**List of Issues in Relation to the Initial Report of Bangladesh**

**Replies of Bangladeshi DPOs, NGOs and INGOs to the List of Issues**

Submitted by:

CRPD Platform-Bangladesh

[A DPO led coalition of Disabled Peoples’ Organisations, Community Based Organisations and Non-Government Organisations in Bangladesh working for the rights of People with Disabilities]

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**Purpose and general obligations (arts. 1–4)**

***Issue 1.*** *Please provide the Committee with information on:*

*(a) Measures to incorporate the Convention into domestic law or make it automatically part of the Constitution to ensure that any public action for its implementation follows a human rights-based approach, as promoted in the Rights and Protection of Persons with Disabilities Act, 2013, rather than a charity-based approach;*

*(b) The harmonization of laws and policies with the Convention and on measures to ensure that the concept of disability used in the State party fully adheres to the human rights model of disability.*

1. Bangladesh has neither taken any measure to incorporate the Convention into domestic law nor made it part of the Constitution to ensure a human rights based approach of public action for its implementation so far. Public activities are still mostly driven by charity-based approach. For example: Bangladesh has increased the amount of allowance for persons with disabilities in the fiscal year 2019-20, but it has not allocated money for making the district committees which have unique jurisdiction to pass compensation order against persons committing disability-based discrimination, with the view to protecting the rights of persons with disabilities. Similarly, police are keen to rehabilitate rape survivors with psychosocial disabilities for ensuring their (survivors) welfare, but police is less interested to registering cases under appropriate Sections of the laws for ensuring their right to access to justice. No measure like capacity building initiatives is seen to shift the traditional and charity-based mindset of implementing authorities to the rights-based mind-set.
2. Harmonization of mainstream laws, policies with the Convention is yet to be done. National Women Development Policy, National Health Policy and policies on Sexual and Reproductive Health and Rights (SRHR) are not aligned with the principles of the Convention and neither do they address disability issues from right-based approaches. Hundreds of legal provisions are still existing which are creating disability-based discrimination and also violating the rights of persons with disabilities as are guaranteed by the Convention. Most of the laws enacted in the past one decade have incorporated provisions that have disqualified persons with “unsound minds” to hold Constitutional positions and the positions of codified bodies of the Republic. It is apprehended that due to such provisions, persons with neuro-developmental disabilities and persons with psychosocial disabilities and intellectual disabilities might be victims of exclusions.

***Issue 2.*** *Please state whether and how the national action plan for persons with disabilities adopted in January 2019 will be amended to include time-bound targets and a functioning monitoring and evaluation framework, to ensure synergies with other national policies such as the National Women Development Policy, ensuring they are in line with the human rights model of disability.*

1. The national plan of action for the persons with disabilities has been adopted, but there is no information about an amendment to include a functioning, monitoring, and evaluation framework, and to ensure synergies with other national policies such as the National Women Development Policy, ensuring they are in line with the human rights model of disability.

**Proposed question (arts. 1–4):**

* Are the provisions of the Rights and Protection of Persons with Disabilities Act, 2013 defining ‘disability’, ‘person with disability’ and ‘reasonable accommodation’ aligned with the Convention on the Rights of Persons with Disabilities?
* The Convention on the Rights of Persons with Disabilities looks at the rights and protection of women with disabilities and children with disabilities individually. Why is this issue not dealt with similarly in the Rights and Protection of Persons with Disabilities Act, 2013?

**B. Specific rights (arts. 5–30)**

 **Equality and non-discrimination (art. 5)**

***Issue 3.*** *Please indicate measures implemented to enact the anti-discrimination bill, 2015, in particular to take into account persons with disabilities belonging to minorities and persons affected by leprosy, who lack access to health care on an equal basis with others. Please also inform the Committee whether the State party recognizes the denial of reasonable accommodation as a form of disability-based discrimination.*

1. The Anti-Discrimination Bill, 2015 is yet to be passed by the National Parliament of Bangladesh. Even this bill has not been approved by the Cabinet.
2. The Rights and Protection of Persons with Disabilities Act, 2013 defines denial of reasonable accommodation as a form of disability-based discrimination and any person committing such discrimination is liable to suffer compensation order by the district disability rights and protection committees. But the district committees are not activated to that extent to ensure appropriate remedies in the cases of denial of reasonable discrimination. It is notable that the Committees are not functional due to short allocation of budget and due to lack of administrative action.

***Issue 4.*** *Please provide disaggregated statistical data on cases of discrimination against persons with disabilities, particularly persons with psychosocial or intellectual disabilities, and on investigations conducted, on sanctions imposed, and on remedies provided to victims, particularly women and girls with disabilities, who are affected by multiple and intersectional discrimination.*

1. There is no case monitoring system in place to track and record data on cases of discrimination against persons with disabilities. To be noted, according to a local survey of non-government organizations, only five cases under section 36 of the Rights and Protection of Persons with Disabilities Act, 2013 have been filed against disability-based discrimination in 7 (seven) years of enactment.
2. Persons with disabilities do not receive medical, legal and other services due to lack of accessibility. For example: Persons with hearing and speech disabilities are deprived of health services since the hospitals do not provide Bangla Sign Language interpreting services. Similarly, persons with physical disabilities are excluded from health services since the hospitals are not physically accessible. Also, persons with different types of disabilities are being deprived of their rights and services due to different types of accessibility issues. All these are discrimination and actionable under the Rights and Protection of Persons with Disabilities Act, 2013, but are not tracked and documented. This is why the prevalence rate of discrimination is totally invisible in the records of the government. Usually small-scale studies of Non-government organizations or private sectors are not adequate or acceptable as well-founded documents. What we have found from the community of persons with disabilities through Disabled Peoples’ Organizations, from the media and from few government studies is that the prevalence of discrimination and violence rate is alarmingly high.
3. Government has enacted “Neuro-Developmental Disability Protection Trust Act, 2013 which has a provision to investigate and monitor the condition of persons with neuro-developmental disabilities. But it has no monitoring and reporting mechanisms.

