**Implementation of the Convention on the Rights of Persons with Disabilities in** **Bangladesh**

**A report submitted to the**

**Office of the High Commissioner on Human Rights (OHCHR)**

**in accordance with**

**Article#35 Paragraph#1 of the CRPD**

**August 2010**

Submitted by

**The Ministry of Social Welfare**

On behalf of the

**Government of the Peoples' Republic of Bangladesh**

**Foreword**

It gives me immense pleasure to present the first report on behalf of the Government of the Peoples' Republic of Bangladesh, on its progress towards the implementation of the Convention on the Rights of Persons with Disabilities (CRPD), to the Office of the High Commissioner on Human Rights (OHCHR).

Bangladesh was one of the first few countries that ratified the CRPD and the optional Protocol. But for a developing country like ours, stretched for resources and burdened with a huge population, it naturally is a tall task to make giant leaps towards implementation of such a comprehensive Convention. So our progress is slow, but steady, and in the right direction. This would be evident in this report.

Bangladesh is going through the process of updating its disability related legislation attuned to the content and spirit of the CRPD. Once enacted, we will prepare a roadmap with short term, mid term and long term targets, and allocate national budgets accordingly. In a country like ours, it is an uphill task for the Government to deliver everything to ensure rights and privileges of all people with disabilities. The CRPD also highlights that it is the responsibility of all to participate in the process equally, in a planned manner. So our able Government is creating opportunities for public-private partnerships. Together we will ensure that the rights and fundamental freedoms of all persons with disabilities of this country is established in the shortest possible times. Those updates will be available in subsequent reports.

The Government of Bangladesh is always open to suggestions and constructive criticisms, which will help us to learn and plan better. We hope that this report is self explanatory. However, for any confusions, clarifications, comments and suggestions, we are prepared to provide any further rejoinders and welcome any discussion.

Sincerely

Quomaran Nessa Khanam

Secretary

Ministry of Social Welfare

Government of the Peoples' Republic of Bangladesh

August 2010

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**List of Abbreviations & Acronyms**

CAT          Convention Against Torture and other Cruel, Inhuman & Degrading Treatment or Punishment

CBR          Community Based Rehabilitation

CEDAW     Convention on the Elimination of all forms of Violence Against Women

CRC          Convention on the Rights of the Child

CRMW      Convention on the Protection of the Rights of all Migrant Workers & Members of their Families

CRPD        Convention on the Rights of Persons with Disabilities

DSS          Department of Social Services

DWA        Disability Welfare Act, 2001

GOB         Government of Bangladesh

HR           Human Rights

ICCPR       International Covenant on Civil & Political Rights

ICERD       International Convention on the Elimination of all forms of Racial Discrimination

ICESCR     International Covenant on Economic, Social & Cultural Rights

IGA          Income Generation Activities

MDG         Millennium Development Goals

MOSW      Ministry of Social Welfare

NFDDP      National Foundation for Development of the Disabled People

NFOWD    National Forum of Organizations Working with the Disabled

OHCHR     Office of the High Commissioner on Human Rights

OP           Optional Protocol

UDHR       Universal Declaration of Human Rights

UN           United Nations

UNGA       United Nations General Assembly

**Section – 1**

**The Preparation of the Report**

**The Preparation of the Report**

States should consider the reporting process, including the process of preparation of their reports, not only as a means to ensure compliance with their international obligations, but also as an opportunity to take stock of the state of human rights protection within their jurisdiction for the purpose of more efficient policy planning and implementation of the Convention. The report preparation process thus offers an occasion for each State Party to:

(a)  Conduct a comprehensive review of the measures it has taken to harmonize national law and policy with the provisions of the relevant international human rights treaties to which it is a party;

(b)  Monitor progress made in promoting the enjoyment of the rights set forth in the treaties in the context of the promotion of human rights in general;

(c)  Identify problems and shortcomings in its approach to the implementation of the treaties;

(d)  Plan and develop appropriate policies to achieve these goals.

Furthermore, States Parties should encourage and facilitate the involvement of non-governmental organizations, including organizations of persons with disabilities in the preparation of reports. Such constructive engagement on the part of these organizations will enhance the quality of reports as well as promote the enjoyment by all of the rights protected by the Convention.

The reports should contain an explanation of the procedure used to consult with civil society and in particular with representative organizations of persons with disabilities and the measures taken to ensure that this process was fully accessible.

States Parties must recognize and respect the diversity of persons with disabilities and ensure that their report is not generalized, but specific to different types of disability.

1.         On 3rd May 2008, the Convention on the Rights of Persons with Disabilities (CRPD)

entered into force. At that time, Bangladesh as a Nation was going through a phase of

transition, with a temporary caretaker government governing the country. In December

that year, the Bangladesh Awami League led coalition won the 9th Parliamentary Elections and came into office in the first week of January 2009. In Article 10.6 of its election manifesto, this party had clearly declared its intentions  to promote the rights and fundamental freedoms of people with disabilities. It also proclaimed that the necessary legislation would be updated according to the needs of the times, i.e., in the spirit of the CRPD. Within a month of assuming power, the Government of Bangladesh constituted a committee, including representatives of people with disabilities, to amend the old Disability Welfare Act 2001 (enacted during the previous tenure of Awami League at the helm of the Government). At the same time, the National Monitoring Committee (the committee for monitoring the implementation of the CRPD in Bangladesh) was also restructured and further strengthened. Under the auspices of these two committees, the Government of Bangladesh established a third committee, to prepare for writing the report to be submitted to the Office of the High Commissioner on Human Rights (OHCHR). As with the others, this committee too included representatives of organizations working with persons with disabilities.

2.         The National Monitoring Committee has ensured that every ministry has sent in reports

on the actions they have taken so far towards implementation of the CRPD. The draft

guideline had been forwarded to all Ministries and Departments such that their reports

are comprehensive and accurate, and in line with the guidelines provided by OHCHR. The

National Foundation for Development of the Disabled People (NFDDP), which acts as the

disability hub on behalf of the Government of Bangladesh had been specifically given the

task to compile the report. This draft has been shared with different stakeholder groups,

especially people with disabilities and their organizations. It has also been made available

on the website of the Ministry of Social Welfare (the lead ministry on Disability related affairs) and comments/suggestions have been incorporated.

3.         Care has been taken to ensure that information contained in this report concerns people

with all types and grades of disabilities, and considers issues of gender, age, ethnicity and also geographical diversity.

4.         The only limitation is that, the report is in English, and this language is not widely spoken

by people with disabilities at the grassroots level, though their representatives at the

national level are fairly conversant. So care was taken during consultations to ensure all

discussions were in Bangla.

5.         Unlike most countries who attune their concerned laws prior to acceding to a human

rights treaty, Bangladesh firstly ratified the CRPD, and then has ensued the process for

attuning its laws and policies. Therefore, progress of implementation of the CRPD will not

be reflected much in this initiation report. It is expected that the subsequent reports four

years from now, and thereafter will reflect much more positive change in that direction.

**Section – 2**

**The Common Core Document**

**The Common Core Document**

The common core document should contain:

* general information about the reporting State,
* the general framework for the protection and promotion of human rights, disaggregated according to sex, age, main population groups and disability, as well as
* information on non-discrimination and equality, and effective remedies, in accordance with the harmonized guidelines.

6.         Bangladesh emerged as an independent and sovereign country in 1971 following a nine

month war of liberation. It is one of the largest deltas of the world with a total area of

147,570 sq km., bordered on the west, north, and east by India, on the southeast by

Myanmar, and on the south by the Bay of Bengal. With a unique communal harmony,

Bangladesh has a population of about 150 million, making it one of the most densely

populated countries of the world. The literacy rate of Bangladeshi people is 43.1%.The

majority (about 88%) of the people are Muslim. Over 98% of the people speak in Bangla. English, however is widely spoken.

7.         The country is covered with a network of rivers and canals forming a maze of

interconnecting channels. Being an active partner, Bangladesh plays a vital role in the

international and regional forums, particularly in the UN, Commonwealth and South Asian

Association of Regional Cooperation (SAARC). From the administrative point of view,

Bangladesh is divided into 7 Divisions, 64 Districts, 6 City Corporations, 308 Municipalities, 481 Upazillas, 599 Thanas and 4498 Unions.

8.         Bangladesh has an agrarian economy, although the share of agriculture to GDP has been

decreasing over the last few years. Yet it dominates the economy accommodating major

rural labour force. From marketing point of view, Bangladesh has been following a mixed

economy that operates on free market principles. The GDP of Bangladesh is 6.51% and

per capita income is US$ 520. The principal industries of the country include readymade

garments, textiles, chemical fertilizers, pharmaceuticals, tea processing, sugar, leather

goods etc. The principal minerals include Natural gas, Coal, white clay, glass sand

etc. The standard time of the country is GMT+6 hrs.

9.         The State is governed by the National Constitution which is based on the principles of “equality, human dignity & social justice for all citizens” as declared in the “Proclamation of Independence” of Bangladesh. The Constitution mandates equality, nondiscrimination and also creates room for equitable measures to ensure that all backward sections of the population interacts with all, on an equal basis with others. This has formed the basis for all human rights instruments of the country, including its laws and policies, and also allows the State to accede to all such international human rights instruments.

10.       In recent years, the Government has constituted a national Human Rights Commission,

which is entrusted with the responsibility to act as a watchdog for establishing the rights

and fundamental freedoms of all citizens, especially those who are most vulnerable. Up

until a separate Disability Rights Commission is up and running, it is this Commission that

will ensure the rights and privileges of persons with disabilities in the country.

  **Section – 3**

 **The Treaty-specific Document**

 **The Treaty-specific Document**

The treaty-specific document submitted to the Committee on the Rights of Persons with Disabilities should not repeat the information included in the common core document or merely list or describe the legislation adopted by the State Party.

Rather, it should contain specific information relating to the implementation, in law and in fact, of articles 1 to 33 of the Convention, taking into account analytical information on recent developments in law and practice affecting the full realization of the rights recognized in the Convention by all persons, with all forms of disabilities within the territory or jurisdiction of the State Party.

It should also contain detailed information on substantive measures taken towards the aforementioned goals and the resulting progress achieved. Where applicable, this information should be presented in relation to policy and legislation of persons without disabilities. In all cases, it should indicate data sources.

In relation to the rights recognized in the Convention, the treaty-specific document should indicate:

(a)  Whether the State Party has adopted policies, strategies and a national legal framework for the implementation of **each Convention right**, identifying the resources available for that purpose and the most cost-effective ways of using such resources;

(b)  Whether the State Party has adopted comprehensive disability antidiscrimination legislation to put into effect provisions of the Convention in this regard;

(c)  Any mechanisms in place to monitor progress towards the full realization of the Convention rights, including recognition of indicators and related national benchmarks in relation to each Convention right, in addition to the information provided under appendix 3 of the harmonized guidelines and taking into account the **framework and tables of illustrative indicators outlined by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (HRI/MC/2008/3)**;

(d)  Mechanisms in place to ensure that a State Party’s obligations under the Convention are fully integrated in its actions as a member of international organizations;

(e)  The incorporation and direct applicability of each Convention right in the domestic legal order, **with reference to specific examples of relevant legal cases**;

(f)   The judicial and other appropriate remedies in place enabling victims to obtain redress in the case their Convention rights have been violated;

(g)  Structural or other significant obstacles **arising from factors beyond the State Party’s control** which impede the full realization of the Convention rights, including details of the steps being taken to overcome them;

(h)  Statistical data on the realization of each Convention right, disaggregated by sex, age, type of disability (physical, sensory, intellectual and mental), ethnic origin, urban/rural population and other relevant categories, on an annual comparative basis over the past four years;

The treaty-specific document should be delivered in accessible electronic format and in print.

