Kengeri Hobli
Bangalore – 560 060
4. Anuroopa Giliyal
Advocate
Alternative Law Forum
122/4 Infantry Road
Bangalore – 560 001
5. A V Varadarajan
Treasurer
Karnataka Parents' Association Mentally Retarded Citizens (KPAMRC)
AMC Compound Off Hosur Road
Bangalore - 560029
6. Dr Bharathi Mishra
Thakur Hari Prasad Institute of Research and Rehabilitation for the Mentally
Handicapped
Vivekananda Nagar
Dilsukh Nagar
Hyderabad – 500660
7. C K Aboobacker
President.
Kerala Foundation of the Blind
Kunnukushi
Trivandarum – 37
8. C Rama Krishna
Sign Language Teacher

Department of Sign Language
Dr Chandrasekhar Institute of Speech and Hearing
Hennur Road Lingarajapura
Bangalore – 560 084

9. D Charlie Devakumar
NGO Executive Director
Bangalore – 560 097
10. Doris Vaughn
Volunteer, LDS Charities
223, 13th Cross
Indiranagar II Stage
Bangalore 560038
11. D Thangaraj IAS
Principal Secretary
Department of Women and Child Development
Bangalore
12. Dr Febby Leo Mathew PT
Programme Co-ordinator
Mother Research Institute
Family Court Building
Ehumonoor PO
Kottagam - 686631
Kerala
13. I Maria Selvam
Madha School for the Physically Handicapped
45, Karuppur Marudhanallur Post Kumbakonam
Thanjavur District
14. Dr Janaki Pillai
Ability Foundation
15. Dr Jayalakshmi
Director
Vidya Vikasini Opportunity School
66- D Mettupalayam Road
Thudialpur, Coimbatore
Tamil Nadu
16. Kalai Vani Raipet
Swayamkrushi
Secunderabad
17. K Amalraj
National Federation of Blind Tamil Nadu
18 Kalia Magal Nagar
Poonamalle Chennai
18. K G Sreekes
Physiotherapist
Centre for Rehabilitation of the Disabled

LMS Compound Palayam Trivandrum
Kerala

19. K Palaniyappan
18, M N Puram 3rd Street
Pallavaram Chennai
20. KPAMRC
AMC Compound
Near Kidwai Cancer Hospital
Off Hosur Road
Bangalore – 560 029
21. K V Koteswara Rao
General Secretary
Dakshinya Institute for Mentally Handicapped
JKC College Road Extension
Near Swarna Bharathi Colony
Pdapalikaluru Panchayat,
Guntur – 522006
Andhra Pradesh
22. Lakshmi Sundaram
Ability Foundation
23. L Krishnamurthy
Commissioner for Disabilities, Bangalore
Bangalore
24. Madhavi Lathe
Asha Jyothi
Andhra Pradesh
25. Madhu Singhal
Managing Trustee
Mitra Jyothi
No M-137, 9th A
Main LIC Colony
Jeevan Bima Nagar
Bangalore - 560075
26. Mala Suri
Sweekar Rehabilitation Institute for Handicapped
Secunderabad
27. Mahesh
Mobility India
Bangalore
28. Manjula Kalyan
Director
Swayamkrushi
No 265 New Vasavi Nagar
Secunderabad
Andhra Pradesh

29. Manjula Kalyan
Director
Swayamkrushi
No 265 New Vasavi Nagar
Secunderabad
Andhra Pradesh
30. Manoharan
Librarian, National Federation of Blind
Bahadurgarh Haryana
31. Manoj Kurian
Development Officer
National Association for the Blind
Shailom Buildings, Arch Bishops Campus
Pattom Palace PO
Thiruvananthapuram
Kerala
32. Maria Shirley
Metro Today
33. Mohan Das
Metro Today
34. M Balasuri
Upkaar
Dr Pasupuketi Nirmala
Hanumantha Rao Charitable Trust
Secunderabad
Andhra Pradesh
35. M Moideen
General Secretary
All Kerala Parents Association of Hearing Impaired
T C 13/59 Vrindavan Lane
Chalai PO
Thiruvananthapuram - 6955502
Kerala
36. M S Girish
Mysore Mitra
39 Girl's School Street
Shashadripuram
Bangalore – 560 020
37. M S Murthy
Richmond Fellowship
38. M S Vasudeva Murthy
Co-ordinator
The Richmond Fellowship Society (India)
501, 47th Cross 9th Main
5th Block Jayanagar

