**Annexure - I**

**Questionnaire on the subject of elimination of discrimination against leprosy effected persons and their family members**

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| **S. No.** | **Questions** | **Reply** |
| 1. | Are you aware of the principles and guidelines for the elimination of discrimination against leprosy affected persons and their family members adopted by the United Nations General Assembly in December 2010 (resolution 65/215)? If yes, how did it come to your attention? If not, what are the reasons? | The Commission is aware of the United Nations General Assembly Principles and Guidelines for the Elimination of Discrimination against Persons Affected by Leprosy and their Family Members adopted in 2010. |
| 2. | What mechanism has the Government put in place to disseminate the Principles and guidelines to its citizens? E.g. translation into national and local languages; media; or any other mechanism? | Information, Education and Communication mechanisms are used by the Government. |
| 3. | Has the Government adopted any policies, action plans or taken any other measures to promote awareness-raising of the issue of discrimination against leprosy affected persons and their family members? If so, please provide details on measures taken. | India has made strides in the field of detection and treatment of leprosy and in 2005 achieved the WHO elimination level of having less than one patient per 10,000 population at the national level. With the objective to control the disease activity in all known cases of leprosy, the Ministry of Health and Family Welfare, Government of India started the **National Leprosy Eradication Programme** (NLEP) with the active support of State Governments and Union Territory Administrations. As a result of the hard work and meticulously planned and executed activities, the country has achieved the goal of elimination of leprosy as a public health problem, defined as less than 1 case per 10,000 population, at the National Level in 2005. According to the figures released by the NLEP, leprosy prevalence has drastically reduced in India and as per latest statistics there is a prevalence ratio of 0.73 per 10,000 population. By March 2013, almost 528 districts (81.4%) out of a total of 649 districts have been successful in eliminating leprosy. Barring a few districts – mostly in Chhattisgarh and Odisha – all Indian States have attained significant reduction in new incidence of leprosy cases. Besides NLEP, the **Urban Leprosy Control Programme** is being implemented since 2005. Under this programme, assistance is being provided by Government of India to urban areas having population size of more than 1 lakh. **Deendayal Disabled Rehabilitation Scheme** (DDRS) is another scheme providing financial assistance to voluntary organizations to make available the whole range of services necessary for rehabilitation of persons with disabilities. The project concerning the persons affected by leprosy under DDRS is the **Project for Rehabilitation of Leprosy Cured Persons.** It aims to empower leprosy cured persons with skills to enable them to improve their socio-economic condition.  For details please see the link:  [**http://nlep.nic.in/pdf/MoU%20ILEP&GOI,%202013-2017.pdf**](http://nlep.nic.in/pdf/MoU%20ILEP&GOI,%202013-2017.pdf) |
| 4. | What actions has your Government taken to modify, repeal or abolish discriminatory laws, policies or practices, including terminating forced segregation, in order to eliminate discrimination against persons affected by leprosy and their family members? Is freedom to choose where to live ensured for persons affected by leprosy and their family members? | The issue of concern is the discriminatory provisions in the laws. Under Section 13 (v) of the Hindu Marriage Act, 1955 if one party has been suffering from a virulent and incurable form of leprosy, it is one of the grounds for divorce. Under section 18 (2) ( c) of the Hindu Adoption and Maintenance Act, 1956, if a person is suffering from a virulent form of leprosy, his wife is entitled to live separately from her husband without forfeiting her claim to maintenance. There are similar provisions in other personal laws which need amendment to prevent discrimination.  The matter of personal laws falls under Concurrent List III of the Seventh Schedule to the Constitution of India. As such, the State Governments are important stakeholders in this regard. Moreover, there are many other laws which have discriminatory provisions concerning persons affected with leprosy, which need further discussion.  For details please see the link:  [**http://lawcommissionofindia.nic.in/reports/Report256.pdf**](http://lawcommissionofindia.nic.in/reports/Report256.pdf) |
| 5. | Are those affected by leprosy and their family members being consulted with and/or actively participating in the decision-making processes that deal with matters related to them? | Yes, Government of India consults leprosy affected people and their family members while framing rules related to them. |
| 6. | Do persons affected by leprosy enjoy the following rights fully and equally with others (please check where applicable): () citizenship; () obtaining identity documents; () right to vote’ () right to stand for elections; () right to serve the public in any capacity; () others? Please specify. | Yes, Persons affected by leprosy enjoy all the rights equally with other as mentioned in question. |