The report should follow paragraphs 24 to 26 and 29 of the harmonized reporting guidelines[[1]](http://nfddp.gov.bd/index.php/reports/report-of-uncrpd#_ftn1).

1. *24.  In general, for all indicators it is essential to seek disaggregated data on the human rights situation of vulnerable and marginalized population groups vis-à-vis the rest of the population*[***[2]***](http://nfddp.gov.bd/index.php/reports/report-of-uncrpd#_ftn2)*. A second consideration, related to the principle of the indivisibility of human rights, makes it necessary to look at indicators in their totality across all rights and not merely in terms of sectoral frameworks anchored in the normative content of the specific human rights. This is notwithstan-ding the fact that, in the course of identifying indicators, for instance for the right to life, it may be necessary to identify indicators on the health attribute of that right within the confines of its normative content and not in the light of the normative content of the right to health. At the same time, some aspects related to the right of an individual to control one’s health and body may have to be elaborated in indicators on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, and not in the context of the right to health, both for analytical convenience and overall manageability of the number of indicators. Ultimately, at the level of a convention or in the context of theme-based assessment of human rights (e.g. violence against women, rights in early childhood), one may need to rationalize the list of indicators in view of the need to respect the principle of indivisibility and interdependence.*

1. *25.  In certain instances, as in case of the right to health, it may not be possible to have outcome indicators exclusively dependent on efforts within the framework of State obligations under the right to health. However, it may still be worthwhile to include such indicators because of their importance to the realization of that right and to facilitate priority-setting and targeting of effort. There is also the consideration that selection of all indicators has to be guided by the empirical evidence on the use of those indicators. If identified indicators do not fare well on the criteria of empirical relevance, they will not be useful as monitoring tools. An important consideration in this regard has been to put the selected indicators on a technically rigorous foundation. Accordingly, meta-data sheets highlighting key information on identified indicators, including terminology and common name of the indicator, standard international or national definition, data sources, availability, level of desegregation and information on other related and proxy indicators are being prepared. A sample set of these meta-data sheets is annexed to this report.*

1. *26.  It is important to note that a generic formulation was adopted for the indicators reflected in the tables (annex I). Where applicable, an alternative or a more specific formulation that may be relevant to only certain contexts, like the developing countries or the developed countries, has been indicated in the relevant meta-data sheet for the concerned indicator. Similarly, a general terminology of “target group” was adopted to refer to specific population groups, like women, children, ethnic or religious minorities or vulnerable and marginal segments of the population, which may require a focused attention in keeping with the country context. Finally, while putting together the illustrative tables, care was taken to highlight the role of the primary duty-holder in the implementation of the right concerned. In this context, besides indicators that reflect the scope and recourse to judicial remedy, the framework identifies indicators on potential role of non-judicial (administrative), judicial and quasi-judicial (e.g. national human rights institutions) actors in implementing human rights. Attempt was also made to identify, through suitable structural and process indicators, the role of non-governmental organizations and international cooperation in furthering the implementation of human rights.*

1. *29.  OHCHR collaborated with FAO to validate illustrative indicators on the right to adequate food in country-level consultations at regional workshops in Uganda (October 2006) and Guatemala (December 2006). As part of follow-up workshops on the implementation of treaty bodies’ concluding observations at the national level, a module on illustrative indicators on the right to health and the right to judicial review of detention was presented in a workshop in Uganda in November 2006. In 2007, OHCHR organized sub-regional validation workshops in Asia (New Delhi, July 2007) and Africa (Kampala, October 2007)*[***[3]***](http://nfddp.gov.bd/index.php/reports/report-of-uncrpd#_ftn3)*. In addition, the work on indicators was shared in an international workshop in Brazil (Sao Paulo, June 2007), a Latin American regional workshop in Chile (Santiago, June 2007) and a national level consultation in Rio de Janeiro (December 2007). The work was also shared with the Paris 21 (Partnership in statistics for development in the 21st century) Metagora initiative; at an international conference on human rights impact assessment (The Netherlands, November 2006), with Canadian International Development Agency-organized consultations in Canada (Ottawa, March 2006 and May 2007), with the Organization for Economic Cooperation and Development (Dublin, April 2007) and at the ninth European Union NGO Forum, organized under the presidency of Portugal (Lisbon, December 2007).*

The format of the Convention-specific document should be in accordance with paragraphs 19 to 23 of the harmonized reporting guidelines.

1. *19.  Information which a State considers relevant to assisting the treaty bodies in understanding the situation in the country should be presented in a concise and structured way. Although it is understood that some States have complex constitutional arrangements which need to be reflected in their reports, reports should not be of excessive length. If possible, common core documents should not exceed 60‑80 pages, initial treaty‑specific documents should not exceed 60 pages, and subsequent periodic documents should be limited to 40 pages. Pages should be formatted for A4‑size paper, with 1.5 line spacing, and text set in 12 point Times New Roman type. Reports should be submitted in electronic form (on diskette, CD‑ROM or by electronic mail), accompanied by a printed paper copy.*

1. *20.  States may wish to submit separately copies of the principal legislative, judicial, administrative and other texts referred to in the reports, where these are available in a working language of the relevant committee. These texts will not be reproduced for general distribution, but will be made available to the relevant committee for consultation.*

1. *21.  Reports should contain a full explanation of all abbreviations used in the text, especially when referring to national institutions, organizations, laws, etc., that are not likely to be readily understood outside of the State party.*

1. *22.  Reports must be submitted in one of the official languages of the United Nations (Arabic, Chinese, English, French, Russian or Spanish).*

1. *23.  Reports should be comprehensible and accurate when submitted to the Secretary‑General. In the interests of efficiency, reports submitted by States whose official language is one of the official languages of the United Nations will not necessarily be edited by the Secretariat. Reports submitted by States whose official language is not one of the official languages of the United Nations may be edited by the Secretariat. Reports which, upon receipt, are found to be manifestly incomplete or require significant editing may be returned to the State for modification before being officially accepted by the Secretary‑General.*

**The initial report should not exceed 60 pages**, and subsequent Convention-specific documents should be limited to 40 pages. Paragraphs should be numbered sequentially.

**The Initial Report**

The initial Convention-specific document, together with the common core document, constitutes the State Party’s initial report and is the State Party’s first opportunity to present to the Committee the extent to which its laws and practices comply with the Convention.

A State Party should deal specifically with every article of the Convention; in
addition to information contained in the common core document, a detailed analysis of the
impact of legal norms on persons with disabilities’ factual situation and the practical
availability, implementation and effect of remedies for violations of provisions of the
Convention paying special attention to particularly vulnerable population groups such as
women and children should be provided and explained in the Convention-specific
document.

The initial Convention-specific document should, to the extent that such information is not already contained in the common core document, outline any distinctions, exclusions or restrictions made on the basis of disability, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on the persons with disabilities’ enjoyment of each provision of the Convention.

The initial Convention-specific document should contain sufficient quotations from, or summaries of the relevant constitutional, legislative, judicial and other texts which guarantee and provide remedies in relation to the rights and provisions of the Convention, in particular when those are not attached to the report or are not available in one of the working languages of the United Nations.

**Annexes to reports**

If needed, the report should be delivered in electronic format and in print accompanied by a sufficient number of copies, in one of the working languages of the United Nations, of the principal legislative, judicial, administrative and other supplementary documentation that the reporting States may wish to have distributed to all members of the Committee to facilitate the consideration of their report. These texts may be submitted in accordance with paragraph 20 of the harmonized guidelines on reporting.

**Measures to implement outcomes of United Nations conferences, summits and reviews**

The Convention-specific document should also include information on the implementation of the disability elements of the Millennium Development Goals and on the outcomes of other relevant United Nations conferences, summits and reviews.

**General recommendations**

General recommendations adopted by the Committee should be taken into account in preparing the Convention-specific document.

**ILO Conventions**

If a State Party is a participant to any of the International Labor Organization (ILO) Conventions listed in appendix 2 *(listed below)* of the harmonized guidelines, or to any other relevant conventions of United Nations specialized agencies, and has already submitted reports to the supervisory committee(s) concerned that are relevant to any of the rights recognized in the Convention, it should append the respective parts of those reports rather than repeat the information in the treaty-specific document. However, all matters which arise under the Convention and are not fully covered in those reports should be dealt with in the present treaty-specific document.

* *Weekly Rest (Industry) Convention, 1921 (No. 14)*
* *Forced or Compulsory Labor Convention, 1930 (No. 29)*
* *Labor Inspection Convention, 1947 (No. 81)*
* *Migration for Employment Recommendation, 1949 (No. 86)*
* *Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)*
* *Migration for Employment Convention, 1949 (No. 97)*
* *Right to Organize and Collective Bargaining Convention, 1949 (No. 98)*
* *Equal Remuneration Convention 1951 (No. 100)*
* *Social Security (Minimum Standards) Convention, 1952 (No. 102)*
* *Abolition of Forced Labor Convention, 1957 (No. 105)*
* *Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)*
* *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*
* *Equality of Treatment (Social Security) Convention, 1962 (No. 118)*
* *Employment Policy Convention, 1964 (No. 122)*
* *Labor Inspection (Agriculture) Convention, 1969 (No. 129)*
* *Minimum Wage‑Fixing Convention, 1970 (No. 131)*
* *Holidays with Pay Convention (Revised), 1970 (No. 132)*
* *Minimum Age Convention, 1973 (No. 138)*
* *Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)*
* *Migrant Workers Recommendation, 1975 (No. 151)*
* *Labor Relations (Public Service) Convention, 1978 (No. 151)*
* *Occupational Safety and Health Convention, 1981 (No. 155)*
* *Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family
Responsibilities Convention, 1981 (No. 156)*
* *Indigenous and Tribal Peoples in Independent Countries Convention, 1989 (No. 169)*
* *Worst Forms of Child Labor Convention, 1999 (No. 182)*
* *Maternity Protection Convention, 2000 (No. 183)*

**Optional Protocol**

If the State Party has ratified or acceded to the Optional Protocol and the Committee has issued views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, the Convention-specific document should include further information about the remedial steps taken as well as other steps taken to ensure that any circumstance giving rise to the communication does not recur. Reports also should indicate any provisions of legislation currently in force that the State party considers an obstacle to the implementation of the Optional Protocol, and whether there are plans to review such provisions.

If the State Party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under article 6 of the Optional Protocol, the Convention-specific document should include details of any further measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

**Policy & Legislation:**

11.       Bangladesh is governed by a unique constitution, which is based on the principles of equality, human dignity and social justice for all its citizens, without any discrimination, whatsoever. Therefore, the Government of the Peoples' Republic of Bangladesh never steps back from voicing its support to an international treaty, which is based on the principles of human rights and non discrimination. However, being a middle income country constrained by an enormous population and frequent major natural disasters, it often cannot properly address the issues contained in such treaties at the speed it would cherish. Therefore, unlike most countries in the west, while becoming a state party to a human rights treaty, recognizing the limitations of available resources, Bangladesh generally follows the following order.