Bangalore 560041

39. N Arumugam
Joint Director
Social Welfare Department
Pondicherry - 600501
40. Narsingha Rao
Co-ordinator
Sri Ramana Maharishi Academy for the Blind
J P Nagar III Cross
3rd Phase
Bangalore – 560 078
41. Nithila Baskaran
Action Aid
139 Richmond Road
Bangalore – 560025
42. Dr Nirmala Srinivasan
Founder President
Association for Mentally Disabled (AMEND)
Trustee ACMI (Action for Mental Illness)
C – 358 JVV
Bangalore – 560075
43. N Robbins
Volunteer LDS Charities
223 13th Cross
Indiranagar II Stage
Bangalore 560038
44. Pradeep Kumar
Assistant Commissioner for Disabilities
Government of Karnataka
Bangalore
45. Dr Rakesh Jain
National Federation of Blind
Lucknow, Uttar Pradesh

46. R Ramachandran
Executive Director
ADD India
4005
19th Cross BNSK 2nd Stage
Bangalore 560070
47. Rama Krishna
Institute of Hearing and Speech

48. Sister Dr Rita Mary
Little Flower Convent Higher Secondary School for the Deaf
Old No 126/ N No 4
G N Chetty Road
T Nagar, Chennai – 600006
49. R K Pandey
National Federation of Blind
2721 Chowk Sangtrashan
Paharganj
Delhi 110055
50. R Sundara Vadan IFS
Commissioner Disabilities
Government of Andhra Pradesh
6th Floor Chandra Vihar
M J Road Nampally
Hyderabad 500001
51. Ruma Bangu
Seva-in-Action
36 S T Bedhayet
Bangalore – 560 034
52. Rukmini Krishnaswamy
Director
Spastics Society of Karnataka
31, 5th Cross Off – 5th Main Indra Nagar
1st Stage
Bangalore
53. Saroja Ramachander
Hon. President
National Association of the Blind
CA Site No 4 Jeevan Bima Nagar
HAL III Stage
Bangalore 560075
54. Shankare Gowda
No 4 Deiva Nambi Street Sekar Nagar
Jafferkhanpet Saidepet
Chennai
55. Shiva Hiremath
Vice Principal
The Association of people with Disability
6th Hutchen's Cross
St Thomas Town Post
Hennur Main Road
Lingarajpura
Bangalore – 560 084
56. S K Rungta
National Association for the Blind

2721Chowk Sangtrasan
Paharganj
Delhi 110055

57. Suresh Kushtagi
District Disability Network
Daddy Colony Raichur
58. Thiru Mohan Verghese Chunkath IAS
Special Commissioner for the Disabled
15/1 Model School Road
Thousand Light
Chennai 600006
59. U B Mudgol
Director
Department of Disabled Welfare
Government of Karnataka
Bangalore
60. V Muralidhar
Braille Press
H No 4260 MIG II Phase
VHEL
Hyderabad
Andhra Pradesh - 32
61. Z V Prasad
Deputy Director
Government of Andhra Pradesh
6th Floor Chandra Vihar
M J Road Nampally
Hyderabad 500001
62. Virupaksha Gowda
NOPD
Raichur
63. Vikram Dalmia
National Association for the Blind
1 Mullen Street
Kolkata 700020
64. V Sundari (Escort to Madhu Singhal)
Project Co-ordinator
Mitra Jyothi
No M-137, 9th A
Main LIC Colony
Jeevan Bima Nagar
Bangalore – 560075

