

State of the Rights of Persons with Disabilities In Bangladesh 2009



**Disability Rights Watch Group
Bangladesh**

State of the Rights of Persons with Disabilities in Bangladesh, 2009

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Preface

Rights of persons with disabilities, is one of the least understood, or rather, one of the most misunderstood issues in the vibrant development arena in Bangladesh. It therefore, also has historically remained as one of the most neglected & forgotten development agenda both by the State & the non-state actors. People with disabilities have always been considered as recipients of charity & welfare. By the late 90's, almost all donors in the development field started changing their support from a service-delivery approach to a rights-based approach. Providing a wheelchair to a person with a physical disability, in this change of approach, was considered a charity, not as a facilitation for the child to ensure his access to education, or for an adult woman to ensure her access to employment! This is only one example of how confusions have ruled the access to rights and fundamental freedoms, or even development of persons with disabilities in Bangladesh.

Mainstream human rights organizations in Bangladesh have historically been publishing reports on the overall human rights conditions of the population of the country. Sporadically, they have often included chapters or sections on the rights of people with disabilities. We are indebted to them for highlighting the plight of such a large section of our national population, about 1.5 million people with disabilities. But this was not a regular phenomenon. So our voice was not heard always.

On 13th December 2006, the UN General Assembly unanimously adopted the Convention on the Rights of Persons with Disabilities (CRPD), which then entered into force on 3rd May 2008. Being one of the pioneering countries to ratify the Convention, Bangladesh is now pledge bound to implement the human rights treaty in its entirety, which we believe, will gradually pave the way for ensuring the rights of persons with disabilities in this country.

Following the adoption of the CRPD, the National Forum of Organizations Working with the Disabled (NFOWD), the apex federating body of all NGOs working in the disability development sector in Bangladesh, expressed its intention to form a Disability Rights Watch Group in the country, comprising of leading & eminent personalities from the vibrant civil society of the country, to act as a watchdog & pressure group in support of the disability movement of Bangladesh. The Disability Watch was officially launched on 16th February 2009. This group took upon itself a responsibility to document, on a regular basis, the existing human rights conditions of the persons with disabilities in the country, to help find amicable solutions.

As a State Party to the CRPD, and also being one of the pioneers in doing so, Bangladesh needs to send its first official report to the UN International Committee on the Rights of Persons with Disabilities by 3rd May 2009. And from hereafter, an official report shall need to be submitted every four years. Along with the official report, the UN Committee will also accept alternative / shadow reports from qualified bodies in respective countries. The Disability Watch intends to do so.

However, recognizing that the shadow report will only be meant for the eyes of the UN Committee, and that it too will be only in a short prescribed format, the Disability Watch decided to publish, on an annual basis, a detailed report on the overall human rights situation of people with disabilities of Bangladesh. We have started that initiative with this publication in 2009.

While compiling this report, we have tried to provide an overall situation, from a rights-based perspective that is prevailing in the country today. We have tried to analyze some of the laws and policies that affect lives & livelihoods of the people with disabilities in Bangladesh. A majority of this document is based on available secondary documentation, and its analysis from a rights perspective. In coming years, we intend to publish more hardcore evidence of the field realities that exist in the common Bangladeshi society.

The information contained in this document is intended only to highlight and express the situation, not to criticize or condemn any organization, either in the Government or in the non-government sectors; such that remedial and/or corrective measures could be planned and taken to ensure development of the persons with disabilities of this country. It therefore would be appreciated if the information is taken in that spirit.

Indeed, the responsibility to ensure rights & fundamental freedoms of the 1.5 million people with disabilities in this country lies primarily and principally with the Government of Bangladesh. But if all other sectors do not join hand in hand with the government, we will never see their rights and development being actually realized in the country even in years to come.

Sincerely

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President
NFOWD

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Bangladesh – An Inventory

Bangladesh, one of the most densely populated countries in the world (over 1,000/sqkm), is directly located in the largest delta in the world, facing the Himalayas in the North, bordering India in the West, North and East, Myanmar in the South-East, and the Bay of Bengal in the South. Its geographical position makes the country highly prone to natural disasters. Crisscrossed by 230 recognized rivers, each year about 30% of the net cultivable land is flooded, while during severe floods, which occur every four to seven years, as much as 60% of the country's net cultivable land is affected. Moreover, since the Bay of Bengal records the world's most pronounced storm surge disasters, the densely populated coastal regions of Bangladesh are subject to damaging cyclones almost every year. These are further compounded with tornadoes that affect the plains almost every year leaving a trail of death and disability.