12.       At first Bangladesh accedes to an international treaty and then takes gradual steps

towards its effective implementation. The second step in the process involves changing,

amending and/or updating its concerned laws in the spirit of the treaty. Once the revised

laws are enacted, the relevant policies are amended, including developing a long term

action plan. The plan would naturally highlight some issues to be addressed immediately,

some issues in the short term, some in a medium term, and some in the longer term.

National budgets are formulated allocated accordingly. Simultaneously, other laws and policies are gradually amended in the spirit of the concerned treaty, though it takes time, to ensure that the entire legislative framework of the Nation adheres to the spirit of the treaty. Provisions are generally kept in the first (treaty specific) legislation such that it can supersede other laws in the case of any conflicts. When all the other laws are attuned to the treaty, this clause generally is not required any longer.

13.       Bangladesh ratified the CRPD as the eighth country overall, hoping that the CRPD could

enter into force at an earliest possible time. But at that time, the country was being

governed by an adinterim caretaker government  un-elected temporary government, without a Parliament in place. So it refrained from amending its legislation, but initiated a process towards that end. A team was formed to legally analyze the existing legislation with the CRPD, and to suggest how the legislation needs to change. Also focal points were set up in different ministries, divisions and departments of the Government, and they were being oriented on the CRPD and the rights of persons with disabilities. Many other issues had also been addressed, which would be evident in the latter parts of this report.

14.       Immediately after the democratically elected Government took office in 2008  a high level committee had been constituted to draft the amended legislation in the spirit of the

CRPD.

15.       Having gone through a series of such consultations with over 12,000 people, including

people with disabilities, caregivers, family members, professionals in the field, lawyers,

doctors, journalists, teachers, students, businessmen, politicians, government officials,

local government representatives, members of parliament etc., the draft is nearing its

finalization process. The law looks into every right contained in the CRPD, translated into the national context and our social fabric. It is expected that the law will be enacted as soon as possible.

16.       Once enacted, this new legislation will create the legal platform for a new era in the

establishment of rights and fundamental freedom of all persons with disabilities in

Bangladesh.

**Monitoring Mechanism:**

17.       According to the Allocation of Business of the Government of Bangladesh, the Ministry of

Social Welfare has got the responsibility of governing all responsibilities

concerning the development of persons with disabilities. As such, under the auspices of

the Ministry a high power National Monitoring Committee has been

constituted, comprising of representatives from other ministries and representatives of

organizations of people with disabilities.

18.       The representatives of the different ministries are the 46 focal points from as many

ministries and departments (not below the rank of a Joint Secretary). Other members of

the Committee include representatives from leading human rights, women’s rights,

education rights & legal rights organizations. Chief functionaries of Transparency

International and the Chamber of Commerce & Industries are also included in the

Monitoring Committee.

19.       The committee convenes on a bi-monthly basis to review and discuss on the progress of

work by the different ministries towards the implementation of the CRPD.

20.       Beyond this Committee, on behalf of the vibrant civil society in Bangladesh, there is a

notable Disability Rights Watch Group, consisting of eminent members of the civil society. This vigilant group also plays a very proactive role to watch any occurrences of human rights violations of persons with disabilities, and act accordingly.

**Incorporation and direct applicability of each Convention right:**

21.       As has been mentioned earlier, a new legislation is being finalized, which has addressed

every single right contained in the CRPD, translated into the context and social fabric of

Bangladesh. It is too early for Bangladesh to report on its implications in this initial report. Updates on the progress will be an integral part of the subsequent periodic reports four years from now and in every report thereafter.

**Statistical Data:**

22.       At present, there is no official statistics in Bangladesh on persons with disabilities. The upcoming populationl census scheduled in the early part of 2011 is planned to address the issue in a detailed manner. This census will give the Government of Bangladesh a detailed statistics on persons with disabilities, disaggregated by type ofdisability, age, gender, ethnic origin and urban/rural strata. It will also give an opportunity to address further statistics on their progress towards accessing rights issues. These statistical figures shall be addressed in the periodic reports four years from now, and the subsequent reports thereafter.

**The Optional Protocol:**

23.       Bangladesh is the 16th UN Member State to ratify the Optional Protocol of the CRPD.

In doing so, it has also duly recognized the competence of the Committee on the Rights

of Persons with Disabilities to receive and consider communications from or on behalf of

persons with disabilities in Bangladesh.

**Segment of the treaty-specific document submitted to the Committee relating to general provisions of the Convention**

**Articles 1 to 4 of the Convention**

These articles establish the purpose, definitions, general principles and obligations of the Convention.

States Parties should report on:

* The definition of disability used to collect the data being analyzed, which impairments have been included, and the conceptualization of “long- term”
* The ways and means by which the domestic law defines and understands the concepts provided in articles 1 and 2 of the Convention, and in particular any laws, regulations, social customs or practices that discriminate on the ground of disability
* The ways and means by which the State Party defines and understands the concept of “reasonable accommodation”, and the requirement of “disproportionate and undue burden”, providing examples
* In what manner the general principles and obligations established under articles 3 and 4 of the Convention have been implemented, and how it intends to ensure their effective realization, in particular the principle of promotion of the full realization of the rights under the Convention without discrimination based on disability as provided under article 4 and provide examples
* Disaggregated and comparative statistical data on the effectiveness of specific anti-
discrimination measures and the progress achieved towards ensuring equal realization of each of the Convention rights by persons with disabilities including a gender and age-based perspective
* Which Convention rights the State Party has endeavored to implement progressively and which it has committed to implement immediately. Describe the impact of the latter measures
* The degree of involvement of persons with disabilities including women, boys and girls with disabilities in the development, implementation and evaluation of legislation and policies to introduce the Convention. It should also be indicated the diversity of persons with disabilities who have been involved in these processes with a gender, and age based perspective
* Whether the State has measures that provide higher levels of protection of the rights of persons with disabilities than those included in the Convention, in line with paragraph 4 of article 4
* How it has been ensured that the provisions of the Convention extend to all parts of the States, without any limitation or exception, in the case of federal or very decentralized States.

24.       Even though the previous disability specific legislation (the Disability Welfare Act) was

enacted in 2001, it was drafted earlier during the mid to late 90’s, when the general

overall understanding of Disability and its classifications prevalent in the country was

more from a medical model, rather than a social model, which got reflected into the law.

Since the Government of Bangladesh has ratified the CRPD without any reservations

whatsoeve, the people are pledge bound to adhere to the content and spirit of the CRPD, which starts with a rights based social model in its defination and classification of disability. It therefore is only natural that the upcoming legislation has also defined disability from the same perspective. Impairments have also been classified as physical, sensory (visual and hearing & speech), intellectual, and mental (psychosocial). The legislation specifically addresses impairments in communications, so that people with Autism & Autism Spectrum Disorders, or with various other non-verbal forms of communications can be addressed effectively.

25.       By the term “long term” the legislation identifies the condition of people whose

impairments are permanent or life long. It not necessary means only those who are

born with such impairments, as a person could suffer an accident during any time of their life, resulting in a permanent physical impairment. Moreover, there are many conditions of mental illnesses, which have phases of remission maintained by medication. But since these require such medication for life, even though such people often go through remission phases, they too are identified as long term conditions, and thus would benefit from the provisions of the law.

26.       For a country like Bangladesh, complete compliance with certain articles (such as Article 9 – Accessibility), especially where retrofitting of buildings and infrastructure involves

enormous resources, would be a long term agenda. However, to ensure access to

education, employment, or other basic services, the Government is planning for

provisions of person-specific “reasonable accommodation” in the short term, under the

provisions of the CRPD. The experience could be similar to the learning gathered from

setting up crèches for the children of lactating mothers returning from maternity leave. In the earlier days, a small space would be allocated to a mother for her child, but later on, large crèches were developed in many offices within their compounds, where many

others could leave their children in professional care, allowing them to give better

tension-free concentration at work.

27.       The general principles and obligations of the CRPD are similar to the general and

fundamental principles and directives of the National Constitution of Bangladesh. As such

all laws, policies and plans enacted and/or adopted in the country are automatically

attuned to these principles & obligations. The upcoming legislation is specifically attuned

to the CRPD, and so will be addressing these obligatory issues effectively. A detailed

reporting on such obligations will be made in the periodic report four years from now,

and henceforth.

28.       All plans, programs, policies and legal frameworks concerning persons with disabilities are categorically participated by them in Bangladesh. For the upcoming legislation,

the Government has been working for preparing the initial draft of Bangladesh Disability Welfare Act. The draft, once finalized will also be uploaded on a website for more people to see and comment on. Necessary amendments could be incorporated thereafter, before it goes to the Parliament for enactment.

29.       As far as information is available, the over 12,000 people from all walks of life have

directly been consulted so far, and the draft has been shared with people in many

geographical and ethnically diverse groups of people with disabilities. Women and

children with disabilities have also participated in the process. Sign language users, apart

from participating in mainstream consultations, have also arranged separate consultations to discuss amongst them in details. Similarly, those with intellectual disabilities and mental illnesses, along with their parents and caregivers have participated in the process. Braille and soft copies were also made available at different stages of the draft to ensure effective participation of people with visual disabilities. This law, we believe, will be probably the most consulted legislation in the history of the country.

**Segment of the report relating to specific rights**

**Article 5 - Equality and non-discrimination**

This article recognizes that all persons are equal before the law with entitlement to equal protection and benefit of the law on equal grounds without any discrimination.

States Parties should report on:

* Whether persons with disabilities are able to use the law to protect or pursue their interests on an equal basis to others
* Effective measures taken to guarantee persons with disabilities equal and effective legal protection against all types of discrimination, including the provision of reasonable accommodation
* Policies and programs, including affirmative action measures, to achieve the de facto equality of persons with disabilities, taking into account their diversity.

30. On 26th March 1971, Bangabandhu Sheikh Mujibur Rahman, the architect and founder of the Nation, declared Bangladesh as a sovereign independent nation. On 17th April the same year, a temporary Government took oath on a unique document, known as the Proclamation of Independence, which stated that, this newly born nation was being declared to ensure for all of its citizens – equality, human dignity and social justice. After a blood bathed liberation war lasting nine months, Bangladesh finally emerged as an independent nation on 16th December 1971. The following year, the national constitution was enacted, which very categorically proclaimed all citizens were equal before law. It committed to uphold equality & non-discrimination measures for all citizens, including room for proactive equitable measures to promote the backward citizens, such that, they could be developed on an equal basis with others. Back in the early 70s, disability issues were not very widely pronounced, as a result of which the national Constitution had not mentioned disability as a specific ground for discrimination. However, by addressing the backward citizens, the Constitution created enough space, on which the National Policy on Disability (1995), the first disability specific legislation – Disability Welfare Act (2001) and the National Action Plan on Disability (2006) could address the discrimination issues on this ground.

31. Following the entry into force of the CRPD, the Government of Bangladesh has initiated a process to enact a new law in a human rights framework, under the framework of the CRPD. It is still in its draft form, but is gearing up to address equality and equity issues concerning persons with disabilities. The upcoming law will ensure & guarantee for persons with disabilities an equal and effective legal protection against all types of discrimination, including the provision of reasonable accommodation. Policies and programs, including affirmative action measures shall be formulated once the law is finalized and enacted.

32. The draft law has taken into account the diversity of persons with disabilities based on gender, age, ethnicity, religion, caste, profession, location issues in addition to the type and grade of disability.