Annex Two

NGO Consultative Meeting on the new UN Convention on Disability New Delhi

6-8 April 2004

Participants

1. Advocate Abhijeet Ingale
C/o Dr A K Ingale
PO Kangara
Distt & Tel Osmanabad
Pin 413506
Maharashtra

E-mail: abhijeetingle@yahoo.com

2. Aditya Sharma
Delhi Association of the Deaf
92 Kamla Market
Delhi
Mb: 31144484
E-mail: adityahs@yahoo.com
3. Akhil S Paul
Sense International (India)
Row House E/2 Tarun Nagar Part – I
Gurukul Road Memnagar
Ahmedabad 380052
Tel: 079-27492185
Mb: 098240-13981
Fax: 079-27492185
E-mail: akhil@senseintindia.org
4. Alok Kumar
Delhi Association of the Deaf
92 Kamla Market
Delhi
Tel: 23233991
Mb: 98183-57267
E-mail: deafwelfare@yahoo.com
5. Aloka Guha
Chairperson
National Trust
IPH Complex 4
Vishnu Digamber Marg
New Delhi 110002
6. Amitava Dutta
Turning Point
27 Jadavpur East Road
Kolkata 700032
Tel: 24392316
Mb: 98300-69106
E-mail: ishitasanyal@hotmail.com
7. Amit Bhardwaj
National Federation of the Blind
2721 Chowk Sangtrasan
Paharganj
Delhi 110055
Tel: 23562277
Fax: 23562546
8. Professor Anil Aneja
Flat No 89 Jailakshmi Apartment

- 59 I P Extension
Patparganj
Delhi 110092
9. Anuradha Mohit
Special Rapporteur on Disability
National Human Rights Commission
Sansad Marg
New Delhi
10. Ashim Kumar Das
Society for Welfare of Children
AB-216 Salt Lake City
Kolkata 700064
Tel: 033-255546440
11. Beroz N Vacha
Helen Keller Institute for the Deaf and Deaf Blind
C/o Municipal School near S Bridge
N M Joshi Marg Byculla W
Mumbai 400011
Tel: 23087052, 23019215
Mb: 9820808366
Fax: 022-3018211
E-mail: hkidbind@bom5.vsnl.net.in
Beroz2001@yahoo.com
12. Dr Bhushan Punani
Blind's People's Association (India)
Dr Vikram Sarabai Road
Vastrapur
Ahmedabad
Gujarat 380015
13. Deepak Prasad Sahay
All India Federation of the Deaf
18 Northend Complex
R K Ashram Marg
New Delhi 110001
Tel: 23364766
14. Deepak Kalra
Disha, Centre for Special Education
450 AB Nirman Nagar
King's Road
Jaipur Rajasthan 302019
15. D S Chauhan
Delhi Association of the Deaf
92 Kamla Market
Delhi
Tel: 23233991/ 23218592
Mb: 31144484
E-mail: deafwelfare@yahoo.com

16. George Abraham
Chairman,
SCORE Foundation
125B Shahpurjat
New Delhi 110049
17. Major General (Retd) Ian Cardoza
Action for Ability, Development and Inclusion (AADI)
2 Balbir Saxena Marg Hauz Khas
New Delhi 110016
Tel: 26569107, 26966331, 26853002
E-mail: ssni@del3.vsnl.in
18. Inderjit Lall
Event Co-ordinator
Diana Princess of Wales Health Education & Media Centre
The Leprosy Mission Trust India
B-13A Sector 62
G B Nagar, Noida
19. Ishita Sanyal
Turning Point
27 Jadavpur East Road
Kolkata 700032
Tel: 24392316
Mb: 98300-69106
E-mail: ishitasanyal@hotmail.com
20. Jacqui Christy James
Consultant
International Disability Equality, UK
E-mail: jacqui@christyjames.freeserve.co.uk
21. Jeeja Ghosh
Indian Institute of Cerebral Palsy
P-35/I Tara Totta Road
Kolkata 700 088
Tel: 24010240
Fax: 24014177
E-mail: ssei@vsnl.com
22. Kanchan Gaba, Advocate
Shantibhwan Flt No 503B
48/4B B T Road
Kolkata 700 050
23. Kevan Moll
Country Representative,
Voluntary Service Organisation
B - 8 / 25 Vasant Vihar
New Delhi 110057

24. Kuhu Das
Association for Women with Disabilities
Vill: Subhi PO Arya Para
PS: Noda Khali
PIN 743377 (S) 24 Parganas
West Bengal
Tel: 033-24806727
Mb: 9830226718
E-mail: sawwd@vsnl.net
25. L D Bhatia
Delhi Association of the Deaf
92 Kamla Market
Delhi
Tel: 22046365
Mb: 98116-10483
E-mail: kamalbhatia39@rediffmail.com
26. Minal Doshi
Setu Development Intervention Centre
17 Goyal Row Houses
Goyal Intercity Complex
Off Drive-in Road
Ahmedabad 380054
Tel: 079- 30918222
Mb: 079-31008674
E-mail: minal@setuindia.org
27. Neeru Vaid
Lawyer
5/103 East End Apartments
Mayur Vihar-I Extension
Delhi 110096
Tel: 22715477
Mb: 98113-86863
E-mail: neeruvaid@vsnl.com
28. Dr Nimesh G Desai
Professor and Head
Department of Psychiatry
and Medical Superintendent
Institute of Human Behaviour and Allied Sciences (IHBAS)
G T Road Dilshad Garden
Delhi 110095
29. Dr Onkar Sharma
All India Federation of the Deaf
18 Northend Complex
R K Ashram Marg
New Delhi 110001
Tel: 23364766
30. Parag Mendke
M P Welfare Association for the Blind
33 B/O Kila Maidan

