



## GRASSROOTS RECOMMENDATIONS: Rights of Persons with Disabilities

Rights of Women with Disabilities | Accessibility | Access to  
Justice and Freedom from Exploitation, Violence and Abuse | Education |  
Health | Work and Employment | Right to Political and Public Life

# Useful Information

## For legal aid :

Bangladesh Legal Aid and Services Trust (BLAST) Hotline  
01715220220

National Legal Aid Services Organization (NLASO) Hotline  
16430

National Helpline Centre for Violence against Women and Children  
109

National Child Helpline  
1098

## For information on disability rights :

Bangladesh National Human Rights Commission  
[www.nhrc.org.bd](http://www.nhrc.org.bd)

Information Commission  
[www.infocom.gov.bd](http://www.infocom.gov.bd)

Ministry of Social Welfare  
[www.msw.gov.bd](http://www.msw.gov.bd)

Report on the Current Status of Persons with Disabilities: Legal and  
Grassroots Perspective  
[www.disabilitybangladesh.org](http://www.disabilitybangladesh.org)

ADD International  
[www.add.org.uk/countries/bangladesh](http://www.add.org.uk/countries/bangladesh)

National Forum of Organisations working with the Disabled  
[csf-global.org/what-we-do/sector-development/national-forum-of-organizations-working-with-disabled](http://csf-global.org/what-we-do/sector-development/national-forum-of-organizations-working-with-disabled)

Convention on the Rights of Persons with Disabilities  
[www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx)

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# GRASSROOTS RECOMMENDATIONS:

## RIGHTS OF PERSONS WITH DISABILITIES

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# Contents

Acknowledgements	4
Acronyms	5
About the National Coalition	6
CRPD Article 6 : Rights of Women with Disabilities	9
CRPD Article 9 : Accessibility	12
CRPD Article 13 and 16: Access to Justice and Freedom from Exploitation, Violence and Abuse	14
CRPD Article 24 : Education	17
CRPD Article 25 : Health	19
CRPD Article 27 : Work and Employment	21
CRPD Article 29 : Right to Participation in Political and Public Life	24

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We hope that this booklet will be used as an effective advocacy tool for improving the situation of persons with disabilities, especially those at the grassroots level.

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Organization (NGDO)

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## Acronyms

A2I	Access to Information Programme
BCS	Bangladesh Civil Service
BLAST	Bangladesh Legal Aid and Services Trust
CRPD	Committee on the Rights of Persons with Disabilities
CSO	Civil Society Organization
DNA	Deoxyribonucleic Acid
DPO	Disabled Persons' Organizations
DRPA	Disability Rights and Protection Act
DRF	Disability Rights Fund
FGD	Focus Group Discussion
JSC	Judicial Service Commission
JPUF	<i>Jatiyo Protibondhi Unnayan Foundation</i>
MOSW	Ministry of Social Welfare
NCDW	National Council of Disabled Women
NCP	National Coalition Project
NGO	Non-Governmental Organization
NGDO	National Grassroots Disabilities Organization
OCC	One Stop Crisis Centre
PKSF	<i>Palli Karma Sahayak Foundation</i>
PWD	Person with Disabilities
SIF	Service Innovation Fund
SME	Small and Medium Enterprise
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
VSC	Victim Support Centre
WWD	Women with Disabilities

# About the National Coalition

## About the Project:

The National Grassroots Disabilities Organization (NGDO) is an umbrella organization consisting of Disabled Persons Organizations (DPOs). Since its inception, the organization has been working at national and grassroots level to establish the rights of persons with disabilities across the country.

Since 2013, NGDO has been leading the project for Producing the CRPD Shadow Report to Bring About a Greater Engagement by the State and Key Social Actors to the Recognition of Disability Rights in Bangladesh (CRPD) along with its partners – the National Council for Disabled Women (NCDW) and the Bangladesh Legal Aid and Services Trust (BLAST).

The project has been funded by the Disability Rights Fund (DRF) since 2013 with the aim of producing a Shadow Report for the United Nations Committee on the Convention on the Rights of Persons with Disabilities (CRPD).

The Government of Bangladesh ratified the CRPD and its Optional Protocol on 30 November 2007. According to Article 35 of the Convention, Bangladesh is obliged to submit a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard within two years after the entry into force of the CRPD. In other words, the State report should have been submitted on or before the 2 May 2010. Although a draft State report was submitted to the CRPD Committee by that deadline, the report was not considered by the Committee as it failed to meet guidelines and specifications set by the Committee in relation to submissions of such reports. Since, then no report has yet been submitted to the Committee on the State's behalf causing Bangladesh to miss further deadlines regarding reports it ought to submit at least every four years.