| 7. | Do persons affected by leprosy enjoy equal rights with others with regard to (please check where applicable: ()work () education () establishing a family () access to public places, including hotels, restaurants; and buses, taxis, trains and other forms of public transport () access to cultural and recreational facilities () access to places of worship () others? | Yes, Persons affected by leprosy enjoy all the rights equally with other as mentioned in question. |
| 8. | What actions have been taken to promote and protect the human rights of (a) women (b) children (c ) the elderly (d) members of other vulnerable groups, who have or have had leprosy as well as their family members? Please provide details. | The National Human Rights Commission has been concerned about the protection and promotion of human rights of people affected with leprosy. In order to discuss the issues related to the people affected with leprosy, the Commission organized a one-day National Conference on Leprosy on 18 September 2012 at New Delhi. Many important suggestions/recommendations emanated out of this National Conference like wide circulation to the principles and guidelines prepared by the Human Rights Council, eradication of discrimination being faced by persons affected by leprosy by developing appropriate IEC material and ensuring its wider dissemination, the discriminatory provisions in Central and State laws affecting civil and political rights and economic, social and cultural rights may either be repealed or suitably amended, and review the criteria of minimum requirement of 40 per cent disability under the PWD Act, 1995 for persons affected by leprosy to obtain disability certificate. These recommendations were forwarded to all the State Governments and Union Territory Administrations for compliance.  In addition the Commission in partnership with Sasakawa India Leprosy Foundation (SILF) also organized the Young Partners Program (YPP) to sensitize school children on the issue of leprosy. The objective of the programme is to create awareness about leprosy among the school children so as to eradicate the stigma and discrimination being faced by persons affected by leprosy.  In continuation of its effort towards addressing the issue of stigma and discrimination, the Commission signed and endorsed the “Global Appeal Launch on Leprosy - 2014” to end stigma and discrimination against People Affected by Leprosy organized by SASAKSAWA Foundation and Indonesian Human Rights Commission at Jakarta, Indonesia.  In order to discuss further the status of action taken by the concerned Department of various State Governments/Union Territory Administrations and Union Ministries, the Commission organized a one-day National Conference on Leprosy on 17 April 2015.  The main objectives of the National Conference were to:   1. follow up of the suggestions/recommendations of National Conference on Leprosy organized by National Human Rights Commission on 18 September 2012; and 2. address issues of concerns related to Leprosy and suggest appropriate strategies to deal with them.   Based on the deliberations held in the three plenary sessions, the following recommendations were made in the National Conference:   1. There is need for vigorous dissemination of recommendations of the Conference organized by NHRC earlier on the issue of leprosy on 18 September 2012 for proper implementation by all concerned authorities. SHRCs involvement in implementation of recommendations of 2012 Conference and present Conference is a must, then only implementation is possible. 2. The detailed recommendations made by the Committee on Petitions of Rajya Sabha in its 131st Report should be followed up for implementation. The Action Taken Report of the Government(s) covered in the 138th Report of the Committee of Petition indicates that a large number of recommendations have still not been completely implemented. Hence, there is need to take up these recommendations for logical conclusion especially those relating to social and economic discrimination of leprosy affected persons and their families. 3. There is need to suitably address the issue of disability certificate to leprosy affected persons by evolving a separate set of criteria even when they do not fulfil the minimum disability of 40 per cent. The Department for Empowerment of Persons with Disabilities should revisit the guidelines issued on the subject in 2001 and also hold special camps for leprosy affected persons for distribution of disability certificate to them. 4. There is need to explore a sub quota of reservations in jobs for leprosy affected persons. In aggregate 5 per cent reservation may be provided for in the pending Bill for Persons with Disabilities. 5. In order to empower children of leprosy affected persons, there is need to provide free school education and free higher education to them. The children of leprosy affected parents need utmost help for their proper education. If the second generation is uplifted through education and employment, the poverty circle of the family would be broken and their quality of life will improve. 