

## **Report on the situation of persons with disabilities in Bangladesh**

Universal Periodic Review of Bangladesh

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### I. Introduction

This report has been produced as a result of a workshop on the UPR of Bangladesh with the participation of organizations of persons with disabilities in Bangladesh and partner human rights NGOs, from different disability constituencies, organized by the Bangladesh office of Action for Disability and Development International office in collaboration with Disabled Peoples International and the International Disability Alliance. These include networks of organizations of persons with disabilities (DPOs) that cover all of Bangladesh, and which represent diverse groups of persons with disabilities. A list of the national DPOs and local partners jointly submitting this report is contained in the annex.

### II. Overview

The population of Bangladesh is 152,518,015 according to the recent housing and population census 2011 of the Bangladesh bureau of statistics. There is no accurate data or information on the exact number of population of persons with disabilities in Bangladesh, but 15% of the population in Bangladesh are person with disabilities according to the World Bank estimates.

The Government of Bangladesh is working on the rights of persons with disabilities. However, Bangladesh faces problems of persons with disabilities in the country, but the main problems are not yet prioritized. Not only the Government or other NGOs should work on this issue, but also the families and the society itself. Bangladesh needs a Research Institute on the issues of persons with disabilities. The situation of persons with disabilities in rural and urban areas of Bangladesh is not similar.

Bangladesh ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) on November 30, 2007 and its Optional Protocol on May 12, 2008.

Bangladesh has a Draft Disability Rights Law under review by the Cabinet of Ministers of the Government of Bangladesh. Other relevant legislation and policies include: the Lunacy Act of 1912; Disability Policy of 1995, Disability Welfare Act of 2001, Social Safety Net Program of the Government of Bangladesh since 2003, Program for Education Development Plan - Phase III (PEDP) (started in 2005), National Building Code of 2008, Right to Information Act of 2009, National Education Policy of 2010, National Disaster Action Plan of 2010, Information and Technology Policy of the Government of Bangladesh of 2010, Women Development Advancement Policy of 2011, and the National Child Policy of 2011.

### III. Main challenges

- a. Accessibility of government and public buildings, infrastructure, roads, transportation, and access to information

The national building code of 1992 did not mention accessibility for persons with disabilities. The National Building Code of 2008 is disability friendly, in that accessibility for persons with disabilities is clearly mentioned, but that code's rules and guidelines are not followed for constructing government and private buildings.

Government is implementing inclusive education activities under the Program for Education and Development Plan – Phase I from 1997-2002 but the school buildings are not accessible for all types of persons with disabilities. Since 2007, Phase III is continuing but school buildings are still inaccessible.

In experience, some government and public institute buildings have ramps and toilets but they are not accessible for persons with disabilities because the specific guidelines and instructions in the Building Code are not followed.

The CRPD requires in article 9 (1) (a) that buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces be accessible. It also requires in 9 (2) (d) to provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms.

Information, communication and other services, including electronic services and emergency services are not accessible for all types of persons with disabilities.

The Bangladesh National Disaster Action Plan 2010 and its government information and communication technology (ICT) policy have included accessibility issues for persons with disabilities. But experience is that government websites are not yet accessible for visually impaired people.

To ensure rights to information for hearing impaired persons with disabilities, the government has introduced sign language in the television news. But experience is that there is not any government institute to develop the sign language trainers, interpreters and teachers. The CRPD article 9 (2) (e, g, h), and article 21 (b) requires such measures.

#### **We recommend:**

**Government should ensure the accessibility of government and public buildings, infrastructure, roads, transportation, and access to information in the light of the CRPD and the new Building Code of 2008 and its exact measurements, implement the ICT policy, and to ensure that the implementation of the Building Code is properly monitored, and it should build up a sign language institute to develop and make available sign language interpretation services.**

- b. Work and employment

During their recruitment processes, employers do not consider the specific needs of persons with disabilities. Persons with disabilities should not be discriminated against and should have access to all types and levels of employment, and employees with disabilities should be provided any reasonable accommodation needed to fulfil their job responsibilities.

Employers should recruit persons with disabilities and provide employees with disabilities with health care, disability-friendly working environment, professional skills development and training, and salaries equal to others in their same position.