NGDO along with NCDW and BLAST worked on a report on eight articles of the UNCRPD, namely Articles 6, 9, 13, 16, 24, 25, 27 and 29 (dealing with the rights of women with disabilities, accessibility, access to justice, freedom from violence, torture and exploitation, education, health, employment and the right to public and political life respectively) analyzing the status of the implementation of the CRPD in Bangladesh and seeking to advocate for the advancement of the PWDs of Bangladesh. The report will be finalized once the State submits its initial report. Currently, the National Coalition Partners are continuously engaged in advocacy with relevant government representatives to encourage the submission of the initial State report to the UNCRPD Committee.

Recommendations related to each of the Articles were extracted from the findings derived from a series of consultations held across seven districts (Bogra, Cox's Bazar, Dhaka, Faridpur, Kushtia, Rangpur and Sylhet) that involved seven focus group discussions (FGDs) and a structured questionnaire based survey of respondents from 14 categories of stakeholders that consisted of representatives of DPOs, civil society organizations, journalists, legal professionals and Government officials among others. Recommendations also came from a ten member Advisory Committee consisting of experts working on disability rights. Their feedback was obtained through email and through two national consultation meetings.

### **About the Partners:**

#### **National Grassroots Disability Organization (NGDO)**

**NGDO** is an active organization of PWDs which operates through mutual cooperation with an aim to create an inclusive society where all disabled people can have equal rights.

It is a society established in 2005 under the Societies Registration Act, 1860, and registered with the Registrar of Joint Stock Companies and Firms, and with the NGO Affairs Bureau in 2008 under the Foreign Donations (Voluntary Activities) Regulation Ordinance 1978.

## **National Council of Disabled Women (NCDW)**

**NCDW** is a non-profit organization established in 2008 under the Voluntary Society Welfare Agencies (Registration and Control) Ordinance 1961, and registered with the District Women's Affairs Office, Dhaka under the Directorate of Women Affairs.

NCDW strives to strengthen grassroots disabled women's organizations to ensure the rights and dignity of disabled women and children. NCDW's casework includes having assisted a woman with disabilities to recover compensation for being deprived by her siblings of her share of her paternal property, and assisting rape survivors to access justice.

## **Bangladesh Legal Aid and Services Trust (BLAST)**

**BLAST** is a non-profit company incorporated in 1993 under the Companies Act, and registered with the Registrar of Joint Stock Companies and Firms, and with the NGO Affairs Bureau in 1993 under the Foreign Donations (Voluntary Activities) Registration and Control Ordinance 1978.

BLAST is a leading non-governmental legal services organization, and the only one that provides access to legal aid across the spectrum, from the frontlines of the formal justice system, in the village courts and magistrates' courts, to the highest court. It works with 460+ staff, in more than 22 offices across the country, and a pro bono network of 2600+ lawyers. It prioritizes support to individuals living in poverty or facing disadvantage, disability or discrimination. It also provides legal aid, advice and representation across a range of areas, including civil, criminal, family, labour and land law, as well as on constitutional rights and remedies, providing access to judicial remedies alongside alternative dispute resolution wherever appropriate. BLAST undertakes public interest litigation as a key part of its advocacy for law policy and institutional reform to ensure effective legal protection of rights.



Photo Credit: Shamsul Shakerin Himel, Freelance Photographer

*A visually impaired woman who begs for a living and has no access to any assistive devices.*

## CRPD Article 6

# Rights of Women with Disabilities

### Context

- Government led projects/benefits are not adequate for the needs of women and girls with disabilities.
- Women with disabilities continue to face discrimination at family, state, institutional and social level.
- Women with disabilities are regularly denied rights to property, inheritance and personal assets. In most cases they do not have a court appointed guardian for the daily management of their property. The discrimination extends to marriage, divorce, separation, maintenance, custody and guardianship and

inheritance. Women with disabilities are also generally not given a choice regarding marriage.

- Illiteracy coupled with social neglect of women with disabilities means that they lack knowledge about their sexual and reproductive health.