**Recommendations (art. 5):**

1. Ensure equal capacity for signing and executing contracts, voting rights of persons with neuro-developmental, psycho-social and/or mental illness leading to disabilities through necessary legal and political reforms.
2. Enact the Anti-Discrimination Law to ensure equal rights, no discrimination, dignity, social justice in line with the proclamation of independence of Bangladesh as soon as possible.

 **Women with disabilities (art. 6)**

***Issue 5.*** *Please provide information on steps envisaged to revise the Rights and Protection of Persons with Disabilities Act, 2013 to include the rights of women with disabilities belonging to marginalized groups, and to review the National Women Development Policy to address the rights of women with disabilities belonging to minorities and to develop inclusive programmes to protect their rights.*

1. No step has been taken yet to revise the Rights and Protection of Persons with Disabilities Act, 2013 to include the rights of women with disabilities belonging to marginalized groups.
2. No step has been taken to review the National Women Development Policy to address the rights of women with disabilities belonging to minorities.
3. As per National Women Development policy and its Action Plan there should be two seats reserved for women with disabilities in the National Parliament of Bangladesh. But no measure has been taken by the government to comply with such provision.

**Proposed questions (art. 6):**

* What initiatives have been taken for the protection and promotion of the rights of women with disabilities by Ministry of Social Welfare, Ministry of Women and Children Affairs and Ministry of Health and Family Welfare? What kind of monitoring mechanism is in place to oversee their implementation?
* What is the government doing to address negative attitudes towards disability which hinder the implementation of laws and policies?
* The Constitution of Bangladesh should include special provision for ensuring equal rights of women with disabilities. Current Constitution does not consider special issues of women with disabilities.

**Recommendations (art. 6):**

1. The National Women Development Policy 2011 should be implemented properly and Ministry of Social Welfare, Ministry of Women and Children Affairs and the Department for Women’s Affairs should adopt special and inclusive programmes to ensure the rights of women with disabilities.
2. The population census should record the differences between disabilities of every form. This can be ensured through conducting in-depth surveys allowing individuals the option to describe their disability, rather than limiting it to disabilities that are more commonly recognised.

 **Children with disabilities (art. 7)**

***Issue 6.*** *Please report on the equal enjoyment of their rights by children with disabilities in the State party and how children with disabilities benefit from laws and policies protecting the rights of children, including the national policy regarding children of 2011 and the children’s act of 2013.*

1. Currently the children with disabilities of Bangladesh are not in the position of enjoying rights guaranteed by the laws including the Children Act, 2013 on equal footing with children having no disability. The Rights and Protection of Persons with Disabilities Act, 2013 encourages inclusive education system though this law allows special and integrated education system. But in practice, government is keen to promote special education instead of inclusive systems.
2. The Neuro-Developmental Disability Protection Trust Act, 2013 inserts a provision that promotes special education instead of mainstream educational system for the children with neuro-developmental disabilities.
3. Child with Disabilities are deprived from their human and basic fundamental rights such as education, sports and amusement in schools, parks, institutions, health and reasonable accommodation in housing and integrated hostel facilities in intuitions.

**Proposed questions (art. 7):**

* Are children with disabilities being equally benefited by initiatives undertaken by the government under its National Children Policy 2011, the Children Act 2013, and programmes protecting the rights of children?
* Has the government taken any measure to ensure specific protection of children with disabilities and affirmative action to include them under existing initiatives?

**Recommendations (art. 7):**

1. The justice system and court procedures should be made accessible for children with disabilities.
2. Law enforcement agencies and court officials should be sensitised on the rights of children with disabilities.
3. The Special Education Policy, 2019 should be implemented effectively.

**Awareness-raising (art. 8)**

***Issue 7.*** *Please provide information on:*

*(a) The meaningful consultation and effective participation of persons with disabilities and their representative organizations, including persons with disabilities belonging to minorities, in awareness-raising campaigns, with particular reference to their participation in the planning and implementation of programmes and policies, including in remote and rural areas;*

*(b) Measures to combat stereotypes, prejudices and harmful practices relating to persons with disabilities in all areas of life, including discrimination against persons with disabilities belonging to minority communities and indigenous peoples and persons affected by leprosy.*

1. We do not have any information that proves the government is ensuring “meaningful consultation” with persons with disabilities in regard to awareness raising campaigns, planning and implementation of programmes and policies. Similarly, “effective participation” of persons with disabilities and their representative organizations including persons with disabilities belonging to the minorities is not visible in the activities of the government. Rather, the government relies on a specific group of people in this regard. Though the Rights and Protection of Persons with Disabilities Act, 2013 makes the opportunities of inclusion of persons with disabilities in the Rights and Protection of Persons with Disabilities Act, 2013 committees of five tires, it has been seen that the members with disabilities have a narrow scope of effective participation in the meetings of committees.
2. Measures to combat stereotypes, prejudices and harmful practices are very inadequate. The practice of disrespecting the “right to consent” and “right to equal capacity” of persons with psychosocial disabilities is seriously prevailing in both rural and urban areas.
3. The Government does not have any awareness material like billboards to break the stereotype against people with disabilities and about positives approaches for people with disabilities.

***Issue 8.*** *Please indicate the measures taken to raise awareness, targeting society in general and expectant women and health-care personnel in particular, with a view to eliminating stigmatization of and prejudices against persons with disabilities, and those taken to ensure fully informed decision-making regarding women’s sexual and reproductive health.*

1. Though the government refers to the celebration of Autism Awareness Day, International Day of Persons with Disabilities, World White Cane Safety Day for promoting awareness, we have noticed that the government prioritize the presence of non-disabled persons in the event stages. Most persons with disabilities are not invited to the programmes.
2. Local government laws incorporate provisions to form different standing committees for awareness and capacity building purposes. Legal Aid Act has formed Union committees for awareness about legal aid. But all such committees are dormant.

**Proposed questions (art. 8):**

* What initiatives has government undertaken to increase awareness and sensitization of government officials on disability rights and issues and inclusive practices?

**Recommendations (art. 8):**

1. Legal information and awareness materials should be disseminated in accessible formats i.e. braille, large print, simple language, sign language through print and electronic media including accessible websites.