Economically, Bangladesh has one of the lowest annual per capita incomes in the world (US\$ 1,500 compared to the global average of US\$10,500, ranking 197th in the World¹), with a highly skewed income distribution where over 40% of national income goes to the top 15% of the population. Even though Agriculture is the premium bread earner of the common man, and the nation, it also has the highest percentage of people living in poverty where the poorest 10% and the middle 75% of the population are acutely and chronically malnourished respectively.

Socially, patriarchy & a hierarchical view of life determine social relations, particularly among the resource poor, 85% of whom live in rural Bangladesh. While these features do not lead to the exercise of individual choice, paradoxically they also do not allow for the development of community or cooperative action. This notwithstanding, it is equally true that the family, including the larger kin group, constitute powerful & determining elements in the fabric of the Bangladeshi society. Therefore, positive action, where it does occur, almost invariably takes the form of family or kin based action.

Culturally, Bangladesh is by & large homogeneous, with a few indigenous & ethnic groups living in some of the remote mountain regions. The majority of the population is Muslim and almost all citizens speak one language, Bangla.

A country with a population close to 150 million people, it has a large human resource base. This compounded with some natural resources, and a potential field for tourism could have raised the profile of the country manifolds. Yet political intolerance, large-scale inaction in almost all sectors and corruption had branded this country in the past as a 'bottomless basket' and the 'most corrupt country' in the world. However, a few very positive measures from the Government in the recent years have initiated a change in that context, and our image in the international forum is improving considerably.

¹ The CIA World Factbook, 2008 estimates, available on the internet at:
<https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>

History of the CRPD

Three initial attempts to persuade the international community to develop a human rights convention in respect of persons with disabilities failed.

- 1982: Sponsored by Italy
- 1987: Sponsored by Italy
- 1989: Sponsored by Sweden

The reasons for their failure are multi-factorial, but apparently

- the belief that rights of persons with disabilities were adequately dealt with in universal human rights instruments;
- the inability to convince the international community that persons with disabilities experienced specific and aggravated forms of human rights violation; and,
- diminishing support for civil right based approaches to human rights, particularly among developing and transitional nations.

In 2000 United Nations formulated the *Millennium Development Goals* (MDGs), which aim, among other things, to halve global extreme poverty by 2015.

Persons with disability were not identified as a specific target group for action in the MDGs, even though this group is significantly over-represented amongst the world's so-called "poorest of the poor".

In 2001, based on this omission, Mexico spearheaded another campaign to develop a human rights convention in relation to persons with disability.

When the issue was raised for debate at the 56th Session of UNGA in December 2001, a resolution to develop a HR instrument in relation to persons with disability was adopted by consensus, without a vote being necessary.

An Ad Hoc Committee was constituted.

Over the next five years, this AHC sat in 8 sessions to finalize the draft.

On 13th December 2006, the UNGA unanimously adopted the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol (OP), as the 8th Human Rights Treaty, and the first such treaty of this millennium.

Introduction to the Rights of Persons with Disabilities

Rights of persons with disabilities is one of the most misunderstood areas of the development arena in Bangladesh, and also one of the most common un-forgotten development agenda. A proximate population of 15 million, issues concerning persons with disabilities is not addressed by mainstream human rights, women's rights, child rights, religious minorities' rights or indigenous peoples' rights organizations.

People with disabilities in Bangladesh are equally entitled to all the rights, entitlements and fundamental freedoms enshrined in the national constitution for all citizens in the country. In addition to the constitution, all other treaties and/or instruments concerning human rights that the Government becomes a party to, either by signature or ratification, should be accessible to people with disabilities on an equal basis with others. For example, the CRC applies in its entirety to all children with disabilities, not only its Article 23, as is most commonly assumed. Similarly, with CEDAW, all women with disabilities are entitled to be protected against any discrimination, whatsoever, as the non-disabled women are.