33. Besides, the Government of Bangladesh is now trying to ensure that equity and nondiscrimination is the key principle of all new policies and programs adopted. Issues concerning people with disabilities are rather given a high priority, especially in employment in different projects and programs under different ministries.

**Article 8 - Awareness-raising**

This article establishes the obligation of States Parties to conduct effective awareness raising policies to promote a positive image of persons with disabilities. The report should contain information on the measures taken to raise awareness of persons with disabilities, to foster respect for their rights and dignity, their capabilities and contributions, and to combat stereotypes, and prejudices against them.

States Parties should report on:

* Public-awareness campaigns directed to general society, within the education system and actions undertaken through mainstream media
* Actions undertaken to raise awareness and inform persons with disabilities and other parts of society on the Convention and the rights it includes

34. The CRPD has been translated into Bangla, the official language of Bangladesh. Popular versions, in far simpler language with examples and explanations have also been published in the country. These are widely disseminated to ensure that the general public, especially the people with disabilities living in remote grassroots level are aware of the rights and entitlements enshrined in the CRPD. Sections from these publications are also being published in national and local Daily newspapers serially, for wider circulation.

35. The State-run Bangladesh Television (BTV) and a few private television channels have started to provide sign support in their respective news bulletins. Not only has this become beneficial to sign language users, it has also helped raise a national sensitizations towards the diversity issue of linguistic minority people, and persons with disabilities at large.

36. Cultural programs performed by people with disabilities, drama shows, drama serials, children’s drama serials etc have been prepared and broadcast on television channels on a regular basis, in addition to disability specific talk shows. A nation-wide talent hunt was aired on one private channel spread over a period of five months to identify persons with disabilities with musical talent. This also helped towards sensitization of the abilities of people with disabilities

37.  The Government of Bangladesh had also issued a postal stamp and a first day cover

concerning rights of people with disabilities on the occasion of the International Day of

Persons with Disabilities on 3rd December 2008, to help raise awareness and sensitization

on disability.

**Article 9 - Accessibility**

This article establishes the obligation of States Parties to take appropriate measures to enable persons with disabilities to live independently as possible and to participate fully in all aspects of life.

States Parties should report on:

* Legislative and other measures taken to ensure to persons with disabilities, access on an equal basis with others to the physical environment (including the use of signal indicators and street signs), to transportation, information and communications, (including information and communications technologies and systems) and to other facilities and services provided to the public including by private entities, both in urban and in rural areas according to article  9, paragraphs  2 (b) to (h), of the Convention
* Technical standards and guidelines for accessibility; as well as on the auditing of their fulfillment and sanctions for noncompliance; and whether resources obtained by means of money sanctions are applied to encourage accessibility actions
* The use of public procurement provisions and other measures that establish compulsory accessibility requirements
* The identification and elimination of obstacles and barriers to accessibility including from both within the public and the private sector, and national accessibility plans established with clear targets and deadlines

38. The National Building Code has been made inclusive of accessibility issues following internationally accepted accessibility guidelines. The Building Construction Code for the Capital City has included concepts of universal design. This is now being extended to the respective codes for other large cities. Sound assisted traffic signals have been installed in a few major road intersections of the capital city, and replicated in some other cities.

39. The Department of Architecture, under the auspices of the Ministry of Housing & Public

Works, enshrined with the responsibilities of designing all public constructions supported

and/or commissioned by the Government of Bangladesh, has been instructed to include

necessary provisions for ensuring accessibility of persons with disabilities in designs of all

future public constructions

39. The railway communication between the capital city and the second largest city is being upgraded incorporating universal design standards. Seats have been reserved for people with disabilities in both state-operated and privately operated public buses. Concessions in ticket prices are also offered to people with disabilities on these services, including in all routes of the state operated railways.

40. The national policy on Information Communication Technology (ICT) is also inclusive of issues concerning persons with disabilities. The Rights To Information (RTI) Act has also been enacted ensuring concerns of persons with disabilities, especially those with visual impairments.

41. Accessibility options in different buildings of the Government are also being retrofitted to

cater to and ensure easier movement of persons with disabilities.

42. All Bangladesh Missions abroad have started providing consular and other services to

people with disabilities on a priority basis. Staff members at these missions have been

oriented accordingly, such that, such people receive required services promptly with no

waiting time. In sensitive cases, even the Heads of the Missions intervene to ensure that

their rights and problems are respected with due importance.

**Article 10 - Right to life**

This article reaffirms the inherent right to life of persons with disabilities on an equal basis with others.

States Parties should report on:

* Whether the legislation recognizes and protects the right to life and survival of persons with disabilities on an equal basis with others
* Whether persons with disabilities are being subject to arbitrary deprivation of life

43. The upcoming legislation on disability reaffirms the State’s commitment to ensure the right to life of persons with disabilities on an equal basis with others. The common rural Bangladeshi society is generally based on a strong family and kinship fabric, with a fairly strong in-built support system. Therefore, even with the birth of a child with disability, there is a fairly strong family based support system to assist the baby to survive, even where there are no or limited adequately trained personal to deal with such cases. Moreover, the national food policy has been made inclusive of persons with disabilities, in addition to number of safety net programs reaching out to poor people with disabilities.

44. Intentional and/or planned infanticide & feticide are generally not practiced in the social

fabric of Bangladesh, however, before liberation there have been instances of leaving

young children with disabilities to die of neglect and hunger. There also had been some practices of mutilations hoping for better income through begging. The situation has changed considerably over the years, with the introduction of several safety net programs, and protection through enactment Bangladesh Disability Welfare Act, 2001 and implementation of the Women & Children Repression Prevention Act.

**Article 11 - Situations of risk and humanitarian emergencies**

This article obliges States Parties to ensure the protection & safety of persons with disabilities in situations of risk, such as situations resulting from armed conflicts, humanitarian emergencies or natural disasters.

States Parties should report on any measures taken to ensure their protection and safety including measures taken to include persons with disabilities in national emergency protocols.

States Parties should report on measures taken to ensure that humanitarian aid relief is distributed in an accessible way to people with disabilities caught in humanitarian emergency, in particular measures taken to ensure that sanitation and latrine facilities in emergency shelters and refugee camps are available and accessible for persons with disabilities.

45.       Bangladesh is geographically located at one of the world’s most natural disaster prone

areas, frequented by widespread & massive floods, tropical cyclones & tornadoes every

year. In all such humanitarian emergencies, people with disabilities are generally one of the worst sufferers. Considering this, the National Disaster Response Plan has been made inclusive of persons with disabilities, where they are prioritized during all evacuation, rescue, shelter, relief & rehabilitation schemes. In times of any major disasters, it is generally the Government that coordinates the response plan participated jointly by the public & private sectors. The Government provides Gratuitous Relief (both cash and food grains), house building grants, corrugated iron sheets, blankets, dry food  etc for disaster affected people to cope with the emergencies and the loss they had incurred due to disasters. People with disabilities are prioritized in almost all such cases, and the shelters are made accessible to the best of the abilities or the organizers.

46.       With global warming and climate change, Bangladesh will become one of the worst

affected in terms of climate refugees, a large section of who will be persons with

disabilities. Keeping this in mind, all measures that are being taken up by the Government of Bangladesh and private sectors alike, to cope with such change, are being made inclusive of persons with disabilities.

47.       Bangladesh shares international boundary with India and Myanmar and with both has

been a very friendly neighbor, negating any scope of conflicts or tensions. During the

early 90s there had been a sudden influx of several hundred thousands of Rohingya

refugees from Myanmar. With patience, negotiations and diplomatic skills, much of the

issue has been sorted out, repatriating most of them. Only a few thousand are yet to be

repatriated. In all these refugees, there had been a large number of persons with

disabilities, who were successfully attended to by the different international organizations

including the UNHCR working very closely. This was also a good learning phase for the

Government of Bangladesh to prepare itself for any such situation that may recur in the

future.

48.       Domestically, there had been a small number of insurgent groups in the south eastern

hilly areas. These conflicts have been politically settled. In the past, there were instances

of anti-personnel landmine explosions, leading towards fresh cases of disabilities in fairly

large numbers. However, after the settlements, those have mostly been removed and

safely destroyed.

**Article 12 - Equal recognition before the law**

This article reaffirms that persons with disabilities have the right to recognition as persons before the law.

States Parties should report on:

* Measures taken by the State Party to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, in particular such measures as to ensure the equal right of persons with disabilities to maintain their physical and mental integrity, full participation as citizens, own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and their right not to be arbitrarily deprived of their property
* Whether legislation does or does not exist which restricts the full legal capacity on the basis of disability, as well as actions being taken towards conformity with article 12 of the Convention
* The support available to persons with disabilities to exercise their legal capacity and manage their financial affairs
* The existence of safeguards against abuse of supported decision-making models
* Awareness-raising, and education campaigns in relation to equal recognition of all persons with disabilities before the law

49.       Article 27 of the National Constitution of Bangladesh affirms, “All citizens are equal before law and are entitled to equal protection of law.” Article 19 (Equality of  Opportunity) also affirms, “(1) The State shall endeavor to ensure equality of opportunity to all citizens. (2) The State shall adopt effective measures to remove social & economic inequality between man and man and to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the Republic.” These had created the foundation of the Disability Welfare Act 2001.

50.       Article 13 (Principles of ownership) of the Constitution also affirms, “The people shall own or control the instruments and means of production and distribution, and with this end in view ownership shall assume the following forms- (1) state ownership, that is ownership by the State on behalf of the people through the creation of an efficient and dynamic nationalized public sector embracing the key sectors of the economy; (2) co-operative ownership, that is ownership by co-operatives on behalf of their members within such limits as may be prescribed by law; and (3) private ownership, that is ownership by individuals within such limits as may be prescribed by law.

51.       Article 42 of the Constitution (Rights to property) further affirms “(1) Subject to any restrictions imposed by law, every citizen shall have the right to acquire, hold, transfer or

otherwise dispose of property, and no property shall be compulsorily acquired,  nationalized or requisitioned save by authority of law.”

52.       The upcoming legislation under the framework of the CRPD, when enacted, will provide

further and much stronger support and legal provisions to people with disabilities and

their causes, and for safeguards against abuse of supported decision-making.

**Article 13 - Access to justice**

This article recognizes the right of persons with disabilities to have effective access to justice on an equal basis to others, without being excluded from legal proceedings.

States Parties should report on:

* Measures taken to ensure the effective access to justice at all stages of the legal process, including investigative and other preliminary stages, by all persons with disabilities
* Measures taken to ensure effective training of personnel in the national justice and prison system, in the respect for the rights of persons with disabilities
* The availability of reasonable accommodations, including procedural accommodations that are made in the legal process to ensure effective participation of all types of persons with disabilities in the justice system, whatever the role which they find themselves in (for example as victims, perpetrators, witness or member of jury, etc.)
* Age-related accommodations to ensure effective participation of children and young persons with disabilities

53.       Article 31 of the national Constitution (Right to protection of law) affirms, “To enjoy the

protection of the law, and to be treated in accordance with law, and only in accordance

with law, is the inalienable right of every citizen, wherever he may be, and of every

other person for the time being within Bangladesh, and in particular no action

detrimental to the life, liberty, body, reputation or property of any person shall be taken

except in accordance with law.”