6. The Ministry of Social Justice & Empowerment have educational promotion scheme for persons with disabilities. These schemes need to be extended to children of persons affected with disabilities in view of the stigma and discrimination they face. 7. Centre and State Governments should elicit the support of the corporate sector in adopting leper colonies for rehabilitation and empowerment of the leprosy affected persons and their families under their corporate social responsibility. 8. Ministry of Social Justice and Empowerment have proposed to hold a camp for distributing assistive devices at New Delhi for especially leprosy cured persons. Such camps for leprosy cured persons should be organized countrywide. 9. Different State Governments are giving pensions to leprosy affected persons which are meagre. There are also some States which are giving no pension at all. It is necessary for the States to give a reasonable amount of pension for the disabled leprosy affected persons for their day-to-day sustenance. 10. There is need to prepare a comprehensive document of good practices being witnessed in various States of India, with regard to rehabilitation and empowerment of persons affected by leprosy and their children. NHRC will assist these efforts. 11. State Acts should be amended to remove discriminatory provisions in these as has been done in Odisha to allow leprosy affected persons to contest elections. 12. There is need for capacity building among new doctors to enable them to handle cases of leprosy. 13. There is a need to conduct a countrywide survey to find out, among others, new cases of leprosy, existing number of leprosy affected persons in colonies, and total number of leprosy cured persons integrated into the mainstream of society. 14. There is need to follow up on the recent 256th Law Commission Report on ‘Eliminating Discrimination Against Persons Affected by Leprosy’ which comprehensively deals with discriminatory nature of laws towards leprosy affected persons which need amendment or repeal. The model draft legislation, titled “Eliminating Discrimination Against Persons Affected by Leprosy” Bill, 2015 prepared by the Law Commission needs to be examined and enacted into a legislation at the earliest. 15. Furthermore, there is need to bring about greater synergy between different Departments to address the problems of leprosy affected persons and then families. 16. There is need for empowerment of leprosy affected persons and their families not only through education but also through vocational training and capacity building of various skills leading to self-employment as well as through self-help groups. 17. Most of the leprosy colonies are situated on the Government’s land. It is necessary to give the land ownership/*pattas* to the leprosy affected persons and help them to build houses under the Government Schemes. The civic amenities in the leprosy colonies also need to be improved. 18. The social & economic empowerment of persons affected by leprosy and their family members is very important to integrate them into the main stream of the society. The Government should develop a special programme to support the affected persons. 19. WHO Guidelines for participation of persons affected by leprosy in leprosy services have been prepared involving the people affected by leprosy & professionals. These needs to be implemented by the Central and State Governments. 20. There is a need to develop a multifaceted strategic plan on reduction of stigma & discrimination and include the same in the National Leprosy Eradication Programme. 21. There is a need to make an absolute shift in our approach while dealing with concerns of leprosy affected persons and their children from welfare oriented to entitlement & empowerment approach. And, its ultimate aim should be to lead them away from marginalization to total reintegration in the mainstream of society. For this to happen, there is also a need to bring about an overall attitudinal change in the mindset of the community. |
| 9. | Has your Government drafted and/or adopted a national action plan to implement the Principles and Guidelines? If yes, please attach a copy. Has your Government established a national committee? If yes, please provide details as to its mandate, size and composition of its members. | For details please see the link:  [**http://nlep.nic.in/pdf/MoU%20ILEP&GOI,%202013-2017.pdf**](http://nlep.nic.in/pdf/MoU%20ILEP&GOI,%202013-2017.pdf) |
| 10. | What major obstacles, if any, has your Government faced in implementing the Principles and Guidelines for the elimination of discrimination against persons affected by leprosy and their family members? | For details please see the link  [**http://lawcommissionofindia.nic.in/reports/Report256.pdf**](http://lawcommissionofindia.nic.in/reports/Report256.pdf) |
| 11. | In your view, what follow-up mechanisms should be put in place at the international level to effectively implement the Principles and Guidelines? | The Commission is regularly attending the meetings, conferences and seminars related to persons affected with disability at International level and following their recommendations emanated out of those conferences at domestic level. |
| 12. | Are there any best-practices that you can share with us regarding actions taken to eliminate discrimination against leprosy affected persons and their family members? | Information Education and Communication (IEC) Activities for maximum awareness about leprosy.  [**http://nlep.nic.in/pdf/MoU%20ILEP&GOI,%202013-2017.pdf**](http://nlep.nic.in/pdf/MoU%20ILEP&GOI,%202013-2017.pdf) |