The National Policy on Children should cover and protect the rights of all the children in the country, including children with disabilities. The National Policy on Women covers all women, including women with disabilities. However, since these national documents specifically do not mention issues relating to persons with disabilities, their concerns are generally overlooked by both the Government and NGO initiatives.

One of the major reasons for people with disabilities not enjoying their rights and entitlements are the general inaccessibility of infrastructure. But that itself is again a highly misunderstood area. The general perception of accessibility to the common person is centered around the accessibility of a wheelchair using person. And that too is only principally confined around the external entrance of a building. People generally perceive that, if there is a ramp at the external entrance of a building, it covers accessibility for all. While this is a major step in the right direction, a ramp is not the only solution. There are plenty of buildings that have been fitted with a ramp, but have not thought about an accessible toilet for a person using a wheelchair. Again, the surface of the ramp is important. It might look good with a glossy tiled finish, but that would be extremely difficult for a wheelchair user, because the wheels will not grip the surface, and could cause an accident. Similarly, glossy floor tiles would be extremely difficult for a person using crutches to walk on. A toilet might have enough space, but not wide-enough doors. Or it might not have handrails for the person to shift from a wheelchair to the seat, and vice versa.

A building with good accessibility features may not again be adequately accessible for people with visual impairments. An auditorium with poor acoustics would be a disturbing place for such people. Bangladesh has a Right to Information Act in place now, but if information is not provided in accessible formats, such as Braille, large print, and/or electronic formats, it means little to people with visual impairments. For those who have access to and skills for ICT, electronic copies in Bangla is a hindrance, as there are still no screen reading software that can read documents in Bangla. Even in English, most screen readers cannot yet read PDF documents.

People with hearing & speech disabilities cannot generally communicate as most of the establishments do not have either sign interpreters, or people who can understand or

communicate using signs. Most sign users also do not have training on formal sign languages, and so still communicate using indigenous signs.

Bangladesh is a party to the international campaign of Education For All by 2015. There are about 1.6 million children with disabilities within the Primary School going age, amongst whom only a mere 4% have access to education. If they are not proactively brought into schools, and school environment not made disability-friendly, by adequately training the teachers, bringing forth flexibility in the curriculum, adapting the school infrastructure, awaring the non-disabled peers about the special needs of such children, the global target will never be reached in the country.

International instruments concerning rights of persons with disabilities have been signed by the Government of Bangladesh, but most are still not being implemented. Until and unless disability is addressed and accepted as a cross-cutting development and rights based agenda by all, people with disabilities in Bangladesh will continue to be denied their rights, privileges, entitlements and fundamental freedoms.

Milestones of the Disability Movement

The dignity, rights and privileges of persons with disabilities have been upheld in many international and national events, instruments, declarations, treaties, commitments, covenants and conventions over time. Its needless to say that, at the international level, the United Nations and its sister concerns have played the most effective role to this end. While some of these events and instruments have been specifically on disability issues, there have been some others, which where from a far broader perspective, also inclusive of people with disabilities. Below is a chronological list of some of these events, which have at the least earmarked the beginning of some movements that could positively influence the lives and livelihoods of persons with disabilities.