54.       Over the last couple of years, there have been numerous examples where sign

interpreters have been invited to assist in better communication with people with hearing

and speech disabilities. The country is yet to have a standardized sign language as yet.

Once that is done, such practices will become an integral part of the judicial system of

the country.

55.       In all the 64 districts of the country, under the purview of the respective District Judge

a substantial fund has been created aimed at disbursing to the poorer section of the communities for covering all legal procedural costs, as and where necessary. In any cases whatsoever, people with disabilities are eligible to apply and receive those funds to cover costs for any legal and/or judicial matters.

56.       All police stations across the country are gradually being made accessible to persons with

disabilities. Ramps and accessible toilets are being installed as the first step. Gradually

there will be provisions for people with visual and hearing/speech disabilities also.

Disability related information has been included into the basic training courses of the

police forces.

**Article 14 - Liberty and security of the person**

This article ensures that persons with disabilities enjoy the right to liberty and personal security, and are not deprived of their liberty, unlawfully or arbitrarily, on the basis of the existence of a disability.

States Parties should report on:

* Measures taken by the State Party to ensure that all persons with all forms of disabilities enjoy the right to liberty and security of person and that no person is deprived of her/his liberty on the basis of her/his disability
* Actions being taken to abolish any legislation that permits the institutionalization or the deprivation of liberty of all persons with all forms of disabilities
* Legislative and other measures put in place to ensure that persons with disabilities who have been deprived of their liberty are provided with the required reasonable accommodation, and benefit from the same procedural guarantees as all other persons to enjoy fully their remaining human rights

57.       Article 32 of the Constitution (Protection of right to life and personal liberty) affirms, “No

person shall be deprived of life or personal liberty, save in accordance with law.” Article

33 (Safeguards as to arrest and detention) also affirms, “(1) No person who is arrested

shall be detained in custody without being informed, as soon as may be of the grounds

for such arrest, nor shall he be denied the right to consult and be defended by a legal

practitioner of his choice.”

58.       The century old “Lunacy Act (1914)” still prevails in the country. This provides the health

system to institutionalize and arbitrarily treat people with mental illnesses, with or without informed consent. However, the scarcity of such institutions in the country, and the farther scarcity of their funding has resulted in very few people either accessing or being deliberately subjected to these facilities. The Ministry of Health has now taken measures to enact a new human-rights-based mental Health Act, which is in the finalization stages. Once enacted, this law will protect people from such dehumanizing measures in the future.

**Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment**

This article establishes the protection of persons with disabilities from being subjected to torture, cruel, inhuman and degrading treatment or punishment.

States Parties should report on:

* Measures taken to protect effectively persons with disabilities from medical or scientific experimentation without their free and informed consent, including persons with disabilities who need support in exercising their legal capacity
* The inclusion of persons with disabilities in national strategies and mechanisms to prevent torture

59.      Article 35 (Protection in respect of trial and punishment) of the Constitution affirms, “(1) No person shall be convicted to any offence except for violation of al law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than, or different from that which might have been inflicted under the law in force at the time of the commission of the offence. (2) No person shall be prosecuted and punished for the same offence more than once. (3) Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law. (4) No person accused of any offence shall be compelled to be a witness against himself. (5) No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. (6) Nothing in clause (3) or clause (5) shall affect the operation of any existing law which prescribes any punishment or procedure for trial.”

60.       In general, Bangladesh does not use human subjects in any research. As such, there are

no questions of using persons with disabilities for such purposes.

**Article 16 - Freedom from exploitation, violence and abuse**

This article protects persons with disabilities from all forms of exploitation, violence and abuse, both within and outside the home, paying special attention to children and women with disabilities.

States Parties should report on:

* Legislative, administrative, social, educational and other measures taken to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including the gender and child based aspects
* Social protection measures to assist and support persons with disabilities, including their  families  and caregivers, and to prevent, recognize and report instances of exploitation, violence and abuse, including the gender- and child-based aspects
* Measures taken to ensure that all services and programs designed to serve persons with disabilities are effectively monitored by independent authorities
* Measures taken to ensure that all persons with disabilities who are victims of violence have access to effective recovery, rehabilitation and social re-integration services and programs
* Measures taken to ensure that all services and resources available to prevent and support victims of violence are accessible to persons with disabilities
* Legislation and policies, including women and child focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

61.       Bangladesh has a strong law – the Women & Children Repression Prevention Act, a

National Policy on Women, and a National Policy on Children (which is now being

updated). These generally protect and prevent women and children from against serious

cases of violence and abuse. Indeed there are occasional sporadic cases, including

women with disabilities very occasionally being the target of such violence. But the law of the land ensures redresses. The entire Government machinery including the judiciary is gradually waking up to the cause of persons with disabilities, and a vigilant media is also ensuring that such cases do not go unreported, and remedial measures take place as early as possible. Exploitation, however, remains a large concern for people with

disabilities, especially because of their poverty, illiteracy and ignorance. With increasing

opportunities to education, vocational skills and employment/income, and with the new

legislation coming up, it could be anticipated that such scale will be drastically reduced in

the near future.

**Article 17 - Protecting the integrity of the person**

This article establishes the right to respect for the physical and mental integrity of persons with disabilities.

States Parties should report on:

* Measures taken to protect persons with disabilities from medical (or other) treatment given without the free and informed consent of the person
* Measures taken to protect all persons with disabilities from forced sterilization, and girls and women from forced abortions
* The existence, composition and role of independent review organizations to ensure the fulfillment of this right, as well as the programs and measures adopted by these bodies

62.       The social fabric of Bangladesh is such that, there are hardly cases of unwanted

pregnancies arising out of wedlock, furthermore for women with disabilities. In the past,

the country had made very good strides in controlling its population growth through a

planned and effective country-wide family planning program. But that does not, by any

means, mean that women were subjected to forced sterilizations. Women with disabilities in Bangladesh generally still are considered as “asexual beings”, and so like their counterparts in many other countries, do not have to face the humiliation of forced

sterilizations. The social culture and the social values protect them from such torture.

**Article 18 - Liberty of movement and nationality**

This article recognizes the right of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality.

States Parties should report on:

* Legislative or administrative measures taken to ensure the right of persons with disabilities to acquire a nationality and to not be deprived of it, as well as to ensure the right of persons with disabilities to enter or leave the country arbitrarily
* Measures taken to ensure that every newborn child with a disability be registered upon birth and given a name and a nationality

63.       Article 36 (Freedom of movement) of the national Constitution affirms, “Subject to any

reasonable restrictions imposed by law in the public interest, every citizen shall have the

right to move freely throughout Bangladesh, to reside and settle in any place therein and

to leave and re-enter Bangladesh.”

64.       The Government of Bangladesh has adopted a program for mandatory birth registration

of all its children, which naturally includes children with disabilities. The laws of the land

concerning nationality applies equally to people with disabilities.

**Article 19 - Living independently and being included in the community**

This article recognizes the right of persons with disabilities to live independently and to participate in the community.

States Parties should report on:

* The existence of available independent living schemes, including the provision of personal assistants for persons who so require
* The existence of in-house support services allowing persons with disabilities to live in their community
* The existence and range of options of residential services for living arrangements, including shared and sheltered accommodation which take into account the form of disability
* The degree of accessibility for persons with disabilities to community services and facilities provided to the general population

65.        The family, including the larger kin group, constitutes powerful & determining elements in the fabric of the Bangladeshi society. So the family also plays a strong support system for any of its members, including members who have a disability. Therefore, the concept of independent living had not surfaced seriously in Bangladesh until in recent years, when the large families are gradually converting into nuclear families, and parents of children with disabilities are suddenly beginning to realize that their child might need a strong support system in their absence.

66.       Generally, the practice of all development work is to make sure that the person with a

disability is rehabilitated within the community. The absence of quality independent living

centers may also have contributed towards this more, in addition to the strong family and kinship.

**Article 20 - Personal mobility**

This article recognizes the right of persons with disabilities to move freely with the greatest possible independence.

State Parties should report on:

* Measures to facilitate the personal mobility of persons with disabilities, including the use of signal indicators and street signs for accessibility, in the manner and the time of their choice, as well as their access to forms of assistance (human, animal, or assistive technologies and devices), at an affordable cost
* Measures taken to ensure that the technologies are high quality, affordable, and user-friendly
* Measures taken to give training in mobility skills to persons with disabilities and specialist staff
* Measures taken to encourage entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities

67.        Some buildings of the Government, especially, for example, the Ministry of Foreign Affairs has ensured that their promises are accessible. They have installed wide elevators with elevator buttons located within the reach of wheelchair users, the doorways have also been made wide enough for free movement. They are now planning auxiliary services, such as hand rails or portable ramps.

68.       Various railway stations have created special ticket counters for people with disabilities

and have marked them prominently, such that a persons upon entering the platforms can view the counters fro afar. Where such provisions have not yet been created for lack of space, the concerned Station Master, Booking Assistant In-charge, Conductor and Guards have been specially instructed to ensure special care of persons with disabilities.

69.       All express inter-city trains (except only one) have two reserved seats for persons with

disabilities, which are available against such reservation up to three hours prior to the

planned departure time.

70.       Considering the plight of poor people with disabilities, a provision is already in practice

where all people with visual impairments can travel free of cost in the lowest class of all

trains (except in the intercity express trains). The Government is now planning to extend

a similar service to people with other types of disabilities, and a rebate for the

accompanying persons.

71.       Seats have also been reserved in buses operated by both the State operated Bangladesh

Road Transport Corporation (BRTC) and the private sectors. BRTC also accommodates a

50% reduction in ticket prices for people with disabilities carrying an identity card, or with obvious and visible disabilities.

72.       Only a handful of institutions had been producing assistive devices, including artificial

limbs for decades within Bangladesh. But they were expensive, highly limited in number,

of not very high quality, therefore rarely affordable and available. Over the last couple of

years, however, the scenario is gradually changing. Newer organizations, including

corporate groups are showing interest in assistive technology. The Government has also

taken initiatives to provide them free of cost. This has also played a key role in the

increasing visibility of people with disabilities, as they are now coming out of hiding at

home. More sensitization of the common people towards disability, and greater access to

public services, including those provided by the local government, are complementing

towards the increasing visibility of people with disabilities across the country.

**Article 21 - Freedom of expression and opinion, and access to information**

This article recognizes the right of persons with disabilities to freedom of expression and opinions, including the freedom to seek, receive and impart information and ideas through all forms of communication of their choosing.

States Parties should report on:

* Legislative and other measures taken to ensure that information provided to the general public is accessible to persons with disabilities in a timely manner an without additional cost
* Legislative and other measures taken to ensure that persons with disabilities can use their preferred means of communication in all forms of official interaction and access to information, such as sign language, Braille, augmentative and alternative communication, and all other accessible means
* Measures taken to urge private entities and mass media to provide their information and services in an accessible form for persons with disabilities, including measures taken to prevent the blocking or restriction of access to information in alternative formats by the private sector
* Degree of accessibility of mass media and percentage of public websites that comply with the Web Accessibility Initiative (WAI) standards
* Legislative and other measures taken linked to the official recognition of sign language(s)

73.       Article 39 of the Constitution (Freedom of thought and conscience, and of speech)

affirms, “(1) Freedom or thought and conscience is guaranteed. Freedom of thought and

conscience, and of speech. (2) Subject to any reasonable restrictions imposed by law in

the interests of the security of the State, friendly relations with foreign states, public

order, decency or morality, or in relation to contempt of court, defamation or incitement

to an offence (a) the right of every citizen of freedom of speech and expression; and (b)

freedom of the press, are guaranteed.”

