

STUDY ON

NATIONAL LEGISLATIVE MEASURES ON DISABILITY  
AND ITS HARMONIZATION WITH  
CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)  
IN BANGLADESH

by

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## SUMMARY

1. Human rights refer to the basic rights and freedoms which all people are entitled to. Human rights experts and, increasingly States, are relying on the typology of human rights obligations to respect, protect and fulfil. And human rights law is that system which ensures these three basic elements. Human rights law primarily is based on international human rights instruments which are binding to its state parties that have ratified the treaty. In principle states those ratify a human rights treaty, commit themselves to enact or review domestic relevant legislations. It is their responsibility to make human rights applicable to and harmonize with national legislation of the state. In this context harmonization of UNCRPD with the domestic legislative measures in Bangladesh is significant and relevant. Since Bangladesh as a states party has ratified this convention including its optional protocol this study will enable all quarters of the Government of Bangladesh to examine the current legal system and areas for amendment in accordance with the article 4-1 (a) & (b) of the convention.

2. UNCRPD has come into force as International Human Rights law on 3<sup>rd</sup> May 2008. This convention is a huge paradigm shift, a move from an approach where persons with disabilities were considered mere objects of charity, social protection and medical treatment; to subjects of human rights, able to make decisions about life and the future and claim rights on their own behalf- a universal recognition of their dignity.

### **The overview of the existing domestic legislative measures on disability in Bangladesh**

3. People's Republic of Bangladesh emerged out of a war of independence in 1971. The Constitution of the People's Republic of Bangladesh guarantees human rights and equality in all respect, for example political, social, religious, education, employment irrespective of race, caste, sex, ethnicity and disability. In spite of the constitutional obligations, it was seen that the citizen with disabilities in Bangladesh were subject to discrimination in various spheres of life. Therefore persons with disabilities and human rights promoters together with the civil society realized and demanded the need for a specific law for the interest of the citizens with disabilities in Bangladesh.

4. The National parliament of the People's Republic of Bangladesh enacted Bangladesh Protibondhi Kollyan Ain (BPKA) 2001 on 4th April 2001 whereby rights of persons with disabilities received statutory recognition for the first time in the history of country. This Act is primarily welfare based and emphasis is given on the impairment of the individual not on the societal and environmental barriers. This act does not address the dignity of persons with disabilities and is inadequate in protecting interest of the citizens with disabilities. Thus the act does not satisfy aspiration and desire of the citizens with disabilities of Bangladesh.

5. The National Action Plan for persons with disabilities was approved by the national Coordination Committee on disability (constituted under BPKA 2001) on 24th September 2006. A task force constituted by the Government of Bangladesh with representation of 17 ministries and 7 NGOs drafted the Action Plan following the legal provisions and spirit of BPKA 2001. The national action plan has outlined the responsibilities of the principal actors and associate actors to carry out task in accordance to this plan.

### **An assessment of the domestic legislative measures on disability in light of the harmonization with the CRPD**

6. BPKA 2001 is based on medical, welfare and charity based approach whereas UNCRPD

has been framed and adopted by the United Nations considering fundamental freedom and basic rights of persons with disabilities with diverse socio-economic and cultural differences. The philosophy of UNCRPD is to recognize and respect an individual and his/her disability is an integral part of limitations. The emphasis has given to recognize rights of persons with disabilities with protection and promotion of his/her potentials to live with dignity. Unfortunately BPKA is not compatible with the spirit of UNCRPD.

7. Because of the long gap of 7 years between the adoption of BPKA 2001 and promulgation of the rule under the act, practically citizens with disabilities hardly received any relief or protection. BPKA 2001 provides a three tier Committee system. They are National Co-ordination Committee on Disability, the National Executive Committee and the District Disability Committee (in 64 Districts). These committees are without effective representation from persons with disabilities. Committees work in ad-hoc basis and as a result the real purpose of application of the law is not achieved because of absence of permanent mechanism of accountability.

8. By an executive order ten percent jobs for 3rd and 4th class employment of Government services have been kept reserve for persons with disabilities. But the Recruitment Rules under the Government of Bangladesh restricts them by the provision of medical fitness.

9. Available evidence suggests that less than 10 percent of children and youth with disabilities have access to any form of education. Special Education was suggested for children with disabilities in the National Education Policy 2000, although the Education policy 1974 was very supportive to inclusive education. The government has formed a sixteen member committee on April 8, 2009 to review and examine all Education Policies to determine a practical one. After consultation with stakeholders including persons with disabilities, the committee will submit its report for consideration and appropriate implementation by the authority. The government has recognized inclusive education policy for the first time under the Second Primary Education Development Program (PEDP-II) in 2005. Thus the education system for children with disabilities is gradually shifting towards form segregated to mainstream education system, although with sluggish progress.

10. National Sports Policy 1998 provides the promotion of sports for persons with disabilities with the support from the government. Unfortunately until now the national sports council of the government has no budgetary allocation for this purpose. National ICT Policy 2008 addressed persons with disabilities very firmly. The first objective of this policy 'Social Equity' states, ensure social equity, gender parity, equal opportunity and equitable participation in nation-building through access to ICT for all, including persons with disabilities and special needs.

11. The Women Development Policy 2008 categorized women with disabilities as special vulnerable women. Persons with disabilities are included in the National Food Policy 2006 of the Government of Bangladesh adopted to achieve food security for all. The Right to Information Act 2009 which has been enacted recently addressed the right to information of persons with disabilities. Dhaka City Building Construction Rule 2007 recognized Universal Accessibility and Universal Design. A 'One Window Service Cell' is formed that is responsible for scrutiny and approval of the designs. Representative from the organizations working for persons with disabilities is a member of this Cell.

12. The Lunacy Act 1912 is still enforced in Bangladesh. In many instances persons with intellectual disabilities and persons with psycho-social disabilities become victim by this act due to interpretation of the act by the court. The Hindu Inheritance (Removal of Disabilities) Act, 1928 excludes persons with intellectual disabilities and psycho-social disabilities from inheritance or from any right or share in joint-family property. In the Suppression of

Violence against Women and Children Act, 2000 there are provisions for Punishment for Mutilation of the Children for Begging and protection of Children with disabilities if he/she is Outcome of Rape. But the protection mechanism for women and children with hearing or intellectual disabilities form violation is not effective and friendly.

13. Constitution has recognized citizens with disabilities to cast vote in all elections at national and local levels. Public Representative Order 1972 has no restriction for citizens with disabilities to participate in national and local government elections as candidate. The War Injuries (Compensation Insurance) Act, 1943 was enacted to provide compensation to be payable by an employer, in respect of a war injury. The Schedule of this act defines the percentage (from 100% to 10%) of disability in accordance with the type of injury (26 types).

#### **Identification of issues and obstacles in harmonizing the CRPD with the domestic legislative measures**

14. The issues and obstacles in harmonizing UNCRPD with domestic legislative measure may broadly be summarized as follows:

- a. Lack of political commitment
- b. Inadequate allocation of financial resources
- c. Social stigma and prejudices
- d. Negative attitudes of the policy makers
- e. Parental negative reaction
- f. Lack of awareness.

#### **A summary of national actions or planned actions to harmonize the CRPD with the domestic measures**

15. Bangladesh Government has appointed 46 officers as Focal Points concerning Disability in 29 Ministries, 2 Divisions, 5 Departments and in 10 autonomous bodies in 2007.

16. Present Government of Bangladesh has affirmed its political commitment towards development of Persons with disabilities in their election manifesto in December 2008. The manifesto stated that the BPKA 2001 will be updated and executed through amendment. Further, the manifesto states that special measures will be taken for ensuring education, employment, accessibility, communication and to establish social dignity of persons with disabilities. Government has issued order on the 26 day of its installation in office, to introduce Bangla Sign Language in Television News Bulletin for persons with hearing disabilities.