Indore Madhya Pradesh
Tel: 0731-2410296, 2401243 (O) 5058005(r)
Mb: 98263-53091
E-mail: mparag@vsnl.net.in

31. Prasanna Kumar Pincha
Regional Manager (North Eastern Region)
Action Aid India
2B Mandavi Apartments G N Bordoloi Road
Ambadi opp Ravindra Bhawan
Guwahati – 781001
Tel: 0361-2638871, 2638872
Mb: 9864028785
E-mail: pinchapk@actionaidindia.org
32. Dr Rakesh Jain
National Federation of the Blind (UP Branch)
A-74 Darul Shafa Vidhan Sabha Marg
Lucknow
Tel: 0522-2201120
Mb: 0522-3114547
Fax: 0522-2201120
E-mail: npgcrj@rediffmail.com
33. Rajesh Kumar
Delhi Association of the Deaf
92 Kamla Market
Delhi
Tel: 23233991
E-mail: deafwelfare@yahoo.com
34. R Radhakrishnan
Deputy Secretary
Disability Division
Ministry of Social Justice and Empowerment
Shastri Bhawan
New Delhi 110001
Tel: 23389474
Fax: 23384918
E-mail: dirpccr@nic.in
35. Reena Khanna
Action for Ability, Development and Inclusion (AADI)
2 Balbir Saxena Marg Hauz Khas
New Delhi 110016
Tel: 26569107, 26966331, 26853002
E-mail: ssni@del3.vsnl.in
36. Sanjeev Kumar Singh
Aide et Action
E-7/727 Arora Colony
Bhopal 462016
Tel: 0755-2428317
Fax: 0755-2428318

E-mail: sankumar_s@rediffmail.com

37. Sarabjit Singh
Member, Principal Branch, Central Administrative Tribunal
29 Railway Colony
S G Marg
New Delhi 110021
Tel: 26113802
E-mail: sarabjit_61@yahoo.com
38. S D Raheja
President
National Federation for Mentally Ill
8/276 Sunder Vihar
New Delhi 110087
39. Snehal Soneji
Project Manager – Gujarat
Handicap International
E-mail: prg@hi-india.org
40. Professor (Dr) Shirish Deshpande
President
National Federation of the Blind
Plot No 54 Central Excise Layout
Telecom Nagar P O Khamala
Nagpur – 25 Maharashtra
41. Professor S Jain
National Federation of the Blind
Bantilal Nagar
Plot No 42 Kapse Building
Aurangabad Maharashtra
Tel: 0240-2328161
42. S K Rungta
National Federation of the Blind
2721 Chowk Sangtrasan
Paharganj
Delhi 11005
Tel: 23562277
Mb: 32307540
Fax: 23562546
E-mail: s_rungta_india@yahoo.co.in
43. Sucheta
Programme Secretary
Handicap International
E-mail: progsec@hi-india.org
44. Sumit Roy
Digdarshika Institute of Rehabilitation & Research
Red Cross Campus Shivaji Nagar
Bhopal 462016

Tel: 0755-2558024
Mb: 09826063696
Fax: 0755-2550022
E-mail: dirr89@rediffmail.com, sumitroy99@rediffmail.com

45. Surinder Magan
Hony Secretary General
All India Cricket Association of the Deaf
E-1/11/2 Sector 15
Rohini
Delhi 110085
Tel: 011-27290003
Mb: 35300824
E-mail: [ALL CRICKET@indiatimes.com](mailto:ALL_CRICKET@indiatimes.com)
Surinder311@rediffmail.com
46. Tarun Kanti Nath
Speech and Hearing Institute and Research Centre
7B Kankulia Road
Kolkata – 29
and
10, Mandeville Garden
Kolkata –19
Tel: 033- 24406703, 24407242
Fax: 033 – 4409217, 4404042
E-mail: shirc@cal2.vsnl.net.in
47. Dr Uma Tuli
Chief Commissioner Disabilities
6 Sarojini House
Bhagwandass Road
New Delhi 110002
48. Vikram Dalmia
National Association for the Blind
1 Mullen Street
Kolkata 700020
Tel: 24749991
Mb: 34749991
E-mail: vikram_dalmia@hotmail.com