**Accessibility (art. 9)**

***Issue 9.*** *Please explain whether representative organizations of persons with disabilities are engaged in the design, implementation and monitoring of accessibility standards in relation to the built environment, transportation, information and communications technologies and systems, and other facilities and services open to the public.*

1. Representative organizations of persons with disabilities are not engaged in design, implementation and monitoring of accessibility standards in relation to building environment, transportation, information and communications technologies and systems, and other facilities and services open to public.
2. No budgetary allocation for building accessible infrastructure, transportation and information technology is available; the government provide assistive devices such as artificial limbs, tricycle, walking frame, standing frame, wheelchairs, white cane through *Protibandhi Sheba o Sohayota Kendra* (PSOSK- a government service providing center for persons with disabilities), but this initiative is too insufficient to meet the needs of people with disabilities.

**Recommendations (art. 9):**

1. Revise the Copyright Act 2000to include an exemption clause allowing for books and publications to be printed in accessible formats (braille, audio), and the Information and Communication Technology Policy to ensure inclusiveness of persons with disabilities.
2. Sign and ratify Marrakesh VIP treaty to ensure accessibility of reading materials for visually impaired and print disabled persons.
3. Ensure effective implementation of existing policies and rules, and develop monitoring mechanisms to measure progress.

**Proposed question (art. 9):**

* Are persons with disabilities being able to practically use the Right to Information Act, 2009 to seek information through a process that is accessible?
* Are government websites actually accessible to individuals with visual impairments?

**Right to life (art. 10)**

**Recommendation:**

* Develop appropriate monitoring mechanisms to generate data regarding infanticide/feticide of children with disabilities/in person with disabilities.

**Proposed question:**

* What steps has the government taken to ‘prevent’ the culture of infanticide surrounding detection of disabilities at birth/during pregnancy?

**Situations of risk and humanitarian emergencies (art. 11)**

***Issue 11.*** *Please inform the Committee about:*

*(a) Measures adopted to make disaster risk reduction programmes disability inclusive, including through meaningful consultation and effective participation of persons with disabilities and their representative organizations, particularly women and girls with disabilities, persons with psychosocial or intellectual disabilities, and persons with disabilities living in rural areas, and to ensure the provision of equal, safe access and accessible evacuation measures and shelters;*

*(b) Any disaster risk reduction strategy that includes representative organizations of persons with disabilities, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030.*

1. For Disaster Risk reduction there are committees at four tiers. Volunteers who take the responsibility at the time of disaster do not have expertise training to communicate to all persons with disability. The government also has no accessible signal system for persons with hearing and speech impairments. Concerned authorities do not follow universal accessibility principles for persons with disabilities during designing the shelter homes. For example: Shelter homes do not have accessible washrooms and other facilities.
2. Standing Orders on Disasters (SOD), 2019 paves the way to include persons with disabilities and their representative organizations in line with the Sendai Framework Risk Reduction 2015-2030, but its implementation is very limited.

**Proposed question (art. 11):**

* Are emergency responders trained on the particular needs of different persons with disabilities? Are rescue initiatives accessible?

**Recommendations (art. 11):**

1. Attention to be given to ensure equal and safe access of persons with disabilities in disaster centres.
2. Ensure physical accessibility and train persons who are responsible for rescue on how to help people with disabilities.

**Equal recognition before the law (art. 12)**

***Issue 12.*** *Please provide information on measures to:*

*(a) Repeal the provisions of the Contract Act, 1872 and the Transfer of Property Act, 1882 which violate the Convention, including in relation to the rights of persons with disabilities, especially the rights of persons with psychological or intellectual disabilities, regarding property, entering into contracts, inheritance, voting and taking decisions;*

*(b) Shift from substituted decision-making to supported decision-making that adheres to the Committee’s general comment No. 1 (2014) on equal recognition before the law.*

1. No measure has been taken to repeal the provisions of the Contract Act, 1872 and the Transfer of Property Act, 1882 which violate the Convention.
2. The Neuro-Developmental Disability Protection Trust Act, 2013 allows the appointment of guardians of children with neuro-developmental disabilities without their consent. This is causing a serious violation of Article 12 of the CRPD.
3. There is no initiative to shift from substituted decision-making to supported decision-making that adheres to the Committee’s general comment No. 1 (2014) on equal recognition before the law. According to section 118 of the Evidence Act, 1872 “a lunatic is not incompetent to testify, unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them”. The Act is silent about supported decision-making which would enable the persons with psychosocial/intellectual disabilities to understand the meaning of questions and to reply as well.
4. According to the Contract Act, 1872 (Section 11), every person is competent to contract who is of the age of majority according to the law to which he is subject, and who is of “sound mind”, and is not disqualified from contracting by any law to which he is a subject. According to Bangladeshi law a person who has attained 18 years is deemed as major. Section 12 of the Act says, “a person is said of sound mind for the purpose of making a contract if, at the time when he makes it, he is capable of understanding it and forming a rational judgment as to effect upon his interests”. According to section 7 of the Transfer of Property Act, 1877 “any person competent to contract is competent to transfer property”. Since the Contract Act does not allow supported decision making, persons with intellectual disabilities become ineligible to transfer their properties.

**Recommendations:**

1. Reform of the Contract Act in the way that shall enable persons with psycho-social disabilities to contract.
2. Establish provision of penalizing/prohibiting abandonment of children with disabilities.

**Access to justice (art. 13)**

***Issue 13.*** *Please provide information on:*

*(a) Measures to ensure access to the justice system for persons with disabilities on an equal basis with others and to address barriers including discrimination, stigmatization, traditional superstition and illiteracy;*

*(b) Measures to provide procedural accommodations and gender- and age-appropriate accommodations in judicial and administrative proceedings for persons with disabilities, including persons with psychosocial or intellectual disabilities and persons who are deaf, hard of hearing or deafblind, particularly measures to provide information in accessible formats, such as Braille, Easy Read and sign language, and to ensure the physical accessibility of court buildings and all judicial and administrative facilities;*

*(c) Any programmes for the training of judicial officials on the Convention and training programmes to enable persons with disabilities to participate in the judicial system as lawyers, judges and other law enforcement personnel.*