17. Considering lengthy process for promulgating a new law, the existing BPKA 2001 should be amended in accordance with the UNCRPD considering Article 4-1 (a) and (b) as the basis of main principle of amendment/absolution of the existing law and rules .

18. Government of Bangladesh has constituted 31 members national monitoring committee in accordance to UNCRPD article 33 to draw up action plan for implementation of the convention as well as to examine and address different area of weakness and take measures for strengthening of legislative measures and administrative policies towards ensuring protection and promotion of the rights of persons with disabilities in Bangladesh. In response to the request of the Government NFOWD (National Disability Forum) started proceedings to draft human rights based law for persons with disabilities through series of consultation and will handover the draft to the Government within very short time.

19. Non government organizations for Disability in Development, Disabled People's Organizations, Development Practitioners, Human Rights Activists, Disabled Persons activists together with representation from civil society have formed the Disability Rights Watch Group. This initiative will help the Government of Bangladesh in harmonizing domestic legislation in line with CRPD while the amendment to the existing law or proposal for amendment to any law will be drafted. This Watch Group will also submit the Shadow report to the Committee on the Rights of Persons with Disabilities about the application and harmonization of UNCRPD and the legislative measures in Bangladesh.

**Draft recommendations for actions by the Government of Bangladesh  
forward based on the analysis above**

20. The BPKA 2001 should be amended with the full spirit and philosophy of UNCRPD considering article 4 – 1 (a) and (b). The process of amendment of BPKA 2001 should be carried out as far as possible following the mechanism of protecting the rights of persons with disabilities to make it effective human rights based amended law upholding the spirit of the constitution of the Peoples' Republic of Bangladesh.

21. It is clear that our present legislation in no way is consistent to the CRPD standard and there is not only a need but also a legal obligation to amend the present law. Considering the CRPD values and structure to meet our legal obligations the following legal framework may be proposed.

22. Proposed Framework for amending the BPKA 2001:

<b>Name</b>	: Rights of the Persons with Disabilities Act
<b>Preamble</b>	: Incorporating values that endorses disabled peoples' movement's demands
<b>Purpose/ Objectives</b>	: Clear and specific based on human rights
<b>Definitions</b>	: Rights-based definitions
<b>General principles</b>	: Include principles as per the CRPD values
<b>General obligations</b>	: As per the CRPD
<b>Equality and non-discrimination</b>	: As per the CRPD
<b>Marginalized Persons with Disabilities Rights</b>	: Including women, children, indigenous groups : List of rights with specific actions
<b>Affirmative Action</b>	: Indication of specific actions e.g. quota
<b>Statistics and data collection</b>	: Specified tasks for relevant departments
<b>National implementation and monitoring</b>	: Committees etc. to be formed with clear reporting mechanism ensuring governance
<b>Regional and International cooperation</b>	: Building network with regional and intl. allies

**Finance** : Budgetary plan and adequate resource allocation according to the size of the population with disabilities.

**Miscellaneous** : Amendments etc.

## INTRODUCTION

23. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (Article 1, Universal Declaration of Human Rights, 1948). We all know that human rights refer to the basic rights and freedoms which all people are entitled to.

24. Human rights experts and, increasingly States, are relying on the typology of human rights obligations to respect, protect and fulfil: *Respect*- the State must refrain from taking certain acts that would violate human rights; *Protect*- the State must ensure that third parties respect human rights (e.g. the private sector); *Fulfil*- the State must take a range of legislative, financial, political, social, budgetary, educational and other measures to improve enjoyment of human rights. And human rights law is that system which ensures these three basic elements.

25. Human rights law primarily is based on international human rights instruments which are binding to its state parties that have ratified the treaty. Even at time some customary peremptory standards of human rights are also recognized and are considered bindings on nations those have not ratified the relevant treaty. In principle states those ratify a human rights treaty, commit themselves to enact or review domestic relevant legislations. It is their responsibility to make human rights applicable to and harmonize with national legislation of the state.

26. In this context harmonization of UNCRPD with the domestic legislative measures in Bangladesh is significant and relevant. Since Bangladesh as a states party has ratified this convention including its optional protocol this study will enable all quarters of the Government of Bangladesh to examine the current legal system and areas for amendment in accordance with the article 4-1 a & b of the convention.

27. During last two decades rights and development movements of persons with disabilities adopted and promoted rights-based approach, according to which disability is a social issue and one needs to change the disabling environment and attitude, but not the person with disabilities. This approach promoted equality, inclusion, non-discrimination and especially state's obligations to create and maintain enabling environment that protect and promote rights of the people with disabilities, even when required, by taking affirmative actions.

28. In 2006 United Nations adopted The Convention on the Rights of Persons with Disabilities (CRPD), an international treaty that identifies the rights of persons with disabilities as well as the obligations on States parties to the Convention to promote, protect and ensure those rights. The Convention also establishes two implementation mechanisms: the Committee on the Rights of Persons with Disabilities is established to monitor implementation, and the Conference of States Parties is established to consider matters regarding implementation. Also the Optional Protocol- an integral extension of the treaty. The Optional Protocol establishes procedures aimed at strengthening the implementation and monitoring of the Convention.

29. We must take note that the CRPD is a huge paradigm shift, a move from an approach where persons with disabilities were considered mere objects of charity, social protection and medical treatment; to subjects of human rights, able to make decisions about life and the future and claim rights on their own behalf- a universal recognition of their dignity. It is also to be noted that all human rights conventions relate to everyone, including persons with disabilities. The International Covenant on Economic, Social and Cultural Rights (ICESCR) (Part II *Article 2-2*) and the International Covenant on Civil and Political Rights (ICCPR)

(Part II *Article 2-1*) protect against discrimination on any basis. There are also human rights conventions dealing with discrimination, such as discrimination against women and specific groups of people, such as children or migrant workers. All human rights conventions include a provision protecting against discrimination.

30. Though, only one of these Conventions, the Convention on the Rights of the Child (CRC), specifically recognizes the need to protect against discrimination on the grounds of disability. All Conventions are understood to refer to 'disability' implicitly as a ground of discrimination. This makes it clear that persons with disabilities should not be discriminated against when these conventions are applied. Thus, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), for example, applies to all women, including women with disabilities.

31. The Government of Bangladesh and NGOs and DPOs of Bangladesh played significant roles during the drafting the UNCRPD by the Ad-Hoc Committee at the United Nations. Bangladesh Government signed the UNCRPD as 91<sup>st</sup> Member State on 9<sup>th</sup> May 2007, ratified the CRPD without reservation as 8<sup>th</sup> Member state on 30<sup>th</sup> November 2007 (without any reservation) and also ratified the optional protocol of the convention as 16<sup>th</sup> member state on 12 May 2008.

32. The UNCRPD has come into force as International Human Rights law on 3<sup>rd</sup> May 2008. The Government of Bangladesh nominated the candidature for the election of the Committee on the Rights of Persons with Disabilities on 3<sup>rd</sup> September 2008. The States Parties Conference at the United Nations elected Bangladesh candidate with highest vote to the committee under article 34 of UNCRPD on 3<sup>rd</sup> November 2008, to serve for a term of four years from 1<sup>st</sup> January 2009.

#### **THE OVERVIEW OF THE EXISTING DOMESTIC LEGISLATIVE MEASURES ON DISABILITY IN BANGLADESH**

33. People's Republic of Bangladesh emerged out of a war of independence in 1971. The Constitution of the People's Republic of Bangladesh guarantees human rights and equality in all respect, for example political, social, religious, education, employment etc irrespective of race, caste, sex, ethnicity and disability [Article 11, Article 17, Article 27, Article 28-(1),(3), 29-(1),(2),(3), Article 32, Article 36, Article 37, Article 38, Article 41 of The Constitution of the People's Republic of Bangladesh]. From the foregoing discussion has ensured equal rights and opportunities with full participation in life for persons with disabilities.

