**Organization for Defending Victims of Violence (ODVV)**

**Submission**

**on**

**The Questionnaire on** **the right of persons with disabilities to the highest attainable standard of health**

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[**www.odvv.org**](http://www.odvv.org)

**About ODVV**

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-partisan organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.

2. ODVV is also associated to the United Nations Department of Public Information (UNDPI), a participatory of the NGOs Coalition for an International Court (based in New York), and national coordinator of the Global March Against Child Labor (based in New Delhi). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.

3. ODVV is also a member of the International Organization against Small and Light Weapons, the UN Conference of Non-Governmental Organizations (CONGO), the International Movement for a Just World (JUST), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT).

4. During the last 2 decades, we have done so many activities with regard to human rights and support of the victims of violence. Various human rights education courses, workshops, seminars, conferences have been held or co-held by ODVV for various sectors of society: civil society institutions and governmental organizations.

5. Other Activities:

- Participation in Commission on Human Rights annual sessions, and the new Human Rights Council sessions in Geneva. Written and oral statements on various items of the agenda are issued by ODVV.

- Internship for foreign students

- Publication of different books and booklets on human rights such as Rights of the Child, Racism, Racial Discrimination and Xenophobia. Publication of Defenders Newsletter (English), human rights news and developments bulletin (Farsi), Rights of the Child bulletin (Farsi)

- Daily electronic human rights newsletter in English and Farsi.

6. As a NGO active in human rights, ODVV has collected documents and data, through published information in news websites, and is providing the following answers on “The Questionnaire on the right of persons with disabilities to the highest attainable standard of health.”

**Questionnaire on** **the right of persons with disabilities to the highest attainable standard of health**

1. Please provide information on existing or planned legislation and policies to ensure the realization of the right to health of persons with disabilities, including current challenges and good practices.

1. According to Article 29 of the Iranian Constitution, It is a universal right to enjoy social security and have benefits with respect to retirement, unemployment, old age, workers' compensation, lack of guardianship, and destitution. In case of accidents and emergencies, everyone has the right to health and medical treatments through insurance or other means. In accordance with the law, the government is obliged to use the proceeds from the national income and public contributions to provide the abovementioned services and financial support for each and every one of the citizens.[[1]](#footnote-1)

Also, in 2009, the Islamic Republic of Iran joined the International Convention on Persons with Disabilities (December 2006), and in view of it being ratified by the Islamic Parliament, the principles of the Convention, and specifically the part on the right to health are as the domestic laws of the country.[[2]](#footnote-2)

Furthermore, the Protection of the Rights of the Disabled Act of 2004 also define the various rights of these persons in 16 articles. These include the creation of suitable city spaces, public places, access to suitable transportation for the commuting of the disabled, free education up to higher education level, support for their health and medical treatment, housing, welfare issues etc.[[3]](#footnote-3)

Of course the lack of full implementation of this law has brought along a number of difficulties which has set members of parliaments and also institutions active in people with disabilities issues to work towards getting the generalities of a new draft bill for the protection of the rights of the disables ratified by the Parliament. In preparation of this draft which is made up of 10 chapters and 35 articles, for the first time a survey was conducted on the target community. Also there will be further implementation guarantee for the enforcement of these laws have been considered the breaking of which will have some fines and penalties.

In the event of the final approval of this law, the Ministry of Health, Treatment and Medical Training is obliged to cover the health insurance of individuals with disabilities covered by the Organization in such way that as well as provision of medical services required by these individuals, to also provide physical and mental rehabilitation of individuals with disability. Also this Organization is duty bound to with the aim of support for care of individuals with severe disabilities that need care and individuals with multiple disabilities in the family, following the presentation of training and counselling services to the families, to also take measures for nursing or aid assistance allowances to the spouse or guardian of these individuals and or care services for individuals with disabilities be provided through its affiliated centres or support nongovernmental sector centres (private, cooperative, charities and NGOs).[[4]](#footnote-4)

Furthermore, the Amendment of Retirement of Janbazan (war veterans) and Ordinary Disabled and Difficult and Harmful Jobs Act has considered a number of points and the coverage of this Act has been further extended and has eased the insurance conditions for the disabled.[[5]](#footnote-5)

According to article 5 of the Citizen’s Right Act and also the right for rehabilitation (citizens with disabilities) and Senior Citizens requires that the medical and rehabilitation services for the improvement and or empowerment towards independent living and participation in aspects of life to benefit.[[6]](#footnote-6)

2. Please provide any information and statistical data (including surveys, censuses, administrative data, literature, reports, and studies) related to the exercise of the right to health of persons with disabilities in general, as well as with particular focus in the following areas:

* Availability of barrier-free general healthcare services and programmes, which take into account all accessibility aspects for persons with disabilities;
* access to free or affordable general healthcare services and programmes, including mental health services, services related to HIV/AIDS and universal health coverage;
* access to free or affordable disability-specific healthcare services and programmes; and
* access to free or affordable health-related habilitation and rehabilitation goods and services, including early identification and intervention.