1. *There is* not an initiative of shifting burden of proof from persons with psychosocial or intellectual disabilities and persons who are deaf, or deafblind to the opposite party; as these persons with disabilities are unable to prove the allegation beyond reasonable doubt by producing evidence/testimony. According to existing laws, the burden of proof lies upon prosecution/victims and none can be punished if the allegation is proved beyond reasonable doubt. Due to theses legal provisions, the conviction rate in cases involving persons with psychosocial or intellectual disabilities and persons who are deaf, hard of hearing or deafblind is very low, and thus a culture of impunity is strongly prevailing in country.
2. The Court buildings are not physically accessible for persons with physical disabilities, especially for wheelchair users.
3. Statement or deposition by any person with hearing and speech disabilities are often denied due to ignorance of law and non-availability of sign language interpretation services in the Courts of Law.
4. Legal pieces of information are not disseminated in accessible formats. This is why persons with psychosocial or intellectual disabilities and persons who are deaf, blind or deafblind remain in dark about their rights and remedies.
5. The Convention on the Rights of Persons with Disabilities and Rights and Protection of Persons with Disabilities Act, 2013 have not been included in the curriculum of the Bangladesh Judicial Administration Training Institute (JATI), Bangladesh Public Administration Training Centre (PATC) and Bangladesh Police Academy.

**Recommendations (art. 13):**

1. Implement Schedules 5, 6 and 12 of the Rights and Protection of Persons with Disabilities Act, 2013to ensure accessibility in all spheres of the justice system, particularly including legal/medical/emergency service providers and institutions such as courts, police stations, victim support centers and one-stop crisis centers.
2. Raise public awareness of rights of persons with disabilities to access justice by encouraging NGOs, CSOs, DPOs, the national media and mobile telephone service providers to run public information campaigns and disseminate information on rights under various laws.[[1]](#footnote-1)
3. Ensure participation of persons with disabilities in trials through implementation of Schedule 6 (ka) and (kha) of the Rights and Protection of Persons with Disabilities Act, 2013 by utilizing technology to share legal information with persons with disabilities and implementation of Schedule 12, especially (gha), of the Rights and Protection of Persons with Disabilities Act, 2013and Chapter XXV of the Code of Criminal Procedure, 1898 to mitigate the practical barriers to participation in trials for persons with disabilities.
4. To tackle the difficulties faced by persons with disabilities with speech and hearing difficulties, Section 119 of the Evidence Act, 1872 needs to be followed. Adherence to rules contained in Chapter XVIII of the Code of Civil Procedure, 1908 (hearing of suit and examination of witnesses) would alleviate the practical barriers faced by persons with disabilities in civil suits.
5. Amend Section 118 of the Evidence Act to allow people with intellectual disabilities to testify in court. Amendments could address separate arrangements for such victims and the appointment of a counsellor to enable persons with disabilities s to give evidence in a less intimidating environment.
6. Fast track cases by persons with disabilities through strict compliance of provisions related to summons, trial in absentia, adjournment and appeals[[2]](#footnote-2), and require Case Coordination Committees to prioritise cases involving persons with disabilities.

**Liberty and security of the person (art. 14)**

***Issue 14.*** *Please indicate the measures taken to repeal all laws and policies that restrict the liberty and security of persons with disabilities on the grounds of actual or perceived impairment, including legislation allowing for the forced institutionalization of persons with disabilities. Please indicate the measures taken to provide for appeal mechanisms for redress, especially for women with disabilities and persons with psychosocial or intellectual disabilities, with particular reference to section 54 of the Code of Criminal Procedure, 1898, the Metropolitan Police Ordinances, and the Vagrant and Shelterless Persons (Rehabilitation) Act, 2011. Please clarify how the draft mental health act of 2018, approved by the Cabinet on 15 July 2018, meets international standards and is in line with the Convention. Please also provide statistical data on the number of persons with disabilities in mental health facilities and in detention without their free and informed consent, disaggregated by sex and type of impairment, and indicate any measures in place to ensure their right to liberty and security.*

1. No measure has been adopted to repeal all laws and policies which restrict the liberty and security of Persons with Disabilities. Though the Mental Health Act, 2018 repeals Draconian Law the Lunacy Act 1912, the provision of forceful institutionalization is still prevailing in the Mental Health Act, 2018. This Act deals with two types of patients, one type is defined as “non-protesting patients[[3]](#footnote-3)” and the other type is “protesting patients[[4]](#footnote-4)”. The law does not provide any provision on having the consent/choose doctors or medicine from those patients who do not want to get treatment or to take medicine or to be institutionalized [Section 14]. No mentionable measure has been taken to provide an appealing mechanism for redress to Persons/Women with Disabilities and Persons with Psychosocial or intellectual Disabilities.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

***Issue 15.*** *Please provide information on:*

*(a) Data, disaggregated by age and sex, regarding reported cases of torture and custodial deaths of persons with disabilities, and on the provision of protection measures, enforceable remedies, accessible services, including shelters, and information in accessible formats for persons with disabilities and their families who have been victims of such torture, including persons with disabilities belonging to minorities and migrant workers and refugees with disabilities;*

*(b) Information on measures adopted to sanction perpetrators of torture or cruel, inhuman or degrading treatment or punishment and implement monitoring mechanisms.*

1. There is no data disaggregated by age and gender regarding reported cases of torture and custodial deaths of persons with disabilities. There is no protection measures in place for persons with disabilities victims of torture and their families, including persons belonging to minorities, migrant workers, and refugees with disabilities, and the enforceable remedies, accessible services including shelters, as well as information in accessible formats.
2. No mentionable measures have been adopted to sanction perpetrators of torture or cruel, inhuman or degrading treatment or punishment and no mentionable system has been adopted for implementing monitoring mechanisms.
3. Neither Women and Children Repression Prevention Act 2000, nor the Rights and Protection of Persons with Disabilities Act, 2013 has any specific provision for the protection of rights of women with disabilities.
4. Three persons with disabilities were victimized of extra-judicial killing in the year of 2019. The victims were killed by mob-beating as they were unreasonably suspected as child lifters/traffickers.