34. Part II of the constitution describes the Fundamental Principles of State Policy. Salient features under this part are as follows: **Article-11: Democracy and human rights:** The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed, and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured. **Article-15: Provision of basic necessities:** (a) the provision of the basic necessities of life, including food, clothing, shelter, education and medical care; (b) the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work; (c) the right to reasonable rest, recreation and leisure; and (d) 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. **Article-17: Free and compulsory education:** (a) establishing a uniform, mass oriented and universal system of education and extending free and compulsory education to all children; (b) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs; **Article-19: Equality**

**of opportunity:** (2) The State shall adopt effective measures to remove social and 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. **Article-20: Work as a right and duty:** (1) Work is a right, a duty and a matter of honour 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”.

35. Furthermore Part III of the Constitution of the Republic describes the Fundamental Rights. Salient features under this part are as follows: **Article-27: Equality before law:** All citizens are equal before law and are entitled to equal protection of law. **Article-28: Discrimination on grounds of religion, etc:** (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. (3) 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. (4) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens. **Article-29: Equality of opportunity in public employment:** (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. (3) Nothing in this article shall prevent the State from – (a) making special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic; **Article-32: Protection of right to life and personal liberty:** No person shall be deprived of life or personal liberty save in accordance with law. **Article-36: Freedom of movement:** 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. **Article-38: Freedom of association:** Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order. **Article-39: Freedom of thought and conscience, and of speech:** (1) Freedom of thought and conscience is guaranteed. (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 to freedom of speech and expression; and (b) freedom of the press, are guaranteed.

36. In spite of the constitutional obligations, it was seen that the citizen with disabilities in Bangladesh were subject to discrimination in various spheres of life. Therefore activist with disabilities and human rights promoters together with the civil society realized and demanded the need for a specific law for the interest of the citizens with disabilities in Bangladesh. The National parliament of the People’s Republic of Bangladesh enacted Bangladesh Protibondhi Kollyan Ain (BPKA) 2001 on 4<sup>th</sup> April 2001 whereby rights of persons with disabilities received statutory recognition for the first time in the history of country. This Act is primarily welfare based and does not satisfy aspiration and desire of the citizens with disabilities of Bangladesh. BPKA 2001 is inadequate in protecting interest of the citizens with disabilities; definition of disability is also narrow. Obviously, it is now necessary for amendment in order to be consistent with UNCRPD.

37. Bangladesh is under the Common Law system due to the British Colonial Rule for 190 years. There are many Acts and rules put into effect during the colonial period. For example, Societies Registration Act 1860, Trust Act 1872, Lunacy Act 1912, Marriage Registration Act

1933, The War Injuries (Compensation Insurance) Act, 1943. Therefore the basic principles of the Constitution of the Republic of Bangladesh carry the spirit of the legal system of the colonial period with democratic principles.

38. The government of Bangladesh constituted a task force with representation of 17 ministries of the government and representation from 7 NGOs working in the area of persons with disabilities to draft the national action plan in 2005. This draft was prepared over a period of 2 years with careful consideration following the legal provisions and spirit of BPKA 2001. The draft of the National Action Plan demonstrates the responsibilities of different ministries and departments towards persons with disabilities. It was approved by the national Coordination Committee on disability (constituted under BPKA 2001) on 24th September 2006. However, this important decision was not published by any Government gazette. (Annex-1)

39. The national action plan has outlined the responsibilities of the principal actors and associate actors to carry out task in accordance to this plan. It is approved by the national coordination committee on disability under BPKA 2001 thereby same is legally binding to all principal and associate actors. Furthermore, rules under BPKA 2001 has been framed and issued through gazette notification by the Government of Bangladesh on 22<sup>nd</sup> February 2008. As such actions narrated in the plan are the legal responsibilities for the principal and associate actors of the people's republic of Bangladesh.

**AN ASSESSMENT OF THE DOMESTIC LEGISLATIVE MEASURES ON DISABILITY  
IN LIGHT OF THE HARMONIZATION WITH THE CRPD**

40. BPKA 2001 primarily provides for the rights of the persons with disability. Rules under BPKA was framed 7 years after the promulgation of the law. The definition of disability in BPKA is much narrower compared to UNCRPD. In BPKA 2001 disability has been defined in the Article-3 as, (I) "Disability" means any person who, (a) is physically crippled either congenitally or as result of disease or being a victim of accident, or due to improper or maltreatment or for any other reasons became physically incapacitated or mentally imbalanced, and (b) as a result of such crippledness or mental impairedness,- (i) has become incapacitated, either partially or fully; and (ii) is unable to lead a normal life. (II) Any person having disability described hereunder shall be included in the meaning and scope of the definition under subsection (I) of this section (a) Visual impaired (b) Physically handicapped (c) hearing impaired (d) speech impaired (e) mentally retarded (f) multiple disabled (g) any other type of impairment to be defined and declared by the Coordination Committee.

41. The people with autism are totally absent in BPKA 2001 or even the rules under the act. The sizes of the autistic population are quite significant and deserve state attention through legal system for the protection and promotion of their rights and interest.

42. BPKA is based on medical, welfare and charity based approach whereas UNCRPD has been framed and adopted by the United Nations considering fundamental freedom and basic rights of persons with disabilities with diverse socio-economic and cultural differences. The philosophy of UNCRPD is to recognize and respect an individual and his/her disability is an integral part of limitations. The emphasis has given to recognize rights of persons with disabilities with protection and promotion of his/her potentials to live with dignity. Unfortunately BPKA is not compatible with the spirit of UNCRPD.

43. BPKA 2001 provides a three tire Committee system. They are National Co-ordination Committee on Disability, the National Executive Committee and the District Disability Committee (in 64 Districts). The committees are without effective representation from

persons with disabilities. Committees work in ad-hoc basis and as a result the real purpose of application of the law is not achieved because of absence of permanent institution with specific role to oversee, monitor and ensure genuine protection of the rights of persons with disabilities. One of the Joint Secretaries of the Ministry of Social Welfare is the member secretary of the first two top tier national committees. This is always considered as one of the additional functions of the Joint secretary. The district level committees are headed by the Deputy Commissioner (Ex-officio Chairman being head of the district administration) and the member secretary is the deputy director of the department of Social services in the respective district. As a result there are instances that district disability committee don't transact its business under BPKA 2001 or under its rule 2008. For example it is stated under the BPKA 2001 that every disabled citizen shall be entitled to receive certificate as disabled citizen of Bangladesh from the district disability committee and the Member Secretary of the committee (DD of Department of Social Services) shall be responsible to issue the certificate. However this has not been practiced and the provision of the act is not executed.

44. Because of the long gap of 7 years between the adoption of BPKA 2001 and promulgation of the rule under the act, practically citizens with disabilities hardly received any relief or protection. The procedures of accountability of the Committees under the Act are not properly explained in the statute as such the seriousness of the job have not at all been achieved. Moreover the national coordination committee met only 5 times since the promulgation of the act, although this body is legally bound to meet at least once annually as provided in clause 7 sub clause-2 of the act. The National executive committee under the act met only 5 times in last 7 years whereas under clause-11 sub-clause-2 the body must meet at least once in every three months. Further, the district disability committee should meet in pursuance of clause 14 sub clause 2 of the act at least once in every two months. As such it is observed that above mentioned three tier committees constituted under BPKA 2001 didn't respect the act and didn't carry out committee functions vested upon them. It is found that in case of district disability committee sometimes its chairman is not even aware about the existence of the committee and its obligation under the act. It is needless to say that it is the gross violation of the act by the three above mentioned committees to ensure protection and promotion of the rights of citizens with disabilities of Bangladesh. The fact that the committees under the present statute remained ineffective supports this contention

45. The immunity provided by section 21 of the BPKA 2001 may be misinterpreted and could be used against the interest of persons with disabilities. This is contradictory to the UNCRPD article 4-1 (a).