74.       The Government has enacted the Right To Information Act (RTI) in 2009, ensuring

provisions for people with different types of disabilities. This has opened a new frontier

for people with disabilities, especially the educated, who have more access to information now, regarding the policies, services and programs of different ministries, departments and functionaries of the Government, and will help them take far more informed decisions about their own future plans.

76.       According to a roadmap towards achieving a “Digital Bangladesh by 2021” all ministries

have launched respective websites.

**Article 22 - Respect for privacy**

This article recognizes the right of all persons with disabilities to the protection of their private life, honor and reputation.

States Parties should report on the measures taken to protect the privacy of personal, health and rehabilitation related information of persons with disabilities.

States parties should report on measures taken so that persons with disabilities not be concealed on the pretext of protection of privacy.

77.     Article 43 of the Constitution (Protection of home and correspondence) affirms, “Every citizen shall have the right, subject to any reasonable restrictions imposed by law in the interests of the security of the State, public order, public morality or public health- (1) to be secured in his home against entry, search and seizure; and (2) to the privacy of his correspondence and other means of communication.”

78.       In pursuit of the Constitutional provisions, and the CRPD, the Government of Bangladesh

is trying to take sufficient care so that persons with disabilities are free from arbitrary

interference with respect to their privacy and that their honor and reputation are

protected.

**Article 23 - Respect for home and the family**

This article recognizes the right of persons with disabilities to marriage and to found a family, to decide freely on the number of children to have, and to retain their fertility on an equal basis to others.

States Parties should report on:

* Measures taken to ensure that persons with disabilities may exercise the right to marry and to found a family on the basis of full and free consent
* Measures taken so that persons with disabilities have access to family planning, assistive reproduction and adoption or fostering programs
* Measures taken to ensure that parents with disabilities, who so require, are provided with the adequate support in their child-rearing responsibilities, ensuring the parent-child relationship
* Measures taken to ensure that no child is separated from her/his parents because of the disability of either the child or one or both of the parents
* Measures taken to support fathers and mothers, and the families of boys and girls with disabilities, in order to prevent concealment, abandonment, neglect or segregation of the boy or girl with a disability
* Measures taken to avoid institutionalization of boys and girls with disabilities whose parents are unable to care for them, and ensure that they are provided with alternative care from the wider family, or when this is not possible, in a family setting in the wider community
* Measures taken to prevent the forced sterilization of persons with disabilities, especially with girls and women

79.       As has been mentioned earlier (vide Article 19), the family plays a significant role in the

upbringing of any child in Bangladesh, including for children with disabilities. The

extended family takes care of the work sharing, and sometimes even cost sharing, to deal with measures required to nurture a child with a disability.

80.       Marriages generally are arranged by and between families, which goes equally true for

people with disabilities. However, it still generally is the men with disabilities that enter

into wedlock, in most cases with non-disabled women. Women with disabilities still

generally are not married off by their parents.

**Article 24 - Education**

This article recognizes the right of persons with disabilities to education on the basis of equal opportunity, ensuring an inclusive education system at all levels and the facilitation of access to lifelong learning.

State Parties should report on:

* Measures taken to ensure that every child with disabilities has access to early-stage education, and mandatory primary, secondary and higher education
* Information on the number of boys and girls with disabilities in early-stage education
* Information on the existing significant differences in the education of boys and girls in the different education levels and whether there are policies and legislation to cater for these differences
* Legislative and other measures that ensure that schools and materials are accessible and that individualized reasonable accommodation and support required by persons with disabilities is provided to ensure effective education and full inclusion
* Availability of specific skills-training services for children, adults or teachers who so require in Braille, sign languages, augmentative and alternative communication, mobility and other areas
* Measures taken for the promotion of the linguistic identity of deaf persons
* Measures taken to ensure education is delivered in the most appropriate languages, modes, means of communication, and environments for the individual
* Measures to ensure an adequate training on disability to professionals in the education system, as well as measures to incorporate persons with disabilities in the education team
* Number and percentage of students with disabilities in tertiary education
* Number and percentage of students with disabilities by gender and fields of study
* Reasonable accommodation provisions and other measures to ensure access to lifelong learning education
* Measures taken by the State to ensure early identification of persons with disabilities and their education needs

81.      Article 17 of the Constitution (Free and compulsory education) affirms, “The State shall adopt effective measures for the purpose of (1) establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; (2) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs; (3) removing illiteracy within such time as may be determined by law.” Article 28 (3) also affirms, “No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.” The Compulsory Primary Education Act (2000) had been enacted keeping in mind these principles.

82.       In order to cater to the education needs of children with disabilities, the Government has

set up five special schools for children with visual disabilities, seven for those with hearing & speech disabilities, two special schools & vocational training centers for those with physical disabilities, and two such similar schools for children with intellectual disabilities. The Government also has an integrated education program for children with visual disabilities in 64 schools across the country. Number of schools for children with all types of disabilities including autism is being increased to a greater extent.

83.       Beyond the Government, of non-government organizations and private institutions

have created special, integrated and inclusive schools for thousands of more children

with disabilities. In recent years, the Government has been providing financial assistance

to many of these schools, especially those catering to children with intellectual isabilities. The Government has decided to cover all educational costs of about 56 such schools, including the full salaries of all the teachers and education related staff through formulation Disability Related Co-ordinated Special Education Regulation, 2009.

84.       Beyond the secondary education level, there are no special educational arrangements, so

all children with disabilities need to pursue education in mainstream schools. The Dhaka

University, the highest education seat of the country has been accommodating students

with visual impairments since 1969. It has recently set up, with the assistance of donors,

a Braille & computer section in its central library, facilitating the educational needs of

such students.

85.       Towards ensuring the global target of “Education For All by 2015”, the Government of

Bangladesh, with the support of a large number of donors, had initiated a series of

programs, including the Primary Education Development Program (PEDP). During the

completion of its first phase, however, it was revealed that children with disabilities very

rarely benefited from this program. As such, during the second phase (PEDP II) a major

component had been included to address all ‘left out children’, including children with

disabilities through an inclusive education approach. The project was not fool-proof, and

the components had not been adequately enforced, resulting in the majority of such

children still remaining out of the education net. Now that the third phase (PEDP III) is

coming up, newer measures and newer approaches are being adopted and included into

the program, which is expected to make some positive changes.

86.       In order to promote enrollment and retention in primary education, which is free of costs

for all students in any case, the Government had introduced Education Stipends for the

regular attendees many years back. Then, to promote education of girl children,

education had been made free for them up until Class VIII, which has gradually been

extended now to the higher secondary level. Inspired by the success that this measure

had generated and recognizing the additional costs that children with disabilities need to

cater to, a program for providing special stipends has been initiated by the Government

to all students with disabilities enrolled in formal education, in different slabs (primary,

secondary, higher secondary, graduation, masters). Under this scheme, students in primary, secondary, higher secondary and university level get BDT 300, 450, 600 and 1000 respectively. This has given a major boost to the education of people with disabilities, and positively encouraged parents from poor families to also send their children to schools.

87.       Recognizing the lack of adequately trained teachers in mainstream schools, catering to

the special needs of children with disabilities, the Government is now planning a massive

training scheme. Once adopted, over 50,000 teachers shall receive formal training, as

part of their in-service training, to cater to these special needs.

**Article 25 - Health**

This article recognizes that persons with disabilities have the right to the enjoyment of the highest attainable standard of health, ensuring access for persons with disabilities to health services, including health-related rehabilitation, that are gender-sensitive, in their community and without financial cost.

States Parties should report on:

* Legislative and other measures that protect against discrimination and ensure that persons with disabilities have the same access to quality health services, including in the area of sexual and reproductive health
* Measures taken to ensure that persons with disabilities have access to disability related health rehabilitation in their community freely and without financial cost
* Health services, early detection and intervention programs, as appropriate, to prevent and minimize the emergence of secondary disabilities, paying attention to children, women and the elderly, including in rural areas
* Legislative and other measures to ensure that general public health campaigns are accessible for persons with disabilities
* Measures put in place to train doctors and other health professionals on the rights of persons with disabilities, including in rural areas
* Legislative and other measures to ensure that any health treatment is provided to persons with disabilities on the basis of their free and informed consent
* Legislative and other measures that ensure protection against discrimination in the access to health insurance and other insurance, when these are required by law
* Measures taken to insure that sanitation facilities are not simply available, but fully accessible
* Measures taken to increase awareness and information in various accessible formats, including in Braille, for HIV/AIDS and malaria prevention

88.       As Bangladesh makes progress through its health policies on its infant mortality rate,

immunization coverage & general health care, we are expected to experience a lower

incidence of impairments. However, the gains due to improved health care is likely to be

outweighed by the triple effects of increased numbers of impaired children surviving;

increased numbers of people incurring impairments due to old age (e.g. cataracts &

arthritis) and widespread malnutrition. A lack of consistent oxygen supply at the hospitals

beyond the district level means that, a newly born child, especially suffering a prolonged

labor, not necessarily gets the required oxygen soon after birth. This alone starves the

brain of the required oxygen supply, resulting in conditions like cerebral palsy, or

intellectual disabilities. This, compounded with the natural calamities and a constant

occurrence of road traffic accidents implies that the prevalence of impairments in

Bangladesh is likely to continually rise over-time, although the nature and distribution of

impairments are also likely to change considerably.

89.       Over the last three decades or so, Bangladesh has made some progress in making clean

drinking water available to even remote rural areas. With the support of large & small

donor organizations millions of shallow tube wells had been made available. However,

over the last decade and a half, it has been found that, due to such indiscriminate sinking of wells, a large portion of these have become contaminated with arsenic poisoning. While on the one hand, low-cost user-friendly arsenic mitigation tools and techniques are being researched, people are being advised to go back and use surface water. But in this entire scenario, ensuring supply of clean drinking water to the disabled people was not on the agenda of any of the donors. Similarly, in the area of sanitation, low-cost userfriendly sanitary (slab) latrines had been made available all over the country. But in most cases, these are not at all accessible to persons with physical disabilities, especially the ones using wheelchairs.

90.       Under the auspices of the Ministry of Foreign Affairs, expatriate workers with disabilities

requiring urgent medical help are sent to hospitals by the staff of the concerned Missions

abroad. Their progress is regularly monitored and costs involved in the treatment are paid from the Welfare Fund of the concerned Missions, upon approval of the Wage Earners’ Welfare Funds Board.

91.       The national health policies in the past have rarely incorporated Disability issues, and so

the main actors in this field have mostly been the non-government organizations. Upon

insistence from the Vision 2020 Forum, prevention of blindness found its way, to some extent, in the national health policy. But the prevention of other types of disabilities had

not been addressed in the mainstream health movement. But that is all changing now,

with a new all inclusive health policy coming up, incorporating the needs of people with

disabilities.

**Article 26 - Habilitation and rehabilitation**

This article establishes the measures to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life, through comprehensive habilitation and rehabilitation programs, in the areas of health, employment, education and social services.