**Freedom from exploitation, violence and abuse (art. 16)**

***Issue 16.*** *Please indicate the measures taken to:*

*(a) Prevent violence, abuse and ill-treatment against persons with disabilities, particularly against women and children with disabilities, in institutional settings, including police stations, prisons and mental health facilities, including information about investigations conducted and sanctions against perpetrators;*

*(b)Protect persons with disabilities still living in institutions, in particular women and girls with disabilities and persons with psychosocial or intellectual disabilities, from exploitation, violence and abuse;*

*(c)Ensure concrete safeguards under relevant laws and policies for the protection of children with disabilities from violence and abuse, including combating the stigmatization of and prejudice against children with disabilities, particularly those from minority and marginalized communities, and children affected by leprosy;*

*(d) Eliminate harmful practices allegedly resulting in the mutilation of children with disabilities for exploitation in begging;*

*(e)Implement Sustainable Development Goal 5.2, and please provide data and information on gender-based violence and any programmes designed to protect women and girls with disabilities against violence and to provide them with support.*

1. Violence, abuse and ill-treatment against persons with disabilities in all settings are yet to be criminalized in Bangladesh. The Rights and Protection of Persons with Disabilities Act, 2013 declares “freedom from exploitation” as a right of persons with disabilities and prescribes remedies available in the District Rights and Protection Committees. Unfortunately, this remedy non-existent due to the inaction of the committees.

**Recommendations (art. 16):**

* 1. Law implementing and justice institutions, i.e police stations, courts, counseling centres and legal aid providing offices should have infrastructural and informational accessible facilities for women with disabilities. For example, all of mentioned institutions should have a permanent position of sign language interpreter.
	2. Witness Protection Act and Women and children repression prevention act 2000 should be amended and separate article about Persons especially Women with Disabilities considering their special requirement should be included in these legislations.
	3. Persons with Disabilities from DPOs should be given membership of District Legal Aid Committees (DLAC).
	4. Victim protection measures for victims with disabilities and their family should be adopted in order to protect them from unexpected threats and risks.
	5. All costs for conducting litigation for persons with disabilities/women with disabilities should be approved by the DLACs and proper counseling services should be available for all persons with disabilities/women with disabilities.
	6. Though according to media there are many incidents of torture and/or custodial deaths of persons with disabilities, there is no information/data on these. Ensure monitoring of this issue and develop a database recording such information.

**Protecting the integrity of the person (art. 17)**

***Issue 17.*** *Please provide information on measures taken to protect all persons with disabilities from forced sterilization, and women and girls with disabilities from forced abortion. Please also provide data, disaggregated by sex, age and type of impairment, on persons with disabilities, particularly women and girls with disabilities and persons with psychosocial or intellectual disabilities, subjected to forced sterilization and forced abortions.*

1. Forced abortion is illegal and a punishable offense in Bangladesh, but the law is not properly executed. Hospitals do not record the incidents of forced abortion to avoid legal actions against them. The Government has no mechanism to track data, disaggregated by age and type of impairment, on women and girls with disabilities, subjected to forced abortion.
2. The Government has no national mechanism to track data, disaggregated by gender, age and type of impairment, on persons with disabilities, particularly women and girls with disabilities and persons with psychosocial or intellectual disabilities, subjected to forced sterilization, though the hospitals have data on forced medical intervention and/or psychiatric interventions and involuntary psychiatric admissions.

**Living independently and being included in the community (art. 19)**

***Issue 18.*** *Please provide information on community-based services, including financial support, available to help persons with disabilities to exercise their right to live independently and be included in the community, particularly women with disabilities, persons with psychosocial or intellectual disabilities and persons affected by leprosy.*

1. No available community-based services, including financial support to persons with disabilities for exercising their right to living independently.
2. Mobility Aid, including accessible housing, banking, services, shops or market and transportation are absent.
3. The persons affected by leprosy are not recognized as persons with disabilities by the Rights and Protection of Persons with Disabilities Act, 2013.

**Personal mobility (art. 20)**

***Issue 19.*** *Please provide information on the accessibility of mobility aids and assistive devices, their affordability for persons with disabilities, and efforts made towards encouraging the local development and production of mobility aids and assistive devices and ensuring that all infrastructures are accessible for all persons with disabilities.*

1. State owned, semi-government and private companies are designing and producing mobility aids and assistive devices for Persons with Disabilities. Mobility aids are available in the limited scale in the local market, local products are of not very high standard. Imported materials are more expensive and available only in private sectors.

**Freedom of expression and opinion, and access to information (art. 21)**

***Issue 20.*** *Please provide information on measures taken to:*

*(a)Promote and protect the freedom of expression of persons with disabilities, including persons with intellectual or psychosocial disabilities;*

*(b)Recognize the sign language of Bangladesh as an official language of the State party;*

*(c)Improve access to information in all formats, including Braille, Easy Read and other augmentative and alternative means and modes of communication, and make information and communications technology available to persons with disabilities on an equal basis with others;*

*(d)Make television programming accessible for persons with disabilities through the use of audio description, sign language and captioning, and encourage private and public entities that provide Internet services to the general public to make their websites accessible to persons with disabilities.*

1. It is stated that, disability issue has been included in the Right to Information (RTI) Act, 2009 but there are no measure taken to implement the provisions of the Act including provision of information applications are not available in accessible alternative formats.
2. Sign language has not been recognized as an official language of Bangladesh yet. However, Bangla Sign Language has been recognized as National Sign Language, and Government has declared 7th February as National Bangla Sign Language day.
3. Almost all television stations are physically inaccessible for Persons with Disabilities and do not have the option of audio description. Only two television channels are presenting news two times in every twenty four hours in sign language. Almost all public private websites are inaccessible for persons with disabilities, especially for persons with visual disabilities.
4. Six dots and sign language are not included in Schools and institutions syllabus, so professionals do not know braille and sign language.

**Recommendations (art. 21):**

1. Ensure equal and effective participation in consultations and decision-making processes, of persons with disabilities and their family members in rural, hard-to-reach and urban areas, and DPOs.
2. Ensure community based information centers in remote areas have infrastructural and informational accessibility for persons with disabilities and train relevant staff on disability issues and responsiveness towards persons with disabilities.
3. Mandate awareness of sign language and its proper utilization as compulsory at all levels for inclusion of persons with speech and hearing disabilities.