### **Key recommendations**

- Maintain statistics on the rate of literacy among women with disabilities, or to identify the percentage of women with disabilities being raped or facing other forms of violence (both sexual, emotional and physical).
- Ensure access to legal services through enactment of laws, or by adopting rules to prevent imposition of extra-judicial penalties for women with disabilities through shalish. Implementation of the Legal Aid Services Act 2000 is also required, also that all women with disabilities are entitled to free legal services.
- Tackle discrimination faced by women with disabilities in every sphere of their public and private lives through collaboration between the Ministry of Women and Children Affairs and the Ministry of Social Welfare to bring them under the mainstream development processes.
- Address problems surrounding marriage, divorce and dowry through the implementation of laws related to these issues and prevent child marriages among girls with disabilities through the implementation of the law on child marriage. Also legal reform in existing personal laws and the discriminatory provisions contained therein (especially on financial entitlements) is needed.
- Ensure economic independence by increasing opportunities for equal access to credit, including micro-credit, and for technical and vocational training/education. The benefits and facilities provided under the National Women Development Policy must be monitored

so they reach women with disabilities at the community level. Increase the budget under the Ministry of Social Welfare's Benefit Scheme which currently only pays out a minimal monthly amount to persons with disabilities.



Photo Credit: Alal Uddin Mondol

*A traffic police officer helping a person with physical disabilities to cross the road.*

## CRPD Article 9 Accessibility

### Context

- Transportation is not accessible for persons with disabilities; buses and trains are not built with features for easy wheelchair access.
- Mobile and internet services are inaccessible for many persons with disabilities.
- Public premises, including hospitals, courts, banks, local government offices, and police stations are not fully accessible. Although some school buildings have ramps, most buildings, especially government ones, do not have lifts and stairs are

usually very steep. There are no audio facilities in public places or lifts making it difficult for a person with visual impairments to use such premises.

### **Key recommendations**

- To increase physical accessibility to transportation services and public premises, implement reasonable accommodation under Section 2(14) of the 2013 Act in the light of Article 2 of the CRPD with attention given to four key points: (i) unobstructed reach to accessibility features (ii) entry into a disabled accessible area (iii) circulation of exterior or interior way of passage from one place to another for disabled pedestrians including walkways, hallways, stairways and stair landings (iv) use of disabled friendly accessibility features.
- To overcome communication barriers, create institutes for development and training on sign language for trainers, interpreters and teachers pursuant to Schedule 9 (2) (e) (g) (h), and 21(b) of the 2013 Act.
- Increase amounts allocated in the Service Innovation Fund (SIF) under the Government's Access to Information Program (A2I) to enable State-led technological advancements that would allow improved accessibility to information and communication for persons with disabilities.
- Amend Section 14 of the Copyright Act 2000 to include an exemption clause allowing for books and publications to be printed in accessible formats (braille, audio).



Photo credit: Sara Hossain

*Advocate Khondoker Shahriar Shakir, Advocate Toufiqul Islam, Advocate Shwapan Chowkider (petitioner) and Advocate Qazi Zahed Iqbal addressing the media at the Supreme Court premises after hearing of a public interest litigation challenging the Bangladesh Civil Service Rules 1981 which restrict the rights of persons from disabilities to compete for examinations held by the Public Service Commission and Judicial Services Commission.*

## CRPD Articles 13 and 16

# Access to Justice and Freedom from Exploitation, Violence and Abuse

### Context

- Persons with disabilities are largely still unaware of their rights under the 2013 Act.
- Majority of cases are being settled outside court through *Shalish* (traditional dispute resolution).



- Persons with disabilities are often coerced by fear to settle disputes out of court.
- Respondents from the survey felt that women with disabilities faced more violence than men due to their gender and disability.
- Girls with disabilities are prone to being victims of child marriages. Although the Union Parishad Chairman has a legal duty to prevent child marriages, respondents felt that the Chairman does not take action for fear of losing votes from parents/family members involved in such cases.
- The number of DNA Labs is inadequate.
- There are no dedicated counselling services or rehabilitation services for disabled victims of violence.
- Investigating police officers often do not interview women and girls with disabilities (in violence cases).
- All respondents agreed that justice providing establishments were inaccessible.
- Sign language interpreters were not available during trial proceedings for the majority of respondents.