Year	Date	Agent	Event
1921			James Biggs of Bristol, UK invents the White Cane
1948	Dec 10	UNGA	Universal Declaration of Human Rights
1964	Oct 06	US Congress	Legislation enacted declaring October 15 as White Cane Safety Day in USA
1966	Dec 16	UNGA	International Covenant on Economic, Social & Cultural Rights
1966	Dec 16	UNGA	International Covenant on Civil and Political Rights
1969	Oct 02	IFB	Declaration of 15 th October as World White Cane Safety Day
1969	Dec 11	UNGA	Declaration on Social Progress and Development
1971	Dec 20	UNGA	Declaration on the Rights of Mentally Retarded Persons
1975	Dec 09	UNGA	Declaration on the Rights of Disabled Persons
1976	Dec 16	UNGA	Declaration of 1981 as the first International Year for Disabled Persons (IYDP)
1979	Dec 18	UNGA	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
1980		WHO	WHO Defines Impairment, Disability & Handicap
1981	Jan 01	GOB	Formal inauguration of the RIHD
1981	July	GOB	National Committee for the Observance of the International Year of Disabled Persons
1981	Sept	GOB	1 st National Seminar of the Ministry of Social Welfare on the International Year of Disabled Persons
1982	Dec 03	UNGA	World Program of Action concerning Disabled Persons
1982	Dec 03	UNGA	Declaration of the United Nations Decade of Disabled Persons, 1983-1992
1989	Nov 20	UNGA	Convention on the Rights of the Child
1990	Mar 05-09	UNESCO	Jomtien Declaration - Education For All (EFA)
1991	Feb 03	NFOWD	NFOWD Established
1991	Mar 03	9 Southern African Countries	Harare Declaration On Legislation Of Opportunities For Disabled People
1991		UNGA	Social Development Strategy for the Economic and Social Commission for Asia and the Pacific (ESCAP)
1991	Oct	ESCAP	Fourth Asian & Pacific Ministerial Conference on Social Welfare & Social Development supporting the 2 nd Decade on Disability
1992	Dec	UNGA	Declaration of December 3 as International Disability Day

Year	Date	Agent	Event
1993	Apr 23	ESCAP	Declaration of Asian & Pacific Decade of Disabled Persons, 1993-2002
1993	Aug 23	GOB	Bangladesh becomes a signatory country to the ESCAP Decade Declaration
1993	Dec 20	UNGA	Standard Rules on the Equalization of Opportunities for Persons with Disabilities
1994	Jun 07-10	UNESCO	World Conference on Special Needs Education – Salamanca Declaration
1994		UNSG	Benqt Lindqvist of Sweden is appointed as the first Special Rapporteur on Disability of the United Nations Commission for Social Development
1995	Nov	GOB	Adoption of a National Policy on Disability
1997	Dec 06	SANCBR	Dhaka Declaration on CBR for People with Disabilities
1998		SAARC	Upon a proposal from Bangladesh, at its Summit in Nepal, SAARC adopts a resolution to create a SAARC Disability Fund
1999		GOB	Declaration of first Wednesday of April as the National Disability Day
2000	Feb 16	GOB	Gazette notification on establishment of the National Foundation for Development of the Disabled Persons (NFDDP)
2000	Apr 26-28	WEF	Dakar Framework For Action
2000	Sep	UNGA	Millennium Development Goals adopted by Heads of States
2001	Apr 04	GOB	National Parliament enacts "Disability Welfare Act 2001"
2001	Apr 09	GOB	Gazette notification on enactment of "Disability Welfare Act 2001" with effect from August 1, 2001
2001	Dec 04	GOB	First meeting of Inter-Ministerial Task-force on Disability
2001	Dec	UNGA	AD Hoc Committee to formulate Convention on the Rights of Persons with Disabilities (CRPD) established in 56 th Session
2002	Mar 07	GOB	Declaration of short term and long term programs on Disability by the Government of Bangladesh
2002	Nov	ESCAP	Declaration of Biwako Millennium Framework for Action and ESCAP Millennium Decade 2003-2012
2003	Jan 01	GOB	GOB for the first time distributes funds to a large number of NGOs working in the field of Disability
2003		UNSG	Sheikha Hessa bint Khalifa bin Ahmed al-Thani of Qatar is appointed as the Special Rapporteur on Disability of the United Nations Commission for Social Development for the period 2003 to 2005
2003	Dec 11	NFOWD	At the closing of a 3-day Regional Symposium, the Dhaka Declaration on Disability is adopted
2004		GOB	Provisional approval of National Action Plan on Disability by the Inter-Ministerial Taskforce on Disability
2004	Feb	NFOWD	First national consultation on draft CRPD
2006	Dec 13	UNGA	Adoption of Convention on the Rights of Persons with Disabilities (CRPD) & Optional Protocol (OP)
2007	Mar 30	UNGA	CRPD open for signature & ratification
2007	May 09	GOB	Bangladesh signs CRPD as the 91 st Member State
2007	Nov 30	GOB	Bangladesh ratifies CRPD as the 8 th Member State
2008	May 03	UNGA	Entry into Force of CRPD & OP