Employees who acquire disability should not be discriminated against or sacked and should be given any reasonable accommodation needed to do their job, or should be provided another job that could be done by him or her if necessary.

**We recommend:**

**We recommend that all laws, including labor laws, contract laws, and employment laws be revised and amended to ensure non-discrimination against persons with disabilities in employment, in line with the CRPD.**

**Employers should undertake all the necessary steps to increase employment opportunities for persons with disabilities.**

**Governments should create programs for economic empowerment, including self employment opportunities, for persons with disabilities.**

**The government should monitor the situation of employment of persons with disabilities.**

c. Acceptance in the family

Persons with disabilities do not get any importance in the family. People think they are unproductive. This discrimination is higher for women with disabilities. Families do not keep in mind the importance of the education of persons with disabilities, and lack of education keeps persons with disabilities from being independent. Persons with disabilities are discouraged to get married, and have no right to choose their partners. People think they will give birth to a disabled child. Persons with disabilities are victim to violence, abuse and negligence. They are kept separated from other family members and relatives most of the time. There is no chance of participation in social activities.

The CRPD requires, in article 23 (1) (a), ensuring the right to a family, that all persons with disabilities who are of marriageable age have the right to marry and found a family on the basis of free and full consent of intending spouses. Article 24 (2) (a) (education) requires that persons with disabilities are not excluded from the general education system on the basis of disability and that children with disabilities are not excluded from free and compulsory primary education or from secondary education on the basis of disability. Article 6 (1) (women with disabilities) requires that State Parties recognize that women and girls with disabilities are subject to multiple discrimination, and shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental

freedoms. Article 8 (1) (a) requires States Parties to raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities.

**We recommend:**

**We recommend to the government and NGOs, to the private sector to raise awareness about the rights of persons with disabilities in family and education through media including by: creating television campaigns, advertising, seminars, workshops for parents, school campaigns, to work with families at schools including at parents' days, drama, cinema, debating, and essay writing, etc.**

**We recommend the government to ensure that children with disabilities and their parents are informed of the rights and freedoms of persons with disabilities as set forth in the CRPD.**

d. Legislation on the rights of persons with disabilities

There is no law specifically on the rights of persons with disabilities in Bangladesh. The government of the People's Republic of Bangladesh took the initiative to formulate a certain act named the Bangladesh Persons with Disabilities Welfare Act in 2001. Unfortunately, it was developed keeping the welfare of persons with disabilities in focus rather than their rights. Emphasis was put mainly on the formulation of various committees, for example, the state, divisional, or district committees etc., and to define various types of disabilities. But it has not formulated laws in favour of the rights of persons with disabilities and as a result it literally is unable to address the issues that arise, or the problems, deprivations, disparagement, abuse, that persons with disabilities experience.

A few other drafts were made in recent years but those are inadequate.

Due to the lack of awareness of people around the country, persons with disabilities are usually subject to disparagement, deprivation and abuse in every aspect of their lives. The common notion about them is that they are inferior human beings. This discrimination is why their rights are violated, in their families, in the communities they live in, and in society. They usually experience deprivations in terms of their education, equal right to employment, justice, health care facilities, rehabilitation, freedom of expression, freedom from cruel, inhuman or degrading treatment and abuse, and so on. They are usually deprived from their right to inheritance and control over their own financial affairs.

Women and girls with disabilities are more prone to such situations. They are usually subjected to problems like gender based violence, sexual exploitation, and they actually evade to plead in order to avoid further denigration or disparagement.

In the 2001 Disability Welfare Act law, there is no punishment mentioned for violence against persons with disabilities.

Bangladesh is the 8<sup>th</sup> ratifying country of the CRPD and its Optional Protocol. As for article 12, persons with disabilities have equal right before the law. Article 4 (1) (a) states that State Parties will formulate and implement law to protect the rights of persons with disabilities. Article 12 (5) states

that States Parties will take the necessary initiatives to ensure the equal right to own and inherit property, control their own financial affairs, and get loans like others. Article 13 states persons with disabilities have the right to access to justice. And articles 15, 16, 17, 21, 24, 25 up to 30 are also relevant.