**Respect for home and the family (art. 23)**

***Issue 21.*** *Please provide information on the measures adopted in legislation and policies to eliminate discrimination against persons with disabilities, including persons affected by leprosy and persons with psychosocial or intellectual disabilities, in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others. Please also inform the Committee about measures adopted to provide comprehensive information and support services to children with disabilities and their families, including programmes and policies to provide persons with disabilities, including those living in rural areas, with family planning education in accessible formats and accessible and age-appropriate information on sexual and reproductive health.*

1. No measure is taken to provide comprehensive information and support services to the children with disabilities and their families, including programmes and policies to provide persons with disabilities with family planning education in accessible and age-appropriate information on sexual and reproductive health.

**Recommendations (art. 23):**

1. Adopt effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on equal basis with others.
2. Strengthen intervention centres to provide early and comprehensive information, services and support to children with disabilities and their families.
3. Ensure inclusiveness in custodial settings, including safe custody homes, rehabilitation centres for vagrants and beggars, centres for orphaned children, and adolescent development centres with full accessibility, adequate and skilled staff, and appropriate services.
4. Introduce programmes on foster care or foster parenting of children with disabilities in compliance with the Convention on the Rights of Persons with Disabilities and the Rights and Protection of Persons with Disabilities Act, 2013.
5. Provide day care facilities for children with disabilities who have working mothers, in compliance with the Convention on the Rights of Persons with Disabilities and the Rights and Protection of Persons with Disabilities Act, 2013.
6. Include children, adolescents, women and persons with disabilities in the policies and programmes of the Ministry of Health and Family Welfare.
7. Introduce legal reforms to remove discrimination on ground of disability in relation to marriage, family life and parenthood, in light of the Convention on the Rights of Persons with Disabilities, irrespective of personal laws.

**Education (art. 24)**

***Issue 22:*** *Please provide information on:*

*(a) Measures to ensure the right of persons with disabilities to inclusive education and to ensure the enrolment and retention in education of all children with disabilities in mainstream settings and the provision of individualized support;*

*(b)The availability of educational materials in accessible formats, particularly Braille, sign language and Easy Read, as well as on the accessibility of learning environments, the provision of individualized support, and the training of teaching and non-teaching personnel on quality inclusive education.*

1. The Education Policy 2010 has recognized the right to education of children and persons with disabilities and it has been further reiterated in the Rights and Protection of Persons with Disabilities Act, 2013. The Rights and Protection of Persons with Disabilities Act, 2013 focuses on the inclusive education system though it has defined two other education systems i.e. integrated and special education for persons with disabilities. According to the Rights and Protection of Persons with Disabilities Act, 2013 denial to admissions in the educational institutes on the ground of disabilities is prohibited, but the government has no record to track the incidents of such denials. Remedies against denial of admission are available in the district levels committees but due to lack of awareness and non-functionality of the committees no complaints have been filed so far. Primary Education Development Programme-4 is under implementation with better inclusion and opportunities for learners with disabilities.
2. National Policy on Integrated Special Education, 2019 has been approved to ensure quality education for the persons with disabilities.
3. Resource teachers in the integrated/special schools are not available and, most teachers do not know braille for students with visual impairments. Government integrated schools are regulated by department social services.

**Recommendations (art. 24):**

1. Provide orientation on disability to teachers and staff in schools, colleges and universities.
2. Include a comprehensive course on disability issues in the curricula of Teachers’ Training Institutes.
3. Establish special and integrated schools for secondary education of children with disabilities, particularly for children with severe disabilities girls.

**Health (art. 25)**

***Issue 23.*** *Please indicate measures taken to:*

*(a) Ensure that the right to have access to quality health-care services can be enjoyed, on an equal basis with others, by persons with disabilities, especially persons with psychosocial or intellectual disabilities, women and girls with disabilities, persons with disabilities who belong to minorities, persons affected by leprosy, and migrants and refugees with disabilities, and to make hospitals and health centres accessible to persons with disabilities, including in rural areas;*

*(b) Enable persons with disabilities, particularly women and girls with disabilities, to access comprehensive health-care services, including those relating to sexual and reproductive health rights and HIV/AIDS prevention, on an equal basis with others;*

*(c)Integrate the Convention’s human rights model of disability in national health policies, including in the new health policy that the Government is developing, and ensure the participation of persons with disabilities, through their representative organizations, in the preparation of such policies.*

1. It is very unfortunate that no specific action has been taken to ensure the physical, mental and reproductive health of persons with disabilities. Most of the health-care services centres are inaccessible though claose-3 of ‘National Health Policy-2011’ says that the government will be focusing on solving the health problem of the poor, marginalized, aged and people with physical and psychological disabilities. Health care service providers are not trained on disability. But in the schedule-3 of ‘Rights and Protection for the Persons with Disabilities Act-2013’ it has been mentioned that all health-care providers will be trained on disability.
2. Health Policy does not incorporate health service facilities for persons with disabilities, especially for women with disabilities.
3. There is a circular on non-communicable disease control programme on 1 July 2018 by the health department but actions have not taken in the medical college, district, sub-district health complex for ensuring the accessibility and other related initiatives for persons with disabilities including child and women.
4. Pregnancy operation table, hospital beds and medical equipment are not adjusted for patients with disabilities, health service providers such as Doctors, Nurses, Midwifes and health Assistants are not trained on disability inclusion.

**Proposed question (art. 25):**

* What kind of initiatives does the government have regarding working with at-risk children to identify disabilities and address needs?

**Recommendations (art. 25):**

1. Ministry of Health and Family Welfare should ensure strict compliance of the Rights and Protection of Persons with Disabilities Act, 2013 provisions and develop monitoring systems to maintain quality health services for persons with disabilities.
2. Ensure compliance with the National Building Code 2008 and Schedule 3 of the Rights and Protection of Persons with Disabilities Act, 2013 to make all hospitals, maternity and diagnostic centres, and medical institutions, community clinics accessible for patients with disabilities.[[5]](#footnote-5)
3. Monitor access of poor persons with disabilities to free healthcare.
4. Ensure access to information on disability and Sexual and Reproductive Health Rights in the initiatives of Directorate General of Family Planning.
5. Provide specialised training to doctors, nurses, hospital employees’, paramedical assistants, and other staff members on treating people with disabilities. Include disability issues in medical training curricula and syllabus of programmes. Train more sign language experts to communicate with patients with hearing and speech difficulties. Train all concerned persons on their legal obligations to treat people with disabilities, and to build empathetic behaviour and positive attitudes.
6. Build the capacity of medical professionals to provide services to pregnant women with disabilities and to treat patients with certain injuries (especially a spinal cord injury) with extra care and precaution to prevent the occurrence of disability.