46. Though the BPKA is promulgated for ensuring rights and dignity of persons with disabilities and to ensure their full participation in state and social activities and their comprehensive wellbeing, but the direction given by the law, goal is very limited. Therefore there are some government policies are referred to in support of above argument.

47. By an executive order ten percent jobs for 3rd and 4th class employment of Government services have been kept reserve for persons with disabilities. But the Recruitment Rules under the Government of Bangladesh (BidhiBaddha Pratisthan shomuhe chakurir jonno adarsha probidhanmala): Chapter 2 Clause 3 section 3 subsection A (ka) Candidate may be recruited for a post if he/she is certified as medically fit. On this ground candidates with disabilities otherwise qualified are not considered till now for government, autonomous, statutory body's employment. A sub-committee constituted by the Government under the establishment division of the government is working since 2004 to assess the employment market and identify suitable employment for persons with disabilities.

48. Education for all children is often framed in terms of human rights or justice. Yet available evidence suggests that less than 10 percent of children and youth with disabilities have access to any form of education. However, Government has encouraged the education of children with disabilities. The government has recognized inclusive education policy for the first time under the Second Primary Education Development Program (PEDP-II). After recognizing inclusive education at primary level in 2005, the education system for children with disabilities is gradually shifting towards from segregated to mainstream education system. However, primary education authority has been performing sluggish progress in implementing inclusive education system.

49. Special Education was suggested for children with disabilities in the National Education Policy 2000. In Chapter-17section-a of the Education Policy, 13 strategies are identified to ensure the education of children with disabilities. Salient features of these strategies are identification and survey of children with disabilities to assess their number and nature and degree of their disability; integrated programs in some schools with non-disabled children to overcome problems earlier; reformation of existing integrated education program and similar program for hearing impaired, speech impaired, intellectually disabled and physically disabled learners; initiation of integrated program at primary level for children with all type of disabilities; reformation of government and non-government primary schools to address the need of children with disabilities; establishment of colleges/institutions for teachers of children with disabilities, incorporation of disability issue in the curricula from primary level; flexible curriculum for children with disabilities; education materials at low or no price; the curriculum of teachers' training college should include the subject matters for study or training relating to children with disabilities and schools offering integrated programs should have at least one teacher trained in special education. The government has formed a sixteen member committee on April 8, 2009 to review and examine the existing Education Policies after consultation with stakeholders including persons with disabilities, the committee will submit it's report for consideration and appropriate implementation by the authority.

50. National Sports Policy 1998 provides the promotion of sports for persons with disabilities with the support from the government. In the objective of this policy it is mentioned to organize special sports activities for persons with disabilities and citizen with special category (2:5). Section 11 of the policy has stated that the government will arrange sports activities for persons with disabilities in Bangladesh. Unfortunately until now the national sports council of the government has no budget allocation for this purpose.

51. National ICT Policy 2008 addressed persons with disabilities very firmly. Under the Objective of the policy section 1 'Social Equity' states, ensure social equity, gender parity, equal opportunity and equitable participation in nation-building through access to ICT for all, including persons with disabilities and special needs. Under strategic theme of 'Social Equality' it is mentioned that, mainstream social advancement opportunities for disadvantaged groups as an immediate priority to minimize economic disparity and bridge the digital divide for persons with disabilities and special needs. The policy stated about the access to education and research for people with disabilities and special needs using ICT tools in its 'Education and Research' section. The ICT Policy suggested several actions to be taken for accessibility and availability of ICT for persons with disabilities. These are- 1) Provide incentives to create low-cost, affordable Bangla processing tools and software to develop searchable text and voice content from printed material with special attention to persons with disabilities and special needs; 2) National ID card with identification of persons with disabilities and special needs, 3) Develop Bangla speech processing tools – text to speech (TTS), automatic speech recognition (ASR) – for print disabled community; 4) Develop Bangla script processing tools – optical character recognition (OCR), Braille reader – for the

print disabled; 4) Integrate natural language processing tools in applications. This policy is quite consistent with the article 9 of UNCRPD.

52. The Women Development Policy 2008 categorized women with disabilities as special vulnerable women under 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.

53. Persons with disabilities are included in the National Food Policy 2006 of the Government of Bangladesh adopted to achieve food security for all. Objective – 2: (Increased purchasing power and access to food of the people) Strategy – 2.2: (Effective implementation of targeted food programmes to improve food security), Strategy – 2.3: (Employment-generating income growth), Strategy 2.3.1. (Support to women and the disabled in income generating activities), Objective -3: (Adequate nutrition for all individuals, especially for women and children), Strategy - 3.2: (Supply of sufficient nutritious food for vulnerable groups) under the policy addressed the needs of persons with disabilities.

54. Under Section 9 sub-section 10 of the Right to Information Act 2009 it is stated that concerned responsible officer will help getting information by a person with sensory disabilities. This sub-section also stated that the concerned officer will provide all necessary assistance to demonstrate the information to the person with disabilities.

55. Under the Section 12 (Punishment for Mutilation of the Children for Begging) of The Suppression of Violence Against Women and Children Act, 2000 (Nari o Shishu Nirjaton Domon Ain 2000) states that- If any person begging or for the purpose of selling limbs mutilates or cripples hand or eye or in any other way distorts or disfigures any child then conviction shall be death sentence or rigorous imprisonment for life-time and in addition shall be fined. Under the Section 13 (Provision relating to the Children as Outcome of Rape) sub-section 1 (g) of the Act states that- and in case of disabled child up to his/her gaining ability maintain himself/herself the state shall bear his/her maintenance. It is observed that in spite of provisions of the Suppression of Violence Against Women and Children Act, 2000, hearing impaired and intellectually disabled women being most vulnerable are victims and violated as they can not express their evinces to the investigating agencies and before the court. Furthermore, sometimes families of those victims attempt to conceal the facts for social humiliation. Appropriate legal actions can't be taken due to weakness of the act.

56. Dhaka City Building Construction Rule 2007 was adopted under Building Construction Act 1952 (E.B Act II of 1953). This Rule recognized Universal Accessibility and Universal Design. In the section -2 (Definition) 'Universal Design' is defined as a design where the necessity of all persons will be considered from physical point of view. Under section -33 of the Rule a 'One Window Service Cell' is formed that is responsible for scrutiny and approval of the designs. Representative from the organizations working for persons with disabilities is a member of this Cell. Section -75 (Special provision concerning universal accessibility including persons with disabilities) of this Rule guaranteed the accessibility rights of persons with disabilities. According to this section each building has to ensure universal accessibility from parking space to lift lobby, there should be at least one accessible toilet in each floor or 5% of total toilets. Schedule 3 (Minimum standard of universal accessibility) under the Dhaka City Building Construction Rule 2007 is the detailed description of universal accessibility. There are nine sections in this schedule to ensure accessibility of all including persons with disabilities. These are: general principle, door, railing, stair, ramp, lift, washroom/toilet, parking and sitting.

57. The Hindu Inheritance (Removal of Disabilities) Act, 1928 (Act no. XII of 1928) in the article-2 states that *“Notwithstanding any rule of Hindu Law or custom to the contrary, no person governed by the Hindu Law, other than a person who is and has been from birth a lunatic or idiot, shall be excluded from inheritance or from any right or share in joint-family property by reason only of any disease, deformity, or physical or mental defect.”* This law is absolutely against the interest of persons with intellectual disabilities and persons with psycho-social disabilities.