**We recommend:**

**Government and concerned agencies must take immediate initiatives to formulate and implement laws on the rights of persons with disabilities, and make draft publicly available and ensure consultations with persons with disabilities and their representative organizations; and should revise all existing laws in consonance with the CRPD.**

e. Right to political participation

The Constitution of Bangladesh contains a restriction on the right to vote or be elected to Parliament based on psychosocial or intellectual disability (using the old term, "unsound mind"):

**Constitution**

(17 May 2004)

- Under Article 66, section (2), a person is "disqualified for election as, or for being, a member of Parliament who...(a) is declared by a competent court to be of unsound mind..."
- Article 122, section (2) states: "A person shall be entitled to be enrolled on the electoral roll for a constituency delimited the purpose of election to Parliament, if he...(c) does not stand declared by a competent court to be of unsound mind"

This exclusion is also anchored in the Lunacy Act 1912 (still in force although there is a draft bill on this).

Very often, persons with intellectual or psychosocial disability are excluded from the voter's list.

There is no ramp in the voting centers and also some voting centers are located on the second or third floor.

Blind persons do not have the specific ballot papers that they can use to vote in secret, and they must get other persons' help.

There are long lines for voting, and some persons with disabilities are not able to stand in a long line which denies them access to voting. There is no separate line or any priority given to persons with disabilities.

In Bangladesh, voter lists are made using voter surveys. When the election starts, there are surveys from house to house to determine how many voters there are and the voters lists are made. Currently, there is a page to fill out to indicate if the person has a disability. **It is important to ensure that the voter survey process is not used to eliminate persons from voting on the basis of any disability. The election commission should ensure that persons with disabilities are not discriminated from voting on the basis of disability and not deprived of their right to vote.**

**It is also important to maintain the anonymity, privacy and autonomy of voters with disabilities and ensure their rights.** The reason for collecting information should be provided to the persons themselves when this information is collected, and the information should not be used for any other reasons. The use of the information needs to be in line with the CRPD.

Currently, the election commission is updating the voter list for the national parliament election in 2013. In the voter information form cover the nature of disability. However, the enumerators do not have basic knowledge of disability so they cannot identify persons with disabilities properly. There is a chance that persons with disabilities are not registered. Even if anybody is registered, his/her disabilities will not be mentioned in the information form so the Election Commission cannot have the information how many voters with disabilities are there in the country.

In Dhaka there is some formal language to describe persons with disabilities. In villages many people still use inappropriate words to describe disability. When the paper is provided for voters in surveys, they also don't know how to fill out those surveys because they do not know the correct terms for persons with disabilities.

Persons with disabilities are unaware that there is a special blog for persons with disabilities to fill out to give information about how many persons with disabilities there would be voting.

The politicians have policies and misuse disabled power. They would send cards or transportation to persons with disabilities to try to get them to vote for them, send cars or a card or something. It is misusing the disability power. They are only encouraging them to vote but just for their own party.

The CRPD requires that there be no barriers to be elected or to vote but this is not happening in reality.

It says that the voters should be aware of how to use the voting system, including electronic voting machines, but in reality this is not happening because information is not provided to persons with disabilities, and technology is not provided to them. Persons with disabilities need to be trained on how to use the technology and vote.

There should be participation in political processes, including parliament, and political parties. All the groups should welcome persons with disabilities in the political processes.

The CRPD requires the government to help persons with disabilities to build their organizations but it is not happening very much in reality.

**We recommend:**

**The government should provide reserved seats for persons with disabilities in all the elective bodies from the local to the national level as well as in the national election commissions; ensure that all persons with disabilities can participate in elections, be included in lists, going to voting centers, without undue political influence; and candidates should mention what they will do for people with disabilities if they are elected.**

**The government should ensure that persons with disabilities are not deprived of their right to vote on the basis of disability including during the pre-election processes.**

**The government should ensure that anonymity and secrecy of the vote are maintained while ensuring accessibility of voting.**

**We recommend full legal capacity for all persons with disabilities and to amend all offending legislation including the constitution.**

f. Right to education

There are many challenges in the area of education for persons with disabilities.

The curriculum of the educational system is very vast and there are not any adapted ones for children with disabilities of all types.