Year	Date	Agent	Event
2008	May 13	GOB	Bangladesh ratifies OP as the 16 th Member State
2008	Nov 03	UN	First Conference of State Parties on CRPD elects a 12 member International Committee on the Rights of Persons with Disabilities. Mr Monsur Ahmed Choudhuri of Bangladesh secures highest votes and gets elected for a 4-year term
2009	Feb 16		The Disability Rights Watch Group is officially launched in Bangladesh
2009	Feb 23	ICRPD	First meeting of the International Committee on the Rights of Persons with Disabilities
2009	Mar 05	GOB	National Committee for Monitoring the Implementation of CRPD is constituted
2009	Sep 02	UN	Second Conference of State Parties on CRPD
2009	Nov 23		The Bangladesh Parliamentarians' Caucus on Disability officially is launched in the Bangladesh National Parliament premises

Bangladesh Involvement in the CRPD Process

Bangkok Draft:	October 2004
Dhaka Workshop:	February 2005
6th Session of AHC:	August 2005 Demands participation of children with disabilities
7th Session of AHC:	January 2006 Two children with disabilities from Bangladesh participate in Session
Dhaka CRPD Roundtable:	April 2006 National positioning of GOB on CRPD
8th Session of AHC:	August 2006 First effective participation of GOB
EU Conference:	November 2006
Entry into force Celebrations:	May 2008 1 of only 6 States to speak at UNHQ

The Policy & Legislative Framework in Bangladesh

On 10th April 1971, through the Proclamation of Independence, a temporary Government had taken oath to govern this new sovereign Nation called Bangladesh, which had declared its independence only a few weeks earlier. This Proclamation, which later formed the basis of the National Constitution (1972) mentioned that, independence for this nation was being declared "...in order to ensure for the people of Bangladesh equality, human dignity and social justice...!"

Therefore, according to many articles set forth in the National Constitution of Bangladesh, especially Articles 10, 11, 15, 17, 19, 20, 21, 27, 28, 29, 31, 32, 36 etc. the Government of Bangladesh pledged to protect the rights & dignity of all citizens of Bangladesh, equally, and without any biasness or discrimination whatsoever. The Constitution also provides room to adopt additional and/or supplementary provisions to ensure that the citizens, who do not have access to all the public amenities, also can be equitably & proactively developed towards that end. This has given the government ample opportunities to develop a set of legislative & policy frameworks for the development of people with disabilities in the country.

In accordance with all national and international commitments/obligations, and under the purview of the National Constitutional provisions, the Government of Bangladesh developed a National Policy on Disability in 1995. This was the first official recognition by the Government to the issue of Disability as a development agenda. In fourteen sections, the policy document described in details what the GOB would like to take up for the development of people with disabilities in this country. The sections are:

- Prevention
- Identification & intervention
- Early Intervention
- Assistive Devices
- Education
- Rehabilitation
- Human Resources Development
- Employment
- Research
- Accessibility & Communication
- Information
- Recreation
- Self-help Movement
- Implementation & Coordination

The Policy was given a legislative back up by enacting the Disability Welfare Act, which was adopted in the National Parliament on 4th April, 2001 and was brought into force on 1st August of the same year. This was the first time that a national definition and classification of disability was provided. The law outlined the constitution of (a) the National Coordination Committee, chaired by the Minister, Ministry of Social Welfare (MOSW), (b) the National Executive Committee, chaired by the Secretary of MOSW, and (c) a District Committee at each of the 64 administrative districts, chaired by respective Deputy Commissioners.

The law emphasized the necessity to identify all persons with disabilities and provide them with identity cards by the District Committees, which would help them in accessing public and private amenities/utilities, which the GOB stressed out in a set of ten schedules. These are as follows:

- Prevention of Disabilities
- Identification of Disability
- Curative Treatment of Disability
- Education
- Health Care Services
- Rehabilitation and Employment
- Transport Facilities
- Culture
- Social Security
- Organizations of the People with Disabilities

In addition to the above, in March 2002, an executive order was issued by the Office of the Prime Minister, declaring a set of Short Term & Long Term activities to be addressed by the GOB.