**Work and employment (art. 27)**

***Issue 24.*** *Please indicate the proportion of persons with disabilities who are employed in the public and private sectors, and state the measures taken to:*

*(a)Promote the employment of persons with disabilities, especially young persons and women with disabilities, in the open labour market in the private sector, and to ensure equal pay for work of equal value for persons with disabilities;*

*(b) Prevent and address harassment and discrimination against persons with disabilities in the area of employment, especially against those belonging to minorities and persons affected by leprosy;*

*(c) Promote appropriate measures, including affirmative action programmes, for the employment of persons with disabilities in the open labour market, including for persons with psychosocial or intellectual disabilities, and provide training to employers on the rights of persons with disabilities and reasonable accommodation.*

1. No database has been developed to track the proportion of the persons with disabilities who are employed in the public and private sectors.
2. The Rights and Protection of Persons with Disabilities Act, 2013 prohibits discrimination against persons with disabilities in the area of employment but there is no measure taken to ensure remedies against such discrimination in the area of employment. Due to lack of awareness initiatives and non-functionalities of the district committees no employee or employment seeker has filed complaints against discrimination with the committees to date. It is notable that there is no legal provision for protecting employees with disabilities from harassment at workplace.
3. Persons with psychosocial or intellectual disabilities are very much neglected in terms of their right to employment opportunities. As an affirmative action, 1% quota for the persons with disabilities was reserved in the cadre services of the republic, but the quota provision has been abolished by a government notification no. 05.00.0000.170.11.07.18.276 dated 4th October 2018.
4. Government has taken no initiative to train the employers on the rights of persons with disabilities and reasonable accommodation.

**Recommendations (art. 27):**

1. Amend the Labour Act 2006, in particular section 22(1), to ensure consistency with the Rights and Protection of Persons with Disabilities Act, 2013, and to include provisions setting out the requirement for an effective quota system and make it applicable to all government and non-governmental organisations to ensure that employees with disabilities are not ill-paid due to their disability; clarify the legal consequences that an employer may face for breach; and increase the currently inadequate compensation package of only 1,25,000 (BDT).[[6]](#footnote-6)
2. Amend Schedule III of the Bangladesh Civil Service Commission and Bangladesh Judicial Service Commission Rules to remove discrimination related to employment of persons with disabilities in the public sector and judiciary.
3. Increase employment opportunities for people with disabilities by:
4. Establishing a monitoring mechanism engaging civil society to identify if the 10% quota for persons with disabilities and the orphans is being fulfilled during recruitment in the third and fourth class positions of the republic, and to ensure reasonable accommodation at workplaces;
5. Arranging reasonable adjustments[[7]](#footnote-7) for persons with disabilities during exams, recruitment and all stages of employment, including questionnaires that are inclusive and that cater to the needs of individuals with disabilities.
6. Offering free/subsidized training including technical and vocational training to persons with disabilities and involving private sector organisations. Trainees, who are persons with disabilities, should be allowed to access loans at affordable interest rates and to secure 0% down payment from banks and financial institutions.

**Adequate standard of living and social protection (art. 28)**

***Issue 25.*** *Please provide information about measures adopted to safeguard an adequate standard of living and social protection for persons with disabilities, in particular children with disabilities and their families, older persons with disabilities, persons with disabilities in rural areas and persons affected by leprosy; please include information on measures to provide them with disability allowances to enable them to meet the cost of disability-related expenses.*

1. Government of Bangladesh is providing a monthly allowance of 750 Taka (USD 8.85 per person) for 1.55 million persons with disabilities for the fiscal year 2019-20 who are living under poverty. Also Government proposed a new National Social Security Strategy for 1.9 million persons with disabilities. The strategy of providing allowances instead of ensuring employment is not good and not adequate.

**Recommendations (art. 28):**

1. Bangladesh Bank should ensure that every bank complies with the rules and provides services including opening and maintaining personal bank accounts to persons with disabilities.
2. Ensure accessibility in safe homes, old age homes, orphanages, and government shelters for the homeless to persons with disabilities. Train staff to be responsive to persons with disabilities special needs.

**Participation in political and public life (art. 29)**

***Issue 26.*** *Please indicate measures taken to:*

*(a)Guarantee the right to participation in political and public life for all persons with disabilities, particularly women with disabilities, and provide data, disaggregated by age, sex and type of impairment, regarding persons with disabilities who participate in the electoral process;*

*(b) Repeal or amend any constitutional or legal provisions denying persons with disabilities, in particular persons with psychosocial or intellectual disabilities, the right to vote;*

*(c)Ensure that persons with disabilities are able to have access to accessible election materials and polling stations, and to cast their vote by secret ballot in an independent manner; and to provide voter education and awareness about the electoral process for persons with disabilities, including those with psychosocial or intellectual disabilities.*

1. No measure has been taken to make the persons with disabilities able to have access to accessible election materials and polling stations, and cast their vote by secret ballot in an independent manner. The Electronic Voting Machine (EVM) is currently being used during national and local government elections, however, the EVM is also inaccessible by the persons with visual disabilities as the machines do not have text to speech options.

**Recommendations (art. 29):**

1. Reserve seats for persons with disabilities in Parliament and local government to create awareness about their political rights, encourage persons with disabilities to put themselves forward as candidates, and encourage political parties to nominate them.
2. Amend Article 122 (2) (c) of the Constitution to ensure that persons within intellectual disabilities may register and be included in the voters’ list.
3. Amend Section 44 E. 1 of the Representation of the People Order, 1972 [9] and the ‘Code of Conduct for Parliament Elections’ to ensure that persons with disabilities are not discriminated against when voting, on the basis of disability, and that the Election Commission maintains the anonymity, privacy and autonomy of voters with disabilities.