Educational institutes especially primary schools do not take disabled children. If a child with a disability is admitted in an educational institute, he or she doesn't get their facilities which are specifically needed for different types of disability. Children with psychosocial disabilities do not get many chances to be in inclusive education, as much as children with other disabilities have (which chances are already small), making the chances of children with psychosocial disabilities almost zero.

It is very difficult to get permission for writers who write exams on behalf of visually impaired children.

Braille text books and materials, including writing frames and stylus, are not much available. If anyone has Braille books, these are very expensive – one Braille book is almost one hundred dollars, as compared to textbooks that are free from the government for everyone else.

Teachers of children who have hearing impairments, as well as the children themselves, don't know proper Bangla sign language and have no training. What the teachers are saying in the classroom is not accessible to students with hearing impairments. There is only one high school for deaf students in Bangladesh, and the distance and transportation for deaf students is very tough. Sometimes they delay in coming to school, they become latecomers and are punished for that. The percentage of female students there is less than boys. For example, in a class of 17 deaf students, there are only three girls, and only one of the girls attends school regularly. Many deaf children have only home signs in their families and they and their families have no proper training on sign language.

**We recommend:**

**The responsibility of all education for all persons with disabilities needs to be transferred from the Ministry of Social Welfare to the Ministry of Education; the government should take initiative on accessibility and transportation; all education must be made inclusive; it must make available Braille books and materials, and sign language training for students, families and teachers; and finally, all existing textbooks should be revised to include topics on persons with disabilities.**

g. Data collection and statistics

There is no national census of persons with disabilities. In this regard, it is only possible to provide approximate statistics of disabled people since there are not any proper statistics. So, there is no accurate data on the situation of disabled people along with their specific needs.

A few numbers of organizations have conducted sample survey on the basis of their working area. But this information is very insufficient and very old.

Due to the strong advocacy of DPOs and NGOs, the Bangladesh government included disability issues in the 2001 national census for the first time. But unfortunately, this issue was not addressed properly that way. The percentage number of disabled people identified – 0.17% - was very insufficient. Subsequently, due to DPOs' and NGOs' strong campaign, the government included disability issues in a national census survey taken in 2011 (the housing and population census 2011 of the Bangladesh bureau of statistics). However, only a small number of disabled people were counted in this census.

It is very unfortunate that there was a lack of proper knowledge and training of surveyors and persons with disabilities. This national census also failed to collect proper statistics and data of disabled people. According to this census 2011, the percentage of persons with disabilities is 1.4%.

However the World Report on Disability 2011 (WHO and World Bank) said that 15% of people are disabled out of the total population of developing countries. Without having any statistics and data of persons with disabilities, their basic and specific needs, government cannot take any plan, programs and allocate the budget properly. It is a significant barrier of the development of persons with disabilities.

But the government has recently conducted some pilot programs survey to identify persons with disabilities.

**We recommend:**

**We recommend implementing article 31 CRPD: the Bangladesh government should be ensuring the statistics and data on persons with disabilities and their specific needs for taking proper initiatives of persons with disabilities.**

**The government should ensure the autonomy and privacy and all other fundamental human rights of persons with disabilities in collecting and using data and statistics on disabilities for any purposes in line with the CPRD, and should ensure training of relevant government and private sectors on disability issues.**

h. Rights of indigenous persons with disabilities

The Chittagong Hill Tracts Region (CHR Region) consists of the three hill districts namely Ragamati Hill district, Khagrachari Hill district and Bandarban Hill district, and is situated to the south eastern region of Bangladesh.

According to the census of 2011, the population of Indigenous communities is 793,500 in the C.H.T. Region. There are fourteen types of Indigenous peoples there. Assuming that 10% of the population are persons with disabilities, the total disabled population is 79,350 in the C.H.T.

There is lack of enjoyment of the right to cultural identity for all indigenous peoples, including persons with disabilities. Other people use different terms for indigenous peoples which indigenous people do not consider to be the right terms (aboriginal, Hill Tracts People, etc.). Bangalese tried to settle there after the 17<sup>th</sup> century. Before that there were no Bangalese people there. When they tried to settle there, clashes took place, and they were termed as aboriginals, indigenous, etc. The clashes continue until today. Indigenous peoples have to seek permission from the army post before organizing any cultural events there.

The government must take initiatives for the foregoing issues.