2. According to the bill on the formation of the National Welfare Organization, the budget for the National Welfare Organization headquarters and the headquarters of provincial Welfare Organizations, are exclusively supplied from the government's public budget.[[7]](#footnote-7) Therefore all individuals covered by this Organization have a share of receiving fee services. Also according to figures from the Welfare Organization's Empowerment of the Disabled Office, approximately there are approximately 460,000 individuals that are covered by the Welfare Organization’s basic insurance and more than 350,000 have supplementary insurance, and at the same time the Welfare Organization's Medical Treatment Fund provides services to patients who have high treatment costs and are not able to pay their medical treatment.[[8]](#footnote-8)

The Rehabilitation, Health and Treatment Deputy of the Iranian Red Crescent also, as a subdivision of the Red Crescent, has the responsibility for the rehabilitation of the disabled which it does through joint projects with the International Committee of the Red Cross and specialist clinics for the disabled. One of the aids that the Red Crescent considers for the disabled is that through compensation of parts of the costs, health and treatment services and goods that they need in much lower costs than the market.

Many organizations and bodies are involved in the implementation of the right to health, whose services are presented to the citizens without discrimination. Apart from the Health Ministry, some universities, NGOs, welfare organizations, education and training, charities cooperate in the implementation of the disabled health and hygiene goals. For example in 2016, the Iranian Medical Sciences University's Rehabilitation College with the cooperation of the Presidency's Scientific and Technology Deputy in the framework of a public project, was equipped with rehabilitation equipment for spinal cord patients.[[9]](#footnote-9)

Also in an agreement with the Welfare Organization some private insurance companies provide supplementary medical insurance services that include reimbursement of hospital costs such as surgeries, payments for chemotherapy, paraclinic services, and ambulance fees provision of rehabilitation equipment such as hearing aids or Zimmer frames (walkers), infertility costs for all individuals covered by the Welfare Organization.[[10]](#footnote-10)

Furthermore in relation to problems which have been bestowed to it as duty and commitment the Welfare Organization pursues objectives one of which is preventions based on scientific and professional approaches, in order to prevent from disabilities. For example, in the framework of an agreement between the Health Ministry and the Welfare Organization, the timely screening, diagnosis and intervention is done for infants and children.[[11]](#footnote-11) Hearing tests have risen from 63 percent to a coverage of 94 percent in 2015[[12]](#footnote-12) and with the reiteration of the government for the necessity of the expansion of services to rural and deprived regions of the country, the provision of services in a mobile form using portable equipment have been considered. It must be said that the provision of these services in rural and deprived regions is completely free and in urban areas will be done through government set fees.[[13]](#footnote-13) Furthermore lazy eye test and eye disorder test for 3 to 6 year old children too is being done in 40,000 Welfare Centres and also day care centres, preschools, urban and rural healthcare centres. Doing these services in rural regions is free and in other regions at a very low cost.[[14]](#footnote-14)

Also Down Syndrome tests, integrated and sequential tests are being done on women during pregnancy and it varies depending on the type of insurance and the organization that provides the costs; some insurance companies pay up to 30 percent of the costs and some pay up to 100 percent. And it must be said that in the event of specific diagnosis of these disorders, the law allows the pregnant woman to have an abortion.[[15]](#footnote-15)

Also, the Welfare Organization is trying to get an International Classification of Functioning card for the disabled that are covered.[[16]](#footnote-16) To-date approximately 45 percent of people with disabilities have received this card.[[17]](#footnote-17) These cards include personal information of the disabled individuals, the type and severity of the disability, and the help that these individuals need according to international standards which are approved by legal and protection of the rights of the disabled organizations, and with these cards, people with disabilities an receive services in all countries that provide services.[[18]](#footnote-18)

3. Please provide information on discrimination against persons with disabilities in the provision of healthcare, health insurance and/or life insurance by public or private service providers.