58. The Lunacy Act 1912 (Act no. IV of 1912) is still enforced in Bangladesh. In many instances intellectually disabled persons and persons with psycho-social disabilities become victim by this act when there are co-sharer or in absence of their legal guardians, the court declared them mentally not sound to manage their property interest. As a result in many Muslim families persons with intellectual disabilities fail to claim genuine share since there is no special legislative measure to protect their interest. It is more applicable in case of autistic persons in Bangladesh. BPKA 2001 act or Rules under the Act has not covered the issue.

59. Bangladesh has no anti-discrimination act to protect any form of discrimination against marginalized and minority groups like persons with disabilities. In practice, the judicial system is reluctant to take statements from persons with hearing disabilities, persons with psycho-social disabilities and persons with intellectual disabilities. The Bangla Sign language is not yet accepted in the courts of Bangladesh for persons with hearing disabilities and Deaf though they communicate with other people through Bangla sign language. As the same is not legally recognized in BPKA 2001.

60. Constitution has recognized citizens with disabilities to cast vote in all elections at national and local levels. Public Representative Order 1972 has no restriction for citizens with disabilities to participate in national and local government elections as candidate. Disability related information were incorporated in the national voter’s list and the Conduct of Election Rules published as gazette on 23 October 2008, provided the following provision for disabled voters: Under Article 13 provisions for voting through postal ballot by person with disabilities was permitted; Article 18 provisions for taking assistance of a companion for persons with physical and visual disabilities was incorporated.

61. The War Injuries (Compensation Insurance) Act, 1943 was enacted to provide compensation to be payable by an employer, in respect of a war injury sustained by a gainfully occupied person who is a workman to whom this Act applies, compensation, in addition to any relief provided under the War Injuries Ordinance, 1941. According to this Act workmen to whom the Act applies are (a) workmen employed in any employment or class of employment to which the Essential Services (Maintenance) Act, 1952, has been declared under section 3 thereof to apply, whether such declaration is or is not subsequently revoked; (b) workmen employed in any factory as defined in clause (j) of section 2 of the Factories Act, 1965; (c) workmen employed in any mine within the meaning of the Mines Act, 1923; (d) workmen employed in any major port; (e) workmen employed on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months, twenty-five or more persons have been employed as workmen; (f) workmen employed in any employment specified in this behalf by the Government by notification in the official Gazette. The First Schedule of this act defines the percentage (from 100% to 10%) of disability in accordance with the type of injury (26 types).

62. The current scenario of persons with disabilities has been discussed here in respect of enjoying the rights and protection in Bangladesh in the foregoing paragraph 25, 26, 28, 29, 30, 32, 33, 34, 35, 36, 38 & 39 which have co-relationship with UNCRPD article 26, 24, 30, 9, 6, 21, 7, 29.

## 63. A Comparative Analysis between BPKA 2001 and UNCRPD

UNCRPD	BPKA 2001	Recommendation
<b>Preamble:</b> gives general context to the Convention and identifies important background issues	Welfare-based approach	Redraft and incorporate from the rights-based perspective
<b>Purpose:</b> sets out the goal of the Convention which is to promote, protect and ensure the full and equal enjoyment of all <b>human rights</b> and fundamental freedoms of all persons with disabilities, and to promote respect for their inherent dignity	to protect and safeguard the rights and dignity of the Persons with Disability, ensure their participation in the national and social programmes and their general <b>welfare</b>	Redraft and incorporate from the rights-based perspective
<b>Definitions:</b> define key terms in the Convention, namely: communication, language, discrimination on the basis of disability, reasonable accommodation and universal design.	Section 3(1) (a): "Disability" means any person who, a. is <b>physically crippled</b> either congenitally or as result of disease or being a victim of accident, or due to improper or maltreatment or for any other reasons became physically incapacitated or <b>mentally imbalanced</b> , and b. as a result of such crippling or mental impairment, - i. has become incapacitated, either partially or fully; and ii. is unable to lead a normal life	Preamble of Convention states: 'Disability is an <b>evolving</b> concept, and that disability results from the <b>interaction</b> between persons with impairments and attitudinal and environmental barriers that hinders full and effective participation in society on an equal basis with others'. And in Article 1 of the Convention states: 'Persons with disabilities <b>include</b> those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'- This can be included in the amended law.
<b>General principles:</b> identify the standards or imperatives that apply to the enjoyment of all rights in the Convention, such as the principle of non-discrimination and the principle of equality	No set principles	Incorporate from the rights-based perspective
<b>Obligations:</b> clarify the steps that States must take to promote, protect and ensure the rights in the Convention	No clear obligations	Incorporate taking into account all obligations according to the Article 4 of UNCRPD
<b>Specific rights:</b> identify the existing civil, cultural, economic, political and social human rights, affirming that persons with disabilities also hold those rights	No rights specified	This is one of the area which highlights the urgent need of amending the law with the spirit of the Constitution of Bangladesh and the UNCRPD

<p><b>Enabling measures:</b> identify specific steps that States must take to ensure an enabling environment for the enjoyment of human rights, namely: awareness-raising, ensuring accessibility, ensuring protection and safety in situations of risk and humanitarian emergencies, promoting access to justice, ensuring personal mobility, enabling habilitation and rehabilitation, and collecting statistics and data</p>	<p>In Section 6 (II) it says that activities outlined in the <b>schedule</b> shall be deemed to come under the functional jurisdiction of the Coordination Committee. Schedule referred to; prevention of disabilities, identification of disability, <b>curative treatment</b>, special education, health care services, rehabilitation, transport facilities etc.</p>	<p>Most of the actions mentioned in the schedule were not implemented. It needs to be re-structured and implemented.</p>
<p><b>Implementation and monitoring:</b> requires States to establish national frameworks for monitoring and implementing the CRPD establishes a Conference of States Parties to consider any matter in relation to implementation of the Convention and a Committee on the Rights of Persons with Disabilities to monitor the implementation of the Convention</p>	<p>Mainly operated by committees at different layers; National Coordination Committee, Executive Committee and District Committees with Sub-committees (as and when required)</p>	<p>Mechanism in the BPKA 2001 proven to be ineffective. Measures like independent Commission under Act should be introduced.</p>

#### 64. Rights to be incorporated in the amended law

<b>CRPD</b>	<b>BPKA 2001</b>	<b>Recommendation</b>
Equality before the law without discrimination (Article 5)	Absent	Needs to be included
Right to life, liberty and security of the person (Article 10)	Absent	Needs to be included
Equal recognition before the law and legal capacity (Article 12)	Absent	Needs to be included
Freedom from torture (Article 15)	Absent	Needs to be included
Freedom from exploitation, violence and abuse (Article 16)	Absent	Needs to be included
Right to respect physical and mental integrity (Article 17)	Absent	Needs to be included
Freedom of movement and nationality (Article 18)	Schedule, Part G- To set up appropriate facilities at all buildings and establishments and transports...	Needs to be redrafted and incorporated

Right to live in the community (Art 19)	Absent	Needs to be included
Freedom of expression and opinion (Article 21)	Absent	Needs to be included
Respect for privacy (Article 22)	Absent	Needs to be included
Respect for home and the family (Article 23)	Absent	Needs to be included
Right to education (Article 24)	Schedule, Part D- To encourage establishment of Specialized Education 2. Create opportunities for free education to all disabled children 4. Impart vocational training etc.	Whole idea needs to be reframed
Right to health (Article 25)	Schedule, Part A- Prevention; Part C- Curative Treatment; Part E- Health Care Services	Whole idea needs to be reframed
Right to work (Article 27)	Schedule, Part F- Rehabilitation and Employment: 1. Undertaking appropriate schemes including credit support 2. Ensure equity of opportunities 7. Ensure reserve quota	Idea of <i>rehabilitation</i> is outdated and the present approach should be changed into right-based as clarified in the CRPD accordingly amendment should be made to the act.
Right to an adequate standard of living (Article 28)	Absent	Needs to be included
Right to participate in political and public life (Article 29)	Only in the preamble while mentioning to ensure their participation in... social programmes	Whole idea needs to be reframed ensuring participation in the decision making process
Right to participate in cultural life (Article 30)	Absent	Needs to be included

**IDENTIFICATION OF ISSUES AND OBSTACLES IN HARMONIZING  
THE CRPD WITH THE DOMESTIC LEGISLATIVE MEASURES,  
INCLUDING THE REQUIREMENTS UNDER  
ARTICLES 4(A) AND 4 (B) OF UNCRPD**

65. BPKA 2001 is based on medical, welfare and charity based approach whereas UNCRPD has been framed and adopted by the United Nations considering fundamental freedom and basic rights of persons with disabilities with diverse socio-economic and cultural differences. This distinction of the international convention and national law concerning persons with disabilities clearly show that there are differences and inconsistencies in certain areas between the two instruments.