The Short Term Activities:

- Establish separate ticket counter at railway station, bus terminal, river port, Launch-steamer port, air port and air office to ensure the easy transport access of the people with disabilities throughout the country;
- Reserve specific number of seat in bus, train, launch and steamer for the people with disabilities;
- Fill up the 10% quota at government service for orphans and people with disabilities;
- Open a complain box at department of social service to stop the harassment of the people with disabilities;
- Construct slope way (ramp) to ensure the easy access of the people with disabilities of every government office;
- Overrule all the barriers for the people with disabilities in the recruitment process of 1st and 2nd class government jobs;

Long term Activities:

- Start micro-credit program by every Nationalized bank for the people with disabilities;
- Ensure that every government organizations Who will be the possible user of plastic products produced by the Maitry Shilpa under the social service department should purchase the products without any tenders;
- Increase the government's financial grants to the NFDDP up to 20%

However, existing Laws are inadequate and mostly welfare oriented. The stakeholders who are enshrined with the responsibility to uphold the laws and policies are often inadequately informed and/or not adequately aware or sensitized on disability issues. As such, disability is not prioritized as a rights issue and the national documents are rarely disseminated. At the same time, there are conflicting laws and policies (e.g. the Lunacy Act, Employment rules, Allocation of Business of different Ministries) resulting in a lack of inter-ministerial coordination, and also improper & contradictory interpretation of laws and policies.

National & local committees constituted under the laws and policies are rarely active and are rarely aware of their roles & responsibilities. International charters/declarations/treaties etc. are often signed/ratified without in-depth understanding and so there remains a lack of commitment to fulfill these. Frequent transfer/turnover of policy makers and implementers is yet another problem. The process of review/amendment of these laws and policies are also very lengthy and complicated. As a result, whatever development initiative takes place is centralized and time-consuming.

In a country where the mere recognition of the existence of persons with disabilities is at stake, the GOB had adopted the national Policy on Disability in 1995. The legislation to uphold the Policy, was drafted by the National Forum of Organizations Working with the Disabled (NFOWD) in association with other NGOs, disability activists, journalists, lawyers and people with disabilities themselves. It required 6 years of campaigning and influencing, and finally the legislation came about in April 2001. But this too has been renamed as the 'Disability Welfare Act 2001', deleting the development and rights components and instead keeping it merely as a 'welfare' issue. Under the purview of the Inter-Ministerial Taskforce of Disability, a National Action Plan had been drafted in 2002 by a team with the key support

from NFOWD. The Action Plan finally got approved by the National Coordination Council in late 2006, but without any updating of issues that had changed over these four years.

The Disability Welfare Act was enacted in the National Parliament in 2001 as a Finance Bill. But no funding had been allocated against its implementation in the five annual national budgets that followed. Seven years after the law had been enacted, the Rules for its implementation had finally been published in the form of a gazette in 2008. Indeed over these years the GOB had allocated funds concerning people with disabilities in the national budgets, but these had all been under the social safety-nets.

Under the Department of Social Services, GOB introduced a micro-credit scheme for acid survivor women and persons with physical disabilities, and a monthly disability allowance. The allowance now stands at a mere USD 4.50 per month amongst 250,000 people. Over the last two fiscal years, an educational stipend has also been introduced amongst students with disabilities at different formal educational level. About 14,000 students with disabilities now have access to these grants, whereas, the Department of Social Services itself had identified over 52,000 students with disabilities in different formal educational institutions even through a hastily conducted sketchy survey during the last fiscal year.

Up until recently, there has always been a lack of political commitment towards the concerns of persons with disabilities. During the Parliamentary Elections of 2001, only one major political party had mentioned disability issues as part of its political and election agenda. As such, historically the National Policy had been declared only about two months before the erstwhile Government stepped down from power, the legislation had similarly been adopted by the following Government only about three months before stepping down from power, the national action plan was again approved only about a month before the concerned Government stepped down from power. The Rules to uphold and implement the legislation was adopted by the temporary Caretaker Government. It is not unknown that each of the new Governments that came into office almost nullified the development policies of the previous Government in almost all cases.