### **Key recommendations**

- Ensure ‘disabled-friendly’ court environment through implementation of Schedules 5 (Accessibility); 6 (Mobility) and 12 (Freedom from Violence, Access to Justice and Legal Aid) of the 2013 Act to ensure accessibility in all spheres of the justice system and to make all public places accessible (especially courts, police stations, victim support centers, one stop crisis centers).
- State to raise public awareness of PWDs rights to access to justice

by encouraging NGOs, CSOs, DPOs and the national media and cellular service providers to run public information campaigns and disseminate information on rights under various laws (especially on Legal Aid Act 2000; offences and punishment under the Penal Code, Suppression of Violence against Women and Children Act, 2000; the Domestic Violence (Prevention and Protection) Act, 2010.

- Establish adequate number of DNA Labs, under Section 14 of the DNA Act 2014.
- Ensure participation of PWDs in trials through implementation of Schedule 6 (ka) and (kha) by utilizing technology to share legal information with PWDs and implementation under the 2013 Disabilities Act. To tackle the difficulties faced by PWDs with speech and hearing impairments, Section 119 of the Evidence Act, 1872 needs to be followed.
- For PWDs who have intellectual disabilities, Section 118 of the Evidence Act needs amendment to allow them to testify in court. Amendment of the law could include separate arrangements for such victims and the appointment of a counsellor to allow for a combination that would enable PWDs with intellectual difficulties give evidence in a less intimidating environment.
- Fast-Tracking of cases by persons with disabilities could be activated through strict compliance of provisions related to summons of persons, trial in absentia, adjournment and. In addition to all of the above, Case Coordination Committees (CCC) can be used to ensure quick disposal of cases by prioritizing ones involving PWDs.



*Students participating in a morning PT Session at the Disability Child Foundation Inclusive Primary School (Khilagaon, Dhaka).*

## CRPD Article 24 Education

### Context

- There are no statistics on the number of children with disabilities attending primary schools.
- Children with visual impairments often could not study in schools due the schools not being accessible.
- There is a lack of educational assistive devices in schools.
- Teachers were not given appropriate training to help them instruct children with disabilities who had speech and hearing difficulties.

- Accessibility and distance of schools remain an obstacle to education for students with disabilities. Most educational institutions lack a separate entrance and a wheelchair-accessible washroom/toilet.
- Students with disabilities face discrimination and are more than often denied admission on the basis of their disability.

### **Key recommendations**

- Ministry of Social Welfare to collaborate with Ministry of Education and Ministry of Housing and Public Works to ensure:

(i) Accessibility of educational institute premises.

(ii) Training of teachers and staff of educational institutions on the needs of students with disabilities, on sign language, and on empathetic behaviors to allow them to appropriately deal with students with disabilities.

(iii) Maintain statistics on enrollment and dropout rates of children with disabilities.

- Implement Section 33 of the 2013 Act which allows for taking action against authorities/heads of educational institutions who raise a barrier for people with disabilities in accessing education.
- Increase exam duration for examinees with disabilities by one hour, and further for students with cerebral palsy.
- Increase separate admission quota for students with disabilities in schools, colleges and universities.



*An injured Rana Plaza worker receiving therapy for spinal cord injuries sustained in the Rana Plaza collapse in 2013.*

## CRPD Article 25

# Health

### Context

- All PWDs who were surveyed said that their family homes did not have an accessible washroom/toilet.
- PWDs requiring medical rehabilitation and social integration, cannot access these facilities from the existing health care service delivery system. Public health centers, such as Upazila Health Complexes and district general hospitals, lack the expertise required for early identification of disability, fitting of artificial limbs, handling aids and appliances and knowledge on educational or therapeutic services or vocational rehabilitation.

- Most hospitals lacked an adapted ward or separate counter for PWDs. Among the areas surveyed, Faridpur Sadar Hospital was the only known hospital that had a separate counter and five beds reserved for people with disabilities.

### **Key Recommendations**

- Compliance with the National Building Code 2008 and Schedule 3 of the 2013 Disability Rights Act necessary to ensure all hospitals, maternity and diagnostic centers, and medical institutions are made accessible for patients with disabilities.
- Ministry of Health and Family Welfare to collaborate with the Ministry of Social Welfare to monitor access of poor patients with disabilities to free healthcare.
- Give specialized training to doctors, hospital employees, ward boys, employees and nurses on treating people with disabilities. Training Curriculum and Syllabus, for example the MBBS for medical practitioners to include disability issues and on sign languages.
- Undertake extensive awareness programs about the existence of district health centers and entitlements of PWDs under national policies [there are currently eighty-one Stop Services in operation under the Jatiyo Protibondhi Unnayan Foundation (JPUF)] across the country that disseminate information about such services and programs to enable patients with disabilities to make informed decisions regarding the type of treatment they want to receive.