66. The BPKA 2001 is entirely framed on the principles of medical, welfare and charity based approach. Moreover, Rules under the act has also limitation to cover the protection and promotion of the rights of persons with disabilities. It is evident from this study that due to the

lack of serious political commitment in last eight years BPKA 2001 and its Rule 2008 are in no way useful or supportive to a needy disabled persons in Bangladesh. Not a single instance of litigation by a person with disabilities is found for relief before the court of justice under this act. The BPKA National Coordination Committee on Disability headed by political Minister was seriously neglecting the subject matter, even by violating the provision of the act. Similarly the National Executive Committee headed by the civil servant (Secretary of the Ministry of Social Welfare) was equally indifferent. There was lack of accountability and transparency. Thus, there must be firm political commitment and the steps for amendment of BPKA 2001 in line with Article 4-1 (a) and (b) of UNCRPD is the only answer.

67. The policy makers of the government must adhere to the legislation enacted by the parliament and comply with international human rights instrument ratified by the government including its Optional protocol for persons with disabilities. Allocations of business of the different ministries of the government are carried out under the Rules of Business. Currently all development issues concerning disability is placed under Ministry of Social Welfare. As a result other ministries concerned with development work such as, Primary Education, Education, Women & Children, Youth, Communication, Roads & High Ways do not take into account disability as a cross-cutting development issue in their respective ministry's annual development programs. A large number of public servants are not oriented and trained on disability and development. Consequently lack of awareness, indifferent attitude and negative mindset seriously act as an obstacle for the development of persons with disabilities in Bangladesh.

68. At present Bangladesh Bureau of Statistic conduct census in every 10 years in Bangladesh but accurate information about the segment of disabled population is never recorded. The latest report Bangladesh Bureau of Statistic speaks about 0.47 percent disabled population which is seriously incorrect. The National Budget is generally repapered on the basis of the size of population. Therefore, it is reflected in the national budget of Bangladesh as follows: in 2008-09 an amount of 8 Hundred Million taka (1.2 Million Dollar) was allocated. It is also observed that a large sum of budget allocation is spent for operational and infrastructure cost and therefore direct assistance to the persons with disabilities is far low. The role of electronic and print media in the recent time is appreciated to sensitize the issue in different quarter.

69. The illiteracy, ignorance and conservative outlook still play a dominant role to conceal or hide disabled member in the family particularly disabled girls are concealed in the family by their parents for the fear of the marriage of their able body daughters. Superstition is still quite strong in rural society. Social stigma and prejudices are still strongly valid in some communities about the persons with disabilities. It is found from the study that visually male persons may get marry much more easily, whereas a visually impaired female person doesn't find a partner easily. Such facts of life are rather common in Bangladesh society.

70. From the foregoing discussion it is evident that there is serious lack of awareness concerning persons with disabilities in Bangladesh. Therefore article 8 of UNCRPD 'awareness raising' is most essential. Potential persons with disabilities should be considered with positive view. Nation wide campaign and advocacy for the rights of persons with disabilities should be carried out. Government machinery along with academic circle, non-government organizations, disabled people's organizations, print and electronic media together with civil society should highlight this issue. The political parties by incorporating disability issue in their election manifesto have done not enough. The political will and commitment should be seen by practical action from political parties. UNCRPD under Article 10 ensured the rights to life as follows: "States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others."

**A SUMMARY OF NATIONAL ACTIONS OR PLANNED ACTIONS  
TO HARMONIZE THE CRPD WITH THE DOMESTIC MEASURES**

71. The present Government of Bangladesh has affirmed its political commitment towards development of Persons with disabilities in their election manifesto in December 2008. The manifesto stated in the section 10-6 that the BPKA 2001 will be updated and executed through amendment. Further, the manifesto states that special measures will be taken for ensuring education, employment, accessibility, communication and to establish social dignity of persons with disabilities. Government has issued order on the 26 day of its installation in office, to introduce Bangla Sign Language in Television News Bulletin for persons with hearing disabilities.

72. Considering lengthy process for promulgating a new law, the existing BPKA 2001 should be amended in accordance with the UNCRPD considering Article 4-1 (a) and (b) as the basis of main principle of amendment/abolition of the existing law and rules. The Government of Bangladesh has constituted 31 members national monitoring committee in accordance to UNCRPD article 33 to draw up action plan for implementation of the convention as well as to examine and address different area of weakness of legislative measures and administrative policies towards ensuring protection and promotion of the rights of persons with disabilities in Bangladesh. This committee has met on 12 January 2009 and 20 April 2009. The Committee has formed working group and the National Forum of Organization working with the Disabled (national network of NGOs working on disability) is drafting the proposal for amendment of BPKA 2001 for consideration by the Government. The Committee addressed the current scenario of persons with disabilities in Bangladesh, steps to be taken to comply with UNCRPD, to examine the amendment of BPKA 2001 and to consider the amendment of rules of business (allocation of Business among different ministries) of the government. It is notable that the committee has representation from 25 ministries and six national networks of professional bodies including NGOs working for the persons with disabilities (NFOWD).

73. Bangladesh Government has appointed 46 officers as Focal Points concerning Disability in 29 Ministries, 2 Divisions, 5 Departments and in 10 autonomous bodies in 2007.

74. In addition, non government organizations for Disability in Development, Disabled Peoples Organizations, Development Practitioners, Human Rights Activists, Disabled Persons activists together with representation from civil society have formed the Disability Rights Watch Group. This initiative will help the Government of Bangladesh in harmonizing domestic legislation in line with CRPD while the amendment to the existing law or proposal for amendment to any law will be drafted. This Watch Group will also submit the Shadow report to the Committee on the Rights of Persons with Disabilities about the application and harmonization of UNCRPD and the legislative measures in Bangladesh.

**DRAFT RECOMMENDATIONS FOR ACTIONS BY THE GOVERNMENT OF  
BANGLADESH FORWARD BASED ON THE ANALYSIS ABOVE**

75. The existing discrepancies between CRPD and BPKA 2001 and search for a framework that would assist the Government of Bangladesh in partnership with the relevant groups to fulfill their obligations mentioned above. It is noted that the CRPD sets out the human rights of persons with disabilities and the obligations on States to promote, protect and ensure those rights as well as mechanisms to support implementation and monitoring. It can be broken down and compared with the BPKA 2001 in the following way leading towards the framework.

76. The BPKA 2001 should be amended with the full spirit and philosophy of UNCRPD considering article 4 – 1 (a) and (b) of convention by the Government of Bangladesh. The

process of amendment of BPKA 2001 should be carried out as far as possible following the preamble, purpose, general principles, obligations, and rights of persons with disabilities of UNCRPD to make it human rights based amended law upholding the spirit of the constitution of the Peoples' Republic of Bangladesh. The entire process should be initiated from now by the lead Ministry of Social Welfare, proposal for amendment should be considered by the national monitoring Committee, before the draft bill for amendment is forwarded to the cabinet.