An additional problem for all indigenous people, including indigenous persons with disabilities, includes the right to justice, for which local law enforcement is needed.

Denial of the right to accessibility, and the right to legal status must be addressed through government initiatives. People with disabilities find it difficult to claim their rights to inherit property, like other persons with disabilities in Bangladesh, because there are no specific laws.

Denial of the right to security requires social awareness of disability.

The government should take initiatives to raise awareness of disability, which should go through local social leaders and Indigenous leaders, and the government must help in this process, in cooperation with persons with disabilities and their representative organizations and NGOs. Indigenous persons with disabilities also lack enjoyment of the right to political stability, and recommend that implementation of the C.H.T. Peace Accord be done.

For many indigenous persons with disabilities, including little people, social problems (discrimination), against persons with disabilities is a major problem.

Currently, the standard of living is low and physical needs of persons with disabilities are not met. The hilly areas make it difficult for persons with disabilities to get around and it is not accessible. There is a lack of education. Persons with disabilities do not attend regular schools and access to education is a real problem. Persons with disabilities are not getting any help from the government. Persons with disabilities are lacking the basics such as food, clothing, and hygienic system (sanitation). There is a lack of health services, rehabilitation, clinics, disability skills training, and disability workers. There are some hospitals but there is a lack of regular health services or any specific services for persons with disabilities. Prosthetics and assistive devices are lacking. Accessibility is another issue. The inaccessible environment creates difficulties for indigenous persons with disabilities to move around and to go to schools, to the market, and house. Many people are living in remote areas. There is a lack of accessible transportation.

Indigenous persons with disabilities face financial problems, lack of financial services with which to start a business, and there is a lack of development trainings. Poverty and unemployment are major issues for indigenous persons with disabilities. Lack of education prevents them from getting government jobs. The main income source is crop land but this is

increasingly being acquired by Bengali settlers. Some young indigenous persons with disabilities are concerned for their futures and how they will earn a living.

There is a lack of social support and a lack of personal assistance.

There are some unofficial sign languages in the fourteen different indigenous communities in C.H.T. region. For example, in Rangamati region there is some local sign language but it is not approved or recognized as a full sign language.

### **Recommendations:**

**For relevant authorities to raise awareness of the rights of indigenous persons with disabilities, health services including specific services for persons with disabilities, disability workers and rehabilitation clinics, access to education, accessible transportation, increase income support and make available business loans for persons with disabilities, and make sign language education available for deaf persons with disabilities.**

#### **i. Violence against women and access to justice**

Problems include that most women with disabilities are frequently subjected to violence, such as mental, physical and sexual abuse.

In the family, women with disabilities are ignored from their human rights and in the most cases family does not ensure their safety and security. For example, one woman with intellectual disability is sexually abused by her uncle, another abused by her brother, and in each case she became pregnant. Only once she became 5 or 6 months pregnant the family would understand or accept that she was being abused. But in most of the cases, women with disabilities are violated and they never get justice in these cases.

In the society, women with disabilities are facing gang rape, trafficking, kidnaping and murder after rape. Most of the cases are handled by DPOs or NGOs with the cooperation of legal services organizations.

But most cases are hanging on; one major problem is that there is a Women and Child Act of 2003 but it does not clearly include women and children with disabilities.

In Bangladesh, there is also a law to protect women and girls from abuse and torture, which is Prevention of Cruelty against Woman and Children Act 2000 and 2003.

But this law failed to protect women and girls with disabilities from all forms of abuse and torture.

In addition to lack of inclusion in relevant laws, the courts also fail to give justice to the victim women or girls with disabilities.

The courts do not agree to accept the evidence from visually impaired girls.

On the other hand, the court feels interpreters to the process of justice but it is ignored. The Court never ask for interpretation or if it is offered then it is ignored.

Because the system does not allow interpreters for hearing impaired girls, evidence from visual impaired girls or parents' evidence on behalf of the intellectual disabled girls.

In addition to the lack of legislation, or law enforcement by courts, police also fail to enforce the law for women and girls with disabilities.

There is a lack of enforcement of articles article 5 (2), 12 (2) and 16 (5) of the CRPD that mention relevant rights of women with disabilities.