3. It seems that in the laws of the Islamic Republic of Iran the emphasis of the rights of people with disabilities has been given to the employment, insurance and financial aid for the disabled than the health and hygiene sector, because that is the most important concern of the Iranian disabled community. At the same time, with regards to insurance laws, the disabled community still require further coverage to compensate the heavy cost of living for them.

One of the instances of a fault in the laws and existing functions that can be pointed out is the lack of coordination between relevant departments and bodies which cause problems and parallel work in practice. Of course in the last two years the government has tried to solve this problem and the Health Minister has appointed a rehabilitation advisor whose main duty is establishing coordination.

Another problem that the disabled in Iran struggle with is the lack of up-to-date medical and rehabilitation tools and equipment, one of the most important reasons of which is their cost which must be purchased from developed countries. Although some universities and research centres try to localise these technologies and produce the, but the sheer volume, quality and cost of them cause problems.

4. Please provide information on the observance of the right to free and informed consent of persons with disabilities regarding healthcare, including sexual and reproductive health and mental health services.

4. The rehabilitation services that are given in rehabilitation and welfare centres to the disabled include, empowerment, training courses in how to take care of the individual, practice therapy, marriage principles, psychological counselling, general education on mental health, HIV/AIDS prevention training.

5.Please describe to what extent and how are persons with disabilities and their representative organizations involved in the design, planning, implementation and evaluation of health policies, programmes and services.

5. The National High Council for the Disabled is a body whose head is the first deputy to the President and also other deputies relevant to the subject and also representatives of five NGOs and the disabled community (physical, movement, mental, psychological, sight and sound) are in membership who assess the adopted decisions of this Council.

Also the Bureau for Follow Up on the Amendment of Social Security Insurance of the Country's Disabled Individuals Laws, is one of the bodies which through assistance and surveys from the disabled themselves, is active on the rights of people with disabilities.

Also in the 2004 Law and also a new legislation, the Islamic Republic of Iran Broadcasting (IRIB) the Ministry of Culture and Islamic Guidance, and municipalities have been given the task to allocate time without charge to the disabled and their education, their problems and how to interact with them etc.

Furthermore for the purpose of presence and social participation of the disabled in various social arenas the Tehran Municipality Health General Office decided to set up an association for the disabled for their social presence in the City with the cooperation of disabled individuals. One of the objectives and policies of this Association is the protection and promotion of the health of the disabled community, necessary trainings to the disabled and their families, to raise their living quality, create necessary basis to compile standards for the provision of services to residents with disabilities in local borough municipalities, create effective participation network for disabled citizens' associations in districts covered by the municipality and other active social centres networks.

It must be said that sometimes through holding exhibitions, sittings and seminars the advancement and improvements in the disabled community's problems are reiterated. For example for the first time in 2014 the Rehabilitation Equipment Exhibit was held by the Welfare Organization.

1. http://www.wipo.int/edocs/lexdocs/laws/en/ir/ir001en.pdf [↑](#footnote-ref-1)
2. http://rc.majilis.ir/fa/law/show/134833 [↑](#footnote-ref-2)
3. http://rc.majilis.ir/fa/law/show/94044 [↑](#footnote-ref-3)
4. www.isna.ir/news/96100904850 [↑](#footnote-ref-4)
5. http://rc.majilisir/fa/law/sow/94108 [↑](#footnote-ref-5)
6. http://documents.citizensrights.ir/home/document/4782 [↑](#footnote-ref-6)
7. http://rc.majilis.ir/fa/law/show/98948 [↑](#footnote-ref-7)
8. https://www.exos.ir [↑](#footnote-ref-8)
9. http://www.exos.ir [↑](#footnote-ref-9)
10. https://shamdani.com/find.php?item=1.100.1722.fa [↑](#footnote-ref-10)
11. http://file.qums.ac.ir/reposition/vch/Ncomm/laws/9\_oudio.pdf [↑](#footnote-ref-11)
12. www://fardanews.com/fa/news/470599 [↑](#footnote-ref-12)
13. https://financialtribune.com/articles/people/71761/int-l-id-card-for-disabled [↑](#footnote-ref-13)
14. www.behzisty-esfahan.ir/index?php/ [↑](#footnote-ref-14)
15. http://www.irna.ir/fa/news/82720709 [↑](#footnote-ref-15)
16. http://www.irna.ir/fa/news/82720709 [↑](#footnote-ref-16)
17. www.fardanews.com/fa/news/470599 [↑](#footnote-ref-17)
18. https://financialtribune.com/articles/people/71761/int-l-id-car-for-disabled [↑](#footnote-ref-18)