77. It is important to note that the notion of a national framework to promote, protect and monitor the Convention is relatively open. The Convention recognizes that such frameworks might differ from country to country by allowing flexibility to establish the frameworks in accordance with each State's legal and administrative system.

78. Conversely, the Convention also requires that whatever body is established must be independent. Normally, national frameworks will include at least establishing some form of independent national human rights institution such as a Human Rights Commission or Ombudsman's Office. In case of Bangladesh the Government has already constituted National Human Rights Commission. This commission also shares some amount of responsibilities to ensure the protection and promotion of the rights of persons with disabilities in Bangladesh.

79. However, a framework could contain other elements such as courts. Also each State party to the Convention must submit to the Committee on the Rights of Persons with Disabilities an initial comprehensive report on measures taken to implement the Convention within two years after the Convention enters into force for that State including establishment of the constitutional, legal and administrative framework for the implementation of the Convention; explaining the policies and programmes adopted to implement each of the Convention's provisions.

80. Further, experience from other international human rights treaty monitoring bodies highlights the critical role that disability rights watch group can play in the periodic reporting process, in supporting individuals in bringing individual communications, and in providing reliable information to the Committee on grave or systematic human rights violations as a basis for an inquiry.

81. It is clear that our present legislation in no way is consistent to the CRPD standard and there is not only a need but also a legal obligation to amend the present law. Considering the CRPD values and structure to meet our legal obligations the following legal framework may be proposed.

82. Proposed Framework for amending the BPKA 2001

<b>Name</b>	: Rights of the Persons with Disabilities Act
<b>Preamble</b>	: Incorporating values that endorses disabled peoples' movement's demands
<b>Purpose/ Objectives</b>	: Clear and specific based on human rights
<b>Definitions</b>	: Rights-based definitions
<b>General principles</b>	: Include principles as per the CRPD values
<b>General obligations</b>	: As per the CRPD

<b>Equality and non-discrimination</b>	: As per the CRPD
<b>Marginalized Persons with Disabilities Rights</b>	: Including women, children, indigenous groups : List of rights with specific actions
<b>Affirmative Action</b>	: Indication of specific actions e.g. quota
<b>Statistics and data collection</b>	: Specified tasks for relevant departments
<b>National implementation and monitoring</b>	: Committees etc. to be formed with clear reporting mechanism ensuring governance
<b>Regional and International cooperation</b>	: Building network with regional and intl. allies
<b>Finance</b>	: Budgetary plan and adequate resource allocation according to the size of the population with disabilities.
<b>Miscellaneous</b>	: Amendments etc.

## ANNEX-1

The national action plan for persons with disabilities in Bangladesh in brief is shown in the following table:

Program	Objectives	Target Group	Actions to be undertaken	Principal Agency	Associate Agencies	Indicator
<b>A. Meeting:</b>						
Meeting of the National coordination committee	To implement the activities under clause 6 of BPKA	Persons with disabilities and concerned government and non-government agencies	Meeting to be convened by the chair.	MoSW	DSS JPUF NFOWD	At least twice annually
Meeting of the executive committee	To implement the activities under clause 9 of BPKA	Persons with disabilities and concerned government and non-government organizations.	Meeting to be convened by the chair.	MoSW	DSS JPUF NFOWD	Every 3 months (4 times annually)
Meeting of the District Disability Committee	To implement the activities under clause 13 of BPKA	Persons with disabilities and concerned government and non-government organizations.	Meeting to be convened by the chair.	Concerned district administration		Every 2 months (6 times annually)
<b>B. Disability Prevention:</b>						
Awareness Raising	To aware the mass people about the causes and prevention of disability	Mass people	1. Awareness raising through print and electronic media. 2. Organize seminar, workshop and meeting	Ministry of Health, Ministry of Information	MoSW, DSS, JPUF, NFOWD	People are aware on the causes and prevention of disability
Training	To aware & encourage concern persons on prevention of disability	Elected representatives and officials of the local government and local level non government organizations	Organize training and workshop	Ministry of Health	MoSW DoLG DSS JPUF NFOWD	Officials of the concerned agencies are trained
Ensure proper health services	To provide proper health services, health education and counseling	Married and pregnant women at local level	Ensure health services for married and pregnant women at all government hospitals and medical centers.	Ministry of Health Department of women affairs	MoSW DSS JPUF NGOs providing primary health services	Health services are provided to the Pregnant women
Assist in implementing the Expanded Program on Immunization	To prevent disability	All children of Bangladesh from 0-5 years	Assist in implementing the Expanded Program on Immunization	Ministry of Health Ministry of Local Government	MoSW DSS JPUF NFOWD	The program will be implemented successfully

Program	Objectives	Target Group	Actions to be undertaken	Principal Agency	Associate Agencies	Indicator
<b>C. Identification :</b>						
Birth registration	To protect the rights of Children with disabilities and identification of their number	Children with disabilities	Include Children with disabilities properly in the Birth registration program	Local government institutes	MoSW DSS JPUF NFOWD	Birth registration of children with disabilities are properly done and their number is identified
Census	To identify the number of persons with disabilities	Enumerators engaged in census work and Persons with disabilities	Training program for the enumerators engaged in census work	Bureau of statistics	MoSW DSS JPUF NFOWD	Enumerators engaged in census work are trained
Survey	To conduct a survey on disability	Persons with disabilities	Conduct a separate survey on social, economical and other status of persons with disabilities	MoSW DSS JPUF	NFOWD	Information on the Situation of PWDs are available
Identity Card	To identify and provide identity card for PWDs	Persons with disabilities	Prepare identity card and distribute at the field level with the assistance from non-government organizations	MoSW DSS JPUF	District Disability Committee NFOWD	Persons with disabilities get the identity card
<b>D. Assistive devices</b>						
Distribution	To distribute assistive devices for persons with disabilities	Persons with disabilities	Provide assistive devices for persons with disabilities at free of cost or low cost considering their economical state	MoSW Ministry of Health Ministry of food & disaster	DSS JPUF NFOWD	Persons with disabilities are getting assistive devices and treatment.
	To distribute proper logistics	Learners with disabilities	Provide logistic support for training, rehabilitation and transportation facilities.	MoSW MoWCA	DSS JPUF NFOWD	Learners with disabilities are getting logistics & transportation facilities
Policy on assistive device	To benefit persons with disabilities	Persons with disabilities	Formulation of a national policy on needs, production, necessity of import, innovation, distribution, repair, preservation and training on assistive device.	Ministry of Health MoSW	DSS JPUF NFOWD	Formulation of Policy on assistive device
Enactment of Law/Rules	To make the assistive device available to persons with disabilities	Persons with disabilities	Enactment of law/rules to tax-free import of assistive device.	Ministry of finance Ministry of commerce	MoSW DSS JPUF NFOWD	New law