Photo Credit: Bashir Al Hussain, NGDO.

*Md. Ashraf, a person with physical disabilities working as a lacquer polisher after successful completion of a three month skills traineeship provided by Akhter Furniture.*

## CRPD Article 27

# Work and Employment

### Context

- Employees with disabilities commonly face bullying and harassment at work and tend to be paid less than others, particularly in manual or field based jobs.
- Often quotas for PWDs in the non-governmental/private sector are established regarding jobs which have advanced educational eligibility requirements. Even when PWD's meet these criteria and can apply for such jobs, they are not always offered the position.
- Most factories and offices are physically inaccessible to people with disabilities.

- Workers who have a disability due to workplace injuries are rarely rehabilitated or provided training adapted to their needs. The compensation packages offered under the Labour Act 2006, is insufficient as it does not adequately cover medical expenses or the maintenance costs of dependents.

### Key recommendations

- Amend the Labour Act, 2006 in particular section 22(1) to ensure consistency with the 2013 Act, and to include provisions laying out the requirement for an effective quota system and making it applicable to all government and non-governmental organizations to ensure that employees with disabilities are not paid less because of their disability; clarify the legal consequences that an employer may face for breach, and increase the current inadequate compensation package of 1,25,000 taka @ \$1600.
- Amend Schedule III of the BCS Rules 1982 and JSC Rules 2007 to remove discrimination related to employment of PWDs in the public sector and in the judiciary.
- Adapt workplaces to the needs of PWDs. Orientation and training at any workplace must include disability issues to ensure dignity and respectful behaviour from fellow colleagues of a PWD.
- Increase employment opportunities for PWDs by:
  - (i) Establishing a monitoring mechanism engaging civil society to identify if the 5 % quota for 1st and 2nd class government jobs is being fulfilled, and to ensure reasonable accommodation is made during recruitment.
  - (ii) Establishing quotas for people with disabilities applying for 3rd and 4th class government jobs.
  - (iii) Arranging reasonable accommodation for examinees with disabilities appearing for exams, as is the case during recruitment,



including granting additional time or providing options to appoint a writer/ scribe.

- (iv) Offering free or subsidized training, including technical and vocational training to people with disabilities and involving private sector organizations. Allow trainees to access loans at affordable interest rates and to secure 0% down payment from state and private owned banks.
- (v) Providing access to loans on easy terms through institutions such as PKSF, SME foundation, state and private owned banks to facilitate small business /entrepreneurship among PWDs.



*Advocate Al Amin, an Equality Fellow at BLAST, presenting his research paper on accessibility issues faced by persons with disabilities while accessing legal documents and information.*

## CRPD Article 29

# Right to Political and Public Life

### Context

- Voting centers are generally physically inaccessible as there is no ramp in most voting centers and many polling booths are located on the second or third floor. Further, there is no separate queue or priority voting for PWDs who have to queue for hours to cast their vote.
- PWDs and their family members are often not aware of their voting rights.

- Although Part 12 of the voter's registration form requires information regarding the nature of their disability which is often not recorded correctly. There are no statistics on the number of PWDs who vote, which makes it harder to advocate for, or make arrangements for voters with disabilities.
- Information regarding the voting and registration process is not communicated in a way that would be understood by people with disabilities. Many PWDs surveyed said that they were not included on the voter's list, which prevented them from casting their vote.
- Since polling booths are inaccessible to people with physical disabilities, the presiding officer often brings the ballot paper to the PWD, which leaves that person with no option but to cast the vote in the presence of onlookers.

### **Key recommendations**

- Record statistics on the number of PWDs voting in every general election and include data on the nature of their disability derived from information given on National ID cards and in the voter registration form through implementation of the 2013 Act.
- Reserve seats for PWDs in Parliament and Local Government to create awareness about PWDs political rights, and to encourage PWDs to put themselves forward as candidates and encourage political parties to nominate them.
- Amend Article 122 (2) (c) of the Constitution to ensure that persons within intellectual disabilities may register and be included in the voter's list.
- Amend Section 44 E(1) of the Representation of People Order, 1972 and the 'Code of Conduct for Parliament Elections 1996' to ensure that persons with disabilities are not discriminated from voting on the basis of disability and that the Election Commission maintains the anonymity, privacy and autonomy of voters with disabilities.