States Parties should report on:

* General habilitation and rehabilitation programs for persons with disabilities, in the areas of health, employment, education and social services, including early intervention, peer support, and the availability of these services and programs in rural areas
* Measures taken to ensure that participation in habilitation and rehabilitation services and programs is voluntary
* The promotion of initial and continuous training for professionals and staff working in habilitation and rehabilitation programs
* Measures taken for the promotion, availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation
* Measures taken for the promotion of international cooperation in the exchange of assistive technologies in particular with Third World countries

92.       The Government operates one orthopedic hospital in Dhaka and one orthopedic unit at

each of the medical college hospitals, as well as three leprosy hospitals. The GOB is also

running two vocational rehabilitation centers for those with orthopedic disabilities. Several private & voluntary organizations are running orthotics & prosthetics workshops, as well as two training centers each for people with visual & intellectual disabilities.

93.       The government has recognized a couple of training courses on physiotherapy &

occupational therapy, and a few more private universities have come into the scenario.

Thus there is now a scope to add to the number of the very few professional therapists

that Bangladesh ever had. At the non-government sector, another center is developing a

plethora of rehabilitation aides, and so far over 1,000 such trained personnel are working

across the country. But that course is yet to receive affiliation from the government.

94.       During the last year, the Government had piloted a program, under which five One-stopservice centers had been set up in different parts of the country, with adequate human resources to cater to different needs of people with disabilities living in remote rural areas, from where they generally cannot access quality services. The centers have

provided physiotherapy, occupational therapy, speech therapy services, along with

distribution of a large number of assistive devices. Based on the success of this program,

10 more similar centers are being set up this year, with a plan to extend this service

initially to all 64 districts, and then gradually to all upazilas of the country in the future.

Based on the learning of an NGO who has been operating mobile service centers in

different districts of the country through two buses and a launch, the Government is

planning on setting up similar services across the country, tagged with the One-stopservice centers, such that people with disabilities living in far remote areas can also

access required quality services.

95.       The Government has set up an Autism Resource Center in the capital city of Dhaka,

recently inaugurated by the Honorable Prime Minister. This center will gradually be

enriched, and its services shall be extended to other districts of the country in the future.

**Article 27 - Work and employment**

This article recognizes the right of persons with disabilities to work and to gain a living by participation in a labor market and work environment that is open, inclusive and accessible, including for those who acquire a disability during the course of employment.

States Parties should report on:

* The legislative measures taken to ensure protection against discrimination in all stages of employment and in any form of employment and to recognize the right of persons with disabilities to work on a basis of equality with others, in particular the right to equal pay for equal work
* The impact of targeted employment programs and policies in place to achieve full and productive employment among persons with disabilities according to paragraphs 1 (a to g) of the Convention
* The impact of measures to facilitate re-employment of persons with disabilities, who are made redundant as a result of privatization, downsizing and economic restructuring of public and private enterprises according to paragraph 1 (e) of the Convention
* Availability of technical and financial assistance for the provision of reasonable accommodations, including the promotion of the establishment of cooperatives and start ups in order to encourage entrepreneurialism
* Affirmative and effective action measures for the employment of persons with disabilities in the regular labor market
* Positive and effective action measures for the prevention of harassment of persons with disabilities in workplace
* Accessibility of persons with disabilities to open employment and vocational training services, including those for the promotion of self employment
* Information on existing significant differences in employment between men and women with disability and whether there are policies and legislation to cater for these differences in order to promote the advancement of women with disabilities
* Identification of the most vulnerable groups among persons with disabilities (including by providing examples) and policies and legislation in place for their inclusion in the labor market
* Measures taken for the promotion of the trade union rights of persons with disabilities
* Measures taken to assure the retention and retraining of workers who suffer a workplace injury resulting in a disability preventing them from performing their previous tasks
* Provide information on the work of persons with disabilities in the informal economy in the State Party, and the measures taken to enable them to move out of the informal economy, as well as on measures taken to ensure their access to basic services and social protection
* Describe the legal safeguards in place to protect workers with disabilities from unfair dismissal, and forced or compulsory labor according to article 27, paragraph 2
* Measures taken to ensure persons with disabilities who have technical and vocational skills are empowered with the support needed for their entry and re-entry to the labor market according to paragraph 1 (k)
* Measures taken to ensure students with disabilities the same access to the general labor market
* Measures taken to ensure various forms of work, such as work on location, telecommuting (off-site/at home) and subcontracting, and work opportunities offered by new communication technologies

96.      Article 29 of the Constitution (Equality of opportunity in public employment) affirms, “(1) There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic. (2) No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.”

97.      Article 20 (Work as a right and duty) also affirms, “(1) Work is a right, a duty and a matter of honor for every citizen who is capable of working, and everyone shall be paid for his work on the basis of the principle "from each according to his abilities to each according to his work". (2) The State shall endeavor to create conditions in which, as a general principle, persons shall not be able to enjoy unearned incomes, and in which human labor in every form, intellectual and physical, shall become a fuller expression of creative endeavor and of the human personality.”

98.       The Government of Bangladesh had declared a 10% quota for all employments for

orphans and people with disabilities. It also has a 1% reserved quota in the First Class

cadre service jobs. In pursuit of these provisions, different ministries and departments

of the Government have provided employment to people with disabilities, which include

Ministry of Agriculture, Ministry of Commerce, Ministry of Communications, Ministry of

Cultural Affairs, Ministry of Disaster Management & Relief, Ministry of Education,

Ministry of Fisheries & Livestock, Ministry of Food, Ministry of Foreign Affairs, Ministry of

Housing & Public Works, Ministry of Industries, Ministry of Labor & Employment,

Ministry of Power, Energy & Mineral Resources, Ministry of Primary & Mass Education,

Ministry of Science, Information & Communication Technology, Ministry of Shipping &

Inland water Transport, in addition to the Ministry of Social Welfare.

99.       The Ministry of Science, Information & Communication Technology has created various

training opportunities for educated youths with disabilities, such that, they could pursue

a better career. The Bangladesh Road Transport Corporation has provided employment

to 40 people with hearing & speech impairments in its central workshop.

100.     Recognizing that many qualified people with disabilities, especially the women,

generally feel disheartened to pursue good employment opportunities in the capital city

due to a lack of accessible residence facilities, the National Foundation for Development

of the Disabled People (NFDDP) has created two hostels with possible accessible facilities (one for women and one for men) within their premises, where such potential persons can find at least a temporary living arrangement free of cost and with subsidized food, until they can settle down in their jobs and find more suitable living arrangements. These hostels were inaugurated by the Honorable Prime Minister earlier this year.

**Article 28 - Adequate standard of living and social protection**

This article recognizes the right of persons with disabilities to an adequate standard of living and to social protection.

States Parties should report on:

* Measures taken to ensure availability and access by persons with disabilities to clean water, adequate food, clothing and housing and provide examples
* Measures taken to ensure access by persons with disabilities to services, devices and other appropriate assistance at affordable prices, including the availability of programs that cover disability related extra financial costs
* Measures taken to ensure access by persons with disabilities, in particular women and girls and older persons with disability, to social protection programs and poverty reduction programs
* Measures towards public housing programs and retirement benefits and programs for persons with disabilities
* Measures taken to recognize the connection between poverty and disability

101.    Article 15 (Provision of basic necessities) of the National Constitution affirms, “It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens-  (1) the provision of the basic necessities of life, including food, clothing, shelter, education and medical care; (2) the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work; (3) the right to reasonable rest, recreation and leisure; and (4) the right to social security, that is to say to public assistance in cases of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans or in old age, or in other such cases.”

102.     Considering the plight of poor people with disabilities, the Government of Bangladesh

has introduced an allowance amounting BDT 300 on a monthly basis, and currently

250,000 such people living in dire poverty across the country are under this safety net.

The Government also has a micro finance scheme, under which, people with disabilities

who have acquired some level of training can access an interest free loan up to an

amount of BDT 25,000 to start a small income generating program. The loan needs to

be repaid in 10 easy installments over a period of three years. Similar schemes have

been patronized by four Government approved nationalized banks, where larger

amounts are also accessible to people with disabilities in the form of group loans.

103.     Recognizing that a large section of the community, especially in the dry land areas in

the northern districts of the country, suffer without jobs, the Government has

introduced a fixed 100 days per year jobs for unemployed adults. People with

disabilities are given a high priority in selecting the candidates for this scheme.

**Article 29 - Participation in political and public life**

This article guarantees political rights to persons with disabilities. States Parties should report on:

* Legislation and measures to guarantee to persons with disabilities, in particular persons with mental or intellectual disability, political rights, including, if it is the case, existing limitations and actions taken to overcome them
* Measures taken to ensure the right to vote of all persons with disabilities, on their own or to be assisted by a person of their choice
* Measures taken to ensure the full accessibility of the voting procedures, facilities and materials
* Indicators measuring the full enjoyment of the right to participate in political and public life of persons with disabilities
* Support provided, if any, to persons with disabilities for the establishment and maintenance of organizations to represent their rights and interests at local, regional and national level

104.     Following the ratification of the CRPD, for the first time in the history of the country, a

program had been initiated to provide a National Identity Card and Voter ID Card had

to all citizens aged 18 years and above. Persons with disabilities across the country had

also been counted; and special disability specific information had been gathered and

entered into the national database. As such, special arrangements had been attempted

across the country in a planned effort during the National Parliamentary Elections in

December 2008 to ensure that people with disabilities could exercise their right to vote,

facing least possible inaccessibility hindrances, and maintaining their secrecy. The

Representation of the Peoples’ Order (RPO) and the Conduction of Election Rules had

been changed accordingly, to accommodate such processes. The Government is now

planning e-voting measures, such that, voters with disabilities can exercise this right in

future with far more convenience.

105.     Adequately qualified people with disabilities have been contesting in different elections,

especially of the Local Government on a regular basis. Measures have been ensured

such that there is an increasing trend in this regard.

**Article 30 - Participation in cultural life, recreation, leisure and sport**

This article recognizes the right of persons with disabilities to take part in cultural life, develop and utilize their creative, artistic and intellectual potential, recognition and support of their specific cultural and linguistic identity, and to participate in recreational, leisure and sporting activities on an equal basis with others.

States Parties should report on:

* Measures taken to recognize and promote the right of persons with disabilities to take part on an equal basis with others in cultural life, including opportunities to develop and utilize their creative, artistic and intellectual potential
* Measures taken to ensure that cultural, leisure, tourism and sporting facilities are accessible to persons with disabilities, taking into account children with disabilities, including through the conditional use of public procurement and public funding
* Measures taken to ensure that intellectual property laws do not become a barrier for persons with disabilities in accessing cultural materials, including participation in relevant international efforts
* Measures taken to promote deaf culture
* Measures taken to support the participation of persons with disabilities in sports, including elimination of discriminatory and differentiated treatment of persons with disabilities in the awarding of prizes and medals;
* Measures taken to ensure that children with disabilities have access on an equal basis with all other children to participation in play, recreation, leisure and sporting facilities, including those made within the school system

106.     Open-to-all cultural events and popular theater shows performed by people with

disabilities are organized across the country at every given opportunity. The honorable

Prime Minister herself has attended several programs organized & performed by

persons with disabilities, which have been telecast live on television channels.

107.     National arts & crafts exhibitions, national disability fairs & festivals have been

organized in the country to highlight and showcase the creative, artistic & cultural skills

& talents of persons with disabilities.