**We recommend:**

**The government should move the responsibility for women and girls with disabilities from the Ministry of Social Welfare to the Ministry of Women and Children Affairs.**

**The Prevention of Cruelty against Woman and Children Act 2000 and 2003 should incorporate a clause on the protection of women and girls with disabilities, and also the new Disability Rights Act should incorporate a specific article on the protection of the rights of women with disabilities in the light of the CRPD.**

**For the empowerment of women with disabilities, the government should address women with disabilities issues in all government empowerment projects of women.**

j. Right to health

There is no sufficient health service for persons with disabilities, including persons with psychosocial disabilities.

There is discrimination against persons with disabilities in the health sector.

Doctors, nurses and health workers do not have enough knowledge about prevention of secondary disability, early intervention, or rehabilitation.

There are no available services for persons with psychosocial disabilities- there are only two facilities in Bangladesh. There are fourteen centers for persons with psychosocial disabilities in medical colleges.

Children with disabilities do not have facilities or protection, and doctors and nurses in particular in rural areas there are no facilities. There are only some facilities only in Dhaka.

There is no parent counselling. Early detection is not done. Safe delivery is needed.

Ignorance about pre-natal, natal and post-natal care is a problem. There is not enough knowledge among hospitals or mothers.

Medical facilities do not have knowledge about how to provide services to pregnant women with disabilities.

**We recommend:**

**In line with article 25 CRPD, to provide immediate and instant services, including rehabilitation and speech therapy; the government should enact law and policies by having professionals' training for health workers, doctors and nurses in these issues, including on communication with deaf persons; and increase the supports and services available in all areas for persons with psychosocial disabilities.**

#### IV. Conclusions

There should be monitoring of all of the issues mentioned by the government and this should be rigorous. All types of laws and policies should be amended in the light of the CRPD. Disability should be included as a cross-cutting issue in all relevant ministries. Resource allocation should be proportionate and should be increased in light of the CRPD. The rules of business of the ministries should be amended to include persons with disabilities.

There are separate ministries for women and other people, but a ministry of disability affairs is needed. The 10 % quota has been provided. This quota is provided for persons with disabilities and orphans- it is not separate. There should be a separate quota for persons with disabilities.

In Bangladesh, the country is still at the level of learning the basics about the rights of persons with disabilities. 40 years have passed by after independence. Still we are learning about ramps, toilets, inclusive education, employment, etc. Persons with disabilities in Bangladesh believe that the process of change should be faster. Whatever they want to say about their rights, people say things will change, have patience, but nothing is changing that way. One generation has passed by. How many more generations do we have to wait?

Annex: List of participating organizations

[THIS IS A PROVISIONAL LIST – PLEASE VERIFY WHETHER ALL WOULD WANT TO SIGN ON.]

1. Access Bangladesh Foundation (ABF)
2. Action on Disability and Development International, Bangladesh Country Office
3. Asar Alo SHG
4. Assistance for Blind Children (ABC)
5. Autism Welfare Foundation (AWF)
6. Badhon District Disability Organization, Rajshahi
7. Bangladesh Blind Mission (BBM)
8. Bangladesh Disabled Development Trust (BDDT)
9. Bangladesh National Federation of the Deaf (BNFD)
10. Bangladesh Protibandhi Kallyan Somity (BPKS)
11. Bangladeshi Systems Change Advocacy Network (B-SCAN)
12. Dishary Protibondhi Shangstha (DPS), Dinajpur
13. Kampon Zella Protibondhi Federation, Kushtia (KZPF)
14. Nandon District Disability Organization, Natore
15. National Alliance of Disabled People's Organizations (NADPO)
16. National Council of Disabled Women (NCDW)
17. National Forum of Organizations Working with the Disabled (NFOWD)
18. National Grassroots Disability Organization (NGDO)
19. Parbattya Protibondhi Kallyan Sangstha, C.H.T. (PPKS)
20. SEID-Trust
21. Social Assistance and Rehabilitation for the Physically Vulnerable (SARPV)
22. Social Economic Development Association for the Disabled (SEDAD)
23. Society of the Deaf and Sign Language Users (SDSL)
24. Society for the Welfare of the Intellectually Disabled Bangladesh (SWID Bangladesh)
25. Surjodoy Protibondi Sangstha (SPS), Faridpur