Program	Objectives	Target Group	Actions to be undertaken	Principal Agency	Associate Agencies	Indicator
<b>E. Education</b>						
Budget allocation	To ensure education of persons with disabilities	Persons with disabilities	Allocation of necessary fund for education of persons with disabilities in national budget	Ministry of finance Ministry of Education Ministry of primary & mass education Ministry of Planning	MoSW DSS JPUF NFOWD	Necessary funds are allocated
Inclusion of children with disabilities	To create the opportunity of education for children with disabilities	Children with disabilities	Include children with disabilities into mainstream education to achieve the goal of education for all	MoPME MoE	MoSW DSS JPUF NFOWD	Children with disabilities are included in the program of Education for all
Teacher's Training	To ensure education of children with disabilities	Teachers	Training on inclusive and special education for the teachers	MoPME MoE MoSW	DSS JPUF NFOWD	Teachers are trained
Inclusion of disability in training curriculum	All teacher are to be informed about disability	Teachers	Disability issue should be included in all forms of teachers training curriculum	MoPME MoE NCTB	MoSW DSS	Teacher's training curriculums are disability inclusive
Special Education Program	To ensure the education of children with multiple and severe disabilities	Children with multiple and severe disabilities	Children with multiple and severe disabilities should receive preference for admission in special school.	MoPME MoE MoSW	DSS JPUF NFOWD	Children with multiple and severe disabilities are getting admission.
Issuance of order	To create opportunity for students with disabilities in mainstream education	Students with disabilities	Issuance of order to all government and non-government schools to create opportunities for students with disabilities in their school with general students	MoPME MoE	MoSW DSS JPUF NFOWD	Order is issued
Incorporation of disability in text book	To raise awareness	Students	Publish relevant articles on disability in text books at all level.	MoPME MoE NCTB	MoSW DSS JPUF NFOWD	disability in text book
Stipend for Students with disabilities	To create opportunities for Students with disabilities	Students with disabilities	Provide stipend for Students with disabilities	Ministry of Finance MoPME MoE	MoSW DSS JPUF NFOWD	Students with disabilities get stipend
<b>F. Mobility and Transportation</b>						
Ensuring transportation	To ensure the access of persons with disabilities in all transports of the country	Persons with disabilities	Establish separate ticket counter in rail stations, bus terminals, launch terminals, airport for persons with disabilities in light	Ministry of communication, Ministry of Civil aviation & tourism, Ministry of shipping	MoSW DSS BIWTA BIWTC Bangladesh Biman	Persons with disabilities will have the access in all transport in the country

Program	Objectives	Target Group	Actions to be undertaken	Principal Agency	Associate Agencies	Indicator
			of the order of the honorable prime minister (the then).			
Reservation of Seat	To reserve seats for persons with disabilities in bus, train, launch-steamer	persons with disabilities	Reservation of 5 seats in each bus, 20 seats in each train and 3% seats in plane and launch-steamer	Ministry of communication, Ministry of Civil aviation & tourism, Ministry of shipping	MoSW DSS BIWTA BIWTC Bangladesh Biman	Reserved seats in bus, train, launch-steamer, plane for persons with disabilities
Ensuring Accessibility	To ensure accessibility of persons with disabilities in all government offices	Persons with disabilities	Build ramps in all government, semi-government and autonomous offices, rail stations, launch terminals, bus terminals, hospitals, banks, post offices, cinema halls, public library, parks, stadiums. Sound signals in lifts of high-rise buildings and Raise awareness through mass media	Ministry of public works, Ministry of communication, Ministry of Civil aviation & tourism, Ministry of shipping, Ministry of Information	MoSW DSS JPUF NFOWD	Ramps in all buildings, separate stairs in launch, train and bus, sound signals in the lifts of high-rise buildings
<b>G. Employment and rehabilitation</b>						
Micro credit	To ensure self dependency of persons with disabilities	Persons with disabilities	Initiatives should be taken from the ministry of Finance so that all public and private banks provide micro credit for persons with disabilities in liberal condition. Women with disabilities should get priority.	Ministry of finance MoSW	DSS JPUF NFOWD	Micro credit program for persons with disabilities by all public and private banks. A policy in this regard.
Vocational training & rehabilitation	To access and ensure vocational training for persons with disabilities	Persons with disabilities	Establish rehabilitation centers at government and non-government level.	MoSW Department of Local government MoWCA Ministry of youth & sports Ministry of fisheries & livestock	DSS JPUF NFOWD	rehabilitation centers are established
Implementation of the quota in government jobs for persons with disabilities	To create employment opportunities for persons with disabilities	Persons with disabilities	Issuance of order from the ministry of establishment to all relevant ministries and departments to ensure the quota for persons with disabilities in recruitment.	Ministry of establishment Ministry of law Public service commission	MoSW DSS JPUF NFOWD	Persons with disabilities are getting government jobs

Program	Objectives	Target Group	Actions to be undertaken	Principal Agency	Associate Agencies	Indicator
Removal of restriction	To eliminate the discrimination in recruitment on the basis of disability	Persons with disabilities	Existing restrictions for persons with disabilities in 1 <sup>st</sup> & 2 <sup>nd</sup> class jobs of government should be removed.	Ministry of law Ministry of establishment Ministry of information Public service commission	MoSW DSS JPUF NFOWD	Existing discriminations are removed
Flexibility in age limit	To extend the age limit of persons with disabilities up to 5 years	Persons with disabilities	The age limit of persons with disabilities should be flexible up to 5 years in the recruitment process of human resource by the government and non government sector and ensure this in the job circular.	Ministry of law Ministry of establishment Ministry of information Public service commission	MoSW DSS JPUF NFOWD	The age limit for persons with disabilities is flexible up to 5 years.
Issuance of order	To protect an employee who acquires a disability during the course of employment	Persons with disabilities in employment	Issuance of order not to dismiss any employee who acquires a disability during the course of employment	Ministry of law Ministry of establishment Ministry of information Public service commission	MoSW DSS JPUF NFOWD	Order is issued
<b>H. Cultural activity and recreation</b>						
Recreational activity for persons with disabilities	To explore the talent of persons with disabilities	Persons with disabilities	Games & sports activities for persons with disabilities should be taken at government level.	Ministry of youth and sports MoSW	DSS JPUF NFOWD	Games & sports activities are organized
		Persons with disabilities	Establish a national sports federation for persons with disabilities.	Ministry of youth and sports MoSW	DSS JPUF NFOWD	A national sports federation for persons with disabilities.
		Persons with disabilities	Ensure the representation of JPUF and NFOWD in all councils and committees relating to sports at national level.	Ministry of youth and sports MoSW	DSS JPUF NFOWD	Participation of JPUF and NFOWD in all committees relating to sports.
		Persons with disabilities	Allocation of funds for the participation of persons with disabilities in sports and cultural competitions in home and abroad.	Ministry of Finance Ministry of youth and sports Ministry of cultural Affairs	MoSW DSS JPUF NFOWD	Participation of persons with disabilities in sports and cultural competitions in home and abroad.

Program	Objectives	Target Group	Actions to be undertaken	Principal Agency	Associate Agencies	Indicator
		Persons with disabilities	Telecast programs in sign language in National Television for the understanding of persons with speech & hearing impairment.	Ministry of Information MoSW	DSS JPUF NFOWD	Programs in sign language are telecasted
<b>I. Social Security</b>						
Initiation of insurance program	To ensure social security of persons with disabilities	Persons with disabilities	Encourage insurance companies to introduce special program for persons with disabilities	Ministry of Finance Ministry of commerce Ministry of Law	MoSW DSS JPUF	Special insurance programs are introduced
Issuance of order	To protect persons with disabilities from fraud and torture	Persons with disabilities	Issue order to the law enforcement agencies for taking immediate measures to protect persons with disabilities from fraud and torture. Special measures should be taken for women with disabilities.	Ministry of Law Ministry of Home Affairs	MoSW JPUF Human Rights Commission (proposed)	An order is issued.
	To provide special allowance for unemployed, helpless and aged persons with disabilities	Persons with disabilities	Allocate fund for the allowance of unemployed, helpless and aged persons with disabilities	Ministry of Finance	MoSW DSS JPUF	Fund in allocated
<b>J. Organization of persons with disabilities</b>						
Leadership development	To organize training to explore the leadership of persons with disabilities.	Persons with disabilities	Organize training at sub-district, district, division and national level to explore the leadership of persons with disabilities.	MoSW DSS JPUF	NFOWD	Training courses are organized.
Self-help Organizations	Organizations of persons with disabilities	Persons with disabilities	Create opportunities to develop self-help organizations of persons with disabilities.	Ministry of Local Government MoSW DSS	JPUF NFOWD	Opportunities are created to develop self-help organizations