Annex Three

Recommendations on the proposed UN convention on Disability to the Government of India

By Ishita Sanyal, Turning Point, Kolkata and Mr S D Raheja, President, National Federation of the Mentally Ill

Introduction

Line 16 of draft convention – To provide effective access to persons with disabilities, including mental illness.

Preamble

Sentence 4 – discrimination of any kind, such as race.....illness (including mental illness).

Sentence 6 - equal opportunities for persons with disabilities should include specific quota for mental illness too, specific quota is there for all other disabilities excluding mental illness.

Draft Article 1: Objects

(d) To eliminate.....disabilities including facility for job reservation which is to be included for persons suffering from mental illness (once they recover).

Draft Article 3: Legislative Measures

2) Establish measures.....persons with disabilities including mental illness.

c) Legal provisions should be taken to the right of property for the mentally ill. Guardianship rights should be vested with the approval of caregivers or their nominees.

Draft Article 5

(a) adopt.....electronic media. Negative propagation by the media or other modes of communication like TV or cinema should be banned as they might create negative impact amongst the public, that is often seen in case of mental illness.

1c) Promote an image of persons with disabilities including mental illness as capable and.....

2b) even though the persons with mental illness may sometimes have bizarre behaviour, absent-mindedness, defiant attitude and other behavioural and educational problems.

Draft Article 9: Right to Health

(a) Ensure.....disability. Right to treatment for un-cooperative mentally ill who are under severe conditions must be there with the full consent of their parents or caregivers.

Draft Article 10: Right to Education and Cultural Life

(e) Ensure.....activities. Ensure special provisions for persons with mental illness during interruptions in their regular educational process.

Draft Article 11: Right to Rehabilitation Services

(a) Forms of psychotherapy should be included. Right to Rehabilitation Service for the mentally ill should be provided even after the demise of the caregivers.

Mental illness should also be included in the National Trust Act, as they also require guardians after the death of their caregivers.

1. State parties shall also take effective measures to **prevent victimization, segregation and exclusion of persons or children suffering from mental illness.**
2. Special Provisions should be kept for necessary interventions of persons with mental illness when and if required with the consent of their caregivers as often in acute phase. Mentally ill persons are not able to take decisions for themselves and reject intervention that is detrimental to their health.

Draft Article 12: Right to Work

(a) Special Provisions should be made for mentally ill persons as there are no separate quotas for them till now though other disabilities enjoy the quota system.

(c) Promote.....sector. There should be a provision that mentally ill can continue their employment after recovering from illness.

Draft Article 13: Right to Social Security

(d) Ensure that persons with disabilities including mental illness have.....so desire.

Draft Article 14

2b) In case of persons suffering from mental illness, if marriage takes place on the basis of full knowledge and consent of both the parties about the illness, the law should ensure about the necessity of alimony or maintenance allowance for the parties involved in case of separation and divorce.

Draft Article 15

Living independently

1a) In case of persons with mental illness the caregivers along with the professionals (both psychiatrist and psychologist) should decide whether they are in a position to live independently. But this in no way means that persons with mental illness are always dependent on caregivers and family members.

Draft Article 17

Interruptions in continuation of education in case of children and persons with mental illness should be condoned and he must have accessibility of education after interruptions due to his relapses.

In foot note 61

Include – special needs for mental disorders should be there.

(g) covering all disciplines including mental illness.

Draft Article 22

Right to Work

(b) Special emphasis should be kept for persons with mental illness as there is no fixed quota for jobs availability for them in Government and private sectors as it is there for all other disabilities.

Draft Article 23

1b) particularly women, girls with disabilities, mental illness and the aged.

Draft Article 24

4b) Special provisions should also be kept for persons with mental illness as they often suffer from some physical problems due to the prolonged intake of medication and their side-effects.

Right to treatment for un-cooperative mental illness patients under severe illness conditions (parents and caregivers must have the legal rights to take the uncooperative patient to the doctor and take necessary treatments)