108.     The State-operated Bangladesh Shilpakala (cultural) Academy has also hosted national

cultural meets performed by people with disabilities. Measures are now being taken

such that exceptional performers with disabilities can to sent on overseas tours to

promote our national culture and heritage, or that they can pursue better training or

education on such fields, patronized by the Government.

109.     Children with disabilities, especially those with intellectual disabilities, have historically

excelled in sports meets both within the country and abroad. The successive successes

in the Special Olympics have attracted large corporate groups for sponsorships, for

adequate training of such athletes and effective participation in the Special Olympics

events. The Government is also now allocating special funds in the annual national

budgets to promote sports and games opportunities for persons with disabilities,

especially the children,

110.     Under a direct patronization of the Prime Minister, a large playground along with sports

development facilities is being created in the heart of the capital city for promotion of

sports and games for children with disabilities.

**Segment of the reporting relevant to the specific situation of boys, girls & women with disabilities**

**Article 6 - Women with disabilities**

Although gender aspects should be mainstreamed in each of the articles where applicable, under this specific article the report should include information regarding measures taken by the State Party to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the Convention rights and fundamental freedoms, and the elimination of all forms of discrimination.

States Parties should report on:

* Whether gender inequality of women and girls with disabilities is recognized at legislative and policy levels, as well as within program development
* Whether girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with boys and men with disabilities
* Whether girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with other girls and women without disabilities

111.     While the Constitution of Bangladesh repeated calls for equality, and non-discrimination

on the grounds of gender (in addition to some other grounds), it specifically addresses

the issue in Article 28 (2) “Women shall have equal rights with men in all spheres of the

State and of public life.”

112.     The National Women Development Policy (2008) for the first time categorized women

with disabilities as especially vulnerable women in Bangladesh, under its Chapter-3

Paragraph 16. In this paragraph it is said that programs should be taken up for

especially vulnerable women, including women with disabilities, considering their

diversity of position and needs to provide them special facilities.

**Article 7 - Children with disabilities**

The report should include supplementary information where applicable, regarding measures taken by the State Party to ensure the full enjoyment by children with disabilities of all Convention rights and fundamental freedoms, in particular to ensure that all actions concerning children with disabilities are in the best interests of the child.

States Parties should report on:

* The principles that underpin decision-making in relation to boys and girls with disabilities
* Whether boys and girls with disabilities are able to express their views on all matters that affect them freely, and receive appropriate assistance according to their disability and age to practice this right
* Relevant differences in the situations among boys and girls with disabilities
* Whether children with disabilities are viewed as right-bearers on an equivalent basis to other children

113.     Regarding the voice of children with disabilities in decision-making process, Bangladesh

has a unique experience, where two of our children with disabilities had taken a direct

and active part in the UN HQ during the drafting process of the CRPD. As part of a

representative team of only six children with disabilities, these two Bangladeshi children

took part in the 7th Session of the Ad Hoc Committee. As a preparatory process to that,

children with different types and grades of disabilities worked together to develop the

recommendations these children carried from Bangladesh. After the Government of

Bangladesh ratified the CRPD, these children are also working with other children to

ensure a roll out of the CRPD amongst children.

114.     The Government of Bangladesh is in the process of updating the National Policy on

Children. In the document, the Government has declared a two-pronged approach

concerning children with disabilities. Firstly, the entire policy has been framed ensuring

non-discrimination on any grounds whatsoever. Secondly, recognizing the vicious cycle

between poverty and disability, a special section on children with disabilities, based on

the principles of the CRPD have been incorporated, and additional proactive programs

have been targeted such that the children with disabilities can grow up with other non disabled children in an equitable manner.

**Segment of the report relevant to specific obligations**

**Article 31 - Statistics and data collection**

This article regulates the process of collection of data by the State Party. States Parties should report on:

* Measures taken to collect disaggregated appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the Convention respecting human rights and fundamental freedoms, ethics, legal safeguards, data protection, confidentiality and privacy
* The dissemination of these statistics and measures to ensure their accessibility by persons with disabilities
* Measures taken to ensure the full participation of persons with disabilities in the process of data collection and research

115.     The Bangladesh Bureau of Statistics (BBS) under the Ministry of Planning is preparing

to conduct the 5th national census in early 2011. Based on the learning it had

generated from its failure to identify and enumerate people with disabilities effectively

in the last census held in 2001, this time BBS has taken effective measures. The

questionnaire for the census is almost finalized, upon discussion with representatives

from the Ministry of Social Welfare and organizations working in the disability sector.

The training curriculum for enumerators and supervisors are also being developed

accordingly. It is expected that the upcoming census will reveal far more accurate

statistical data at the national level concerning people with disabilities.

116.     The Institute for Cholera & Diarrheal Diseases Research, Bangladesh (ICDDR,B), one of

the leading health research based institutes of the country of international repute, in

collaboration with the Nossal Institute for Global Health under the University of

Melbourne, Australia and the Center for Eye research Australia, is piloting a Rapid

Assessment of Disability (RAD) toolkit in Bangladesh, which should be completed by the

end of 2010. People with disabilities are playing an active and integral part at all steps

in this research initiative, including questionnaire formulation, training, data collection,

supervision, compilation and analysis. An advisory team comprising of disability experts

from a cross section of NGOs addressing people with physical, visual, hearing & speech,

intellectual, autistic, psychosocial disabilities and DPOs are working closely with this

research team. It is expected that, once the toolkit is finalized and approved, the BBS

could use it later for far detailed sample surveys it generally conducts more frequently,

to elicit far more detailed information on disability across the country.

117.     Beyond the BBS, the Government is also trying to elicit information through the Local

Government using the nation-wide birth registration process. Primary Schools are also

entrusted with the responsibility of identifying children with disabilities within their

respective catchments areas. Moreover, the Department of Social Services, through its

field level workers spread across the country deep into the Union level, are also

identifying persons with disabilities, especially those living in abject poverty, for

accessing the safety-nets services they offer.

**Article 32 - International cooperation**

This article recognizes the importance of the State’s international cooperation in support of national efforts towards the realization of the purpose and objectives of the Convention.

States Parties as donor countries or beneficiaries of international cooperation should report on:

* Measures taken to guarantee that international cooperation be inclusive and accessible by persons with disabilities
* Measures taken to guarantee that donor funds are properly used by recipient States
(including by providing examples, numbers and percentages of successful targeted
funding)
* Programs and projects which specifically target persons with disabilities and the percentage of the total budget allocated to them
* Affirmative-action measures taken towards the inclusion of the most vulnerable groups among persons with disability, such as women, children, etc.
* Degree of participation of persons with disabilities in the design, development and evaluation of programs and projects
* Degree of mainstreamed action towards persons with disabilities in the general programs and projects developed
* Actions toward facilitating and supporting capacity-building, including through the
exchange and sharing of information, experiences, training programs and best
practices
* Whether policies and programs targeting the Millennium Development Goals (MDGs) take into account the rights of persons with disabilities
* On the development, progress, and effectiveness of programs for the exchange of technical know-how and expertise for the assistance of persons with disabilities

118.     The Government of Bangladesh recognizes that it would be impossible on the part of it

alone to cover all the costs for development of all people with disabilities, even in the

long run. What is required is an inclusive development atmosphere, where all citizens,

including people with disabilities can benefit from development programs. Therefore,

the Government has adopted a twin-track approach, on the one hand, to make sure all

its development programs are inclusive of persons with disabilities. On the other hand,

it is enhancing its programs specifically targeted to people with disabilities. Under the

first scheme, the national poverty reduction strategies have been made adequately

inclusive of persons with disabilities and their concerns. So any assistance coming in

into these programs, are automatically addressing, and in many cases, prioritizing

persons with disabilities. At the same time, the Government is now in the final stages of

an agreement with the World Bank to support a large five-year project, amounting

about USD 22 million specifically for people with disabilities.

119.     The Government is also opening up scopes for Public-Private Partnerships (PPP)

specifically focusing disability issues, which will not only benefit people with disabilities,

but will also create job opportunities for them in large numbers.

**Article 33 - National implementation and monitoring**

This article regulates the national application and follow-up of the Convention. The States Parties should report on:

* Measures taken to designate one or more focal points within the Government for matters relating to the implementation of the Convention, giving due consideration to the establishment or designation of a coordination mechanism within the Government to facilitate related action in different sectors and at different levels
* The establishment of a framework, including one or more independent mechanisms, as appropriate and measures taken to promote, protect and monitor implementation of the Convention, taking into account the principles relating to the status and function of national institutions for the protection and promotion of human rights
* Measures taken to involve civil society, in particular persons with disabilities and their representative organizations, including gender perspectives, in the monitoring process and the preparation of the report
* On the integration of disability issues on the agenda of all governmental agencies to assure that various departments are equally aware of disability rights and can work towards their promotion
* On the operations of Government departments and their programs and functions relating to persons with disabilities
* On budget allocations for the purpose of national implementation and monitoring

120.     Immediately following the accession to the CRPD, the head of the Government of

Bangladesh had convened a meeting at his office, expressing that it had now become a

high priority of the Government to ensure rights and fundamental freedoms of all

persons with disabilities of the country. All ministries and departments of the

Government had been instructed to assign a focal person and necessary actions were

taken immediately. Over the last two years, this process has progressed strongly, and

now as many as 46 ministries and departments not only have a focal person from

amongst the second/third highest tier of the bureaucracy, but all such focal points are

now assisted by a disability desk and required staff to attend to the issues. A

coordinated process had been taken to adequately inform such focal persons of their

tasks at hand, and a thorough understanding of the CRPD.

121.     Soon after the democratically elected assumed power through a landslide victory in the

general elections, the new Government, under the supervision and chairmanship of the

Secretary of the Ministry of Social Welfare has also constituted an inter-ministerial

National Monitoring Committee to oversee and advise all concerned on the effective

and actual implementation of the CRPD. The Committee is inclusive of representatives

of persons with disabilities and their national organizations. This committee sits

regularly, and has taken the responsibility of writing this report.

122.     The Government is now also allocating finances in the national budgets, following the

national action plan on disability. Emerging issues, especially after the ratification of the

CRPD, have also been included in the national budgets, beyond the National Action

Plan. As has been mentioned earlier, the Government of Bangladesh is in the process of

updating its disability legislation. Once that is enacted, the National Plans shall also be

updated and adequately addressed in coming national budgets.

[[1]](http://nfddp.gov.bd/index.php/reports/report-of-uncrpd#_ftnref1)          HRI/GEN/2/Rev.5, chap. I.

[[2]](http://nfddp.gov.bd/index.php/reports/report-of-uncrpd#_ftnref2)          General Comment No. 19 of the Committee on Economic, Social and Cultural Rights sets out an exhaustive listing of grounds for non-discrimination, which may require desegregation of data, if feasible. Thus, it argues (para. 29, E/C.12/GC/19) for prohibiting any discrimination, whether in law or in fact, whether direct or indirect, on the grounds of race, color, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation, and civil, political or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of human rights.

[[3]](http://nfddp.gov.bd/index.php/reports/report-of-uncrpd#_ftnref3)          Participants to the sub-regional workshop in New Delhi were from Afghanistan, Bangladesh, Bhutan, India, Indonesia, the Islamic Republic of Iran, Malaysia, Maldives, Nepal, Pakistan, Philippines, Sri Lanka and the Asia Pacific Forum. In Kampala, participants were from Burundi, Ethiopia, Kenya, Rwanda, Somalia, Sudan, Uganda and the United Republic of Tanzania.