**Participation in cultural life, recreation, leisure and sport (art. 30)**

***Issue 27:*** *Please provide information about:*

*(a) The accessibility of all museums, cultural and recreational centres, tourist attractions and stadiums, including about provision in public libraries of information in accessible formats for persons who are blind or visually impaired; and the provision of sufficient budgetary allocations to enable persons with disabilities to participate actively in sports and recreational activities;*

*(b) The steps envisaged to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.*

1. Government has taken initiatives to make some buildings accessible, but still Museums, Cultural centres, Tourist spots are remaining inaccessible for persons with disabilities. In historical places there isn’t any accessible format to provide information for visually impaired visitors. In museums and other historical places there are historic materials that are restricted from touching by general people. But there are no replicas for those things from which a visually impaired person can have an idea about the structure.
2. Ratification of Marrakesh treaty has been included in a national five-year action plan on disability, but the government is still to take any action in furtherance of the plan to ratify the treaty.

**C. Specific obligations (arts. 31–33)**

**Statistics and data collection (art. 31)**

***Issue 28:*** *Please indicate measures envisaged to:*

*(a) Collect qualitative and quantitative disaggregated data on persons with disabilities, including women and girls, minorities, migrants, refugees and older persons with disabilities, persons with psychosocial or intellectual disabilities and persons affected by leprosy;*

*(b) Include all persons with disabilities, including those belonging to minorities, in the forthcoming national census and the Disability Detection Survey conducted by the Ministry of Social Welfare.*

1. *The* Government is collecting data on persons with disabilities through a disability identification programme. But the data is not reflecting the actual numbers. The law requires aregistered doctors to assess and certify disability, but in practice, the disability affairs officers (not doctors) are certifying, which results in wrongful identification of types of disabilities. Therefore, the data collected by government is not reliable to an extent.
2. Qualitative and quantitative disaggregated data on persons with disabilities has not been collected till the latest population census carried out in 2011. Next census will be held from 2 January to 6 January 2021 No process exists in Bangladesh to collect data on in-land migrants and refugees with disabilities.

**Recommendations (art. 31):**

1. Enhance the capacity of Disability Detection Survey, started from 2013, by eliminating errors, and engaging skilled staff to conduct the survey, who are equipped with proper data collection tools and are able to comply with a process of identification that is aligned with the Rights and Protection of Persons with Disabilities Act, 2013.
2. Ensuring identification of persons with disabilities in due process of law and ensure capacity building of relevant persons.

**International cooperation (art. 32)**

***Issue 29:*** *Please indicate how persons with disabilities and their representative organizations are meaningfully consulted and involved in the design and implementation of international cooperation agreements.*

1. No information is available on how persons with disabilities and their representative organizations are meaningfully consulted and involved in the design and implementation of international cooperation agreements. Participation of persons with disabilities should be ensured and increased in every committees, and committees should be functional.

**Recommendations (art. 32):**

1. Ensure participation of persons with disabilities in the strategic planning of donor agencies/INGOs.
2. The expertise of DPOs should be recognised nationally and internationally, and donor agencies should emphasize on this.

**National implementation and monitoring (art. 33)**

***Issue 30.*** *Please provide information on:*

*(a)Measures taken to establish an independent monitoring mechanism, with budgetary allocations, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to monitor the implementation of the Convention, and those taken to ensure the participation of persons with disabilities and their representative organizations within the monitoring framework;*

*(b)The participation of persons with disabilities and their representative organizations in the inter-ministerial national committee responsible for monitoring the implementation of the Convention, and indicate the results and outcome of the monitoring process.*

1. There is no visible initiative to establish an independent monitoring mechanism, with budgetary allocations, in line with the Paris principles relating for the promotion and protection of human rights to monitor the implementation of the Convention. Therefore, there is no scope of participation of persons with disabilities and their representative organizations within the monitoring mechanism. Provided, National Human Rights Commission, Bangladesh has been established following the Paris Principles, but this institution has no independent monitoring mechanism to monitor the implementation of the Convention on the Rights of Persons with Disabilities provisions.
2. An inter-ministerial national committee has been formed under the Ministry of Social Welfare to monitor the implementation of the convention. Persons with disabilities and their representative organizations have a very narrow space to participate in the committee proceedings due to a disproportionate number of membership and irregularity in meetings.

**Recommendations (art. 33):**

1. Activate the National Monitoring Committee, organise meetings regularly with active participation of persons with disabilities, including women with disabilities.
2. Adequate Budget should be allocated for implementation of the Convention on the Rights of Persons with Disabilities and monitoring.

End//

1. Such as the Legal Aid and Services Act 2000; provisions of the Penal Code, Suppression of Violence against Women and Children Act, 2000; the Domestic Violence (Prevention and Protection) Act, 2010 [↑](#footnote-ref-1)
2. The Code of Criminal Procedure 1898, Sections in Chapter VI, Section 339 B, Section 344 and Sections contained in Part VII respectively [↑](#footnote-ref-2)
3. According to Section 2(1) of the Mental Health Act 2018, non-protesting patient means persons having mental illness who are not able to consent for medical treatment or admissions due to their mental health problems, but do not protest against treatment. [↑](#footnote-ref-3)
4. According to Section 14 of the Mental Health Act 2018, protesting patients are those patients who requires emergency medical treatment as per advise of psychiatrists, but do not feel interest to take treatment. [↑](#footnote-ref-4)
5. Institutions providing such healthcare services can be made structurally inclusive and accessible by arranging separate facilities for persons with disabilities and displaying signs with directions to these disability-friendly facilities, building ramps to enable wheelchair access at every building entrance and on each floor, equipping multi-storied buildings with lifts, installing automatic doors, and employing assistants to help patients with disabilities and setting up separate counters for them, to avoid their being made to stand in long queues. [↑](#footnote-ref-5)
6. Equivalent to 1,600 USD (approx.) [↑](#footnote-ref-6)
7. For example, special seating arrangements, allowing additional time in examinations, making available the option to appoint a writer/scribe, etc. [↑](#footnote-ref-7)