A welcome change had however been observed in recent years. As a result of the strong advocacy initiatives of the NGOs led by NFOWD, all major political parties strongly included disability related issues in the respective election manifesto prior to the 9th Parliamentary Elections at the fag end of 2008. By this time, United Nations had also adopted the Convention on the Rights of Persons with Disabilities (CRPD), and Bangladesh had been one of the pioneering countries to ratify this human rights treaty. So it was easier to convince the political parties that disability should be part of their respective political agenda. The Bangladesh Awami League led multi-party coalition, which subsequently won the elections with a landslide victory, specifically committed to even amend and upgrade the disability legislation according to the needs of the times.

Immediately after the new Government came into office, the Ministry of Social Welfare took upon its task to amend the legislation, and established a special committee towards this end. This Committee has asked NFOWD to help it draft a human rights based law, under the provisions of the CRPD. Throughout the year of 2009, this draft has gone through many updated versions following a series of consultations across the country. The initial plan was to submit the draft to the Government before the end of the year. However, the newly established Parliamentarians' Caucus on Disability has taken the leadership, and plans to take the draft through a few more discussions before it is finalized and handed over to the concerned bodies of the Government. This will happen sometime in 2010.

Bangladesh in the CRPD Timeline

UN Adopts CRPD:	13 December 2006
Opens for signing:	30 March 2007
Signed CRPD:	09 May 2007 As the 91 st UN Member State
Ratified CRPD:	30 November 2007 As the 1 st Muslim State As the 2 nd SAARC Member State As the 3 rd Commonwealth State As the 8 th UN Member State
Ratified Protocol:	12 May 2008 As the 16 th UN Member State
Entry into Force:	03 May 2008

Implications of Signature and Ratification of CRPD in Bangladesh

Different countries have different official mechanisms to sign and/or ratify an international treaty/declaration/convention. In some countries, it is the lone head of the State or the head of the government who can make the decision. In some countries it requires a mandate from the parliament, while in others, as in Bangladesh, it depends on a decision of the Cabinet. Some countries, especially those in the West, initially sign the treaty, and then change or modify their laws and policies aligning them with the spirit and contents of the treaty before ratification. But in many other developing countries, including Bangladesh, the general practice is to initially sign and ratify the treaties first, and then aligning their laws and policies with the treaty. Historically, it has been noticed that Bangladesh signs & even ratifies most international human rights treaties/instruments, and then gradually changed its laws. Examples are the CRC and the CEDAW. Similarly, with the CRPD, Bangladesh was the 91st UN Member State to sign the document on 9th May 2007, and the 8th UN Member State to ratify on 30th November 2007. In doing so, it became imperative on the country to align all its laws and policies to the CRPD. The next year, on 12th May Bangladesh was the 16th UN Member State to even accede (ratify without signing) to the Optional Protocol. By following this step, Bangladesh also expressed its commitment & allegiance to the International Committee on the Rights of Persons with Disabilities.

According to Article 4-1 (a) & (b) of CRPD, Bangladesh now should amend, update and/or modify all its national laws and policies (including its disability related legislation and policies) in the spirit and content of the CRPD.

Up until the 8th National Parliamentary Elections (held in 2001), there never has been pronounced political commitment expressed by the major political parties towards disability issues. During the 2001 elections, only one of the noted political parties (the fundamentalist Jamat-e-Islami) had addressed the issue, but still from a very welfare oriented perspective. The 9th Parliamentary elections saw a welcome change in this regard, in a response to widespread campaigns of the NGOs, especially led by the national network (NFOWD). All major political parties and camps addressed disability issues from a rights perspective, including the Bangladesh Awami League (AL), which ultimately won a landslide victory. In its election manifesto (Article 10.6), AL also went ahead declaring its intent to amend and update the old Disability Welfare Act 2001 according to the needs of the times, implying aligning it with the CRPD.

The Disability Welfare Act 2001 is based on medical, welfare and charity based approach whereas CRPD has been framed and adopted by the United Nations considering fundamental freedom and basic rights of persons with disabilities with diverse socio-economic & cultural differences. This distinction of the International Convention and National Law concerning persons with disabilities clearly show that there are differences & inconsistencies in certain major areas between the two instruments.

The Disability Welfare Act 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 that due to the lack of serious political commitment in last eight years since 2001 and its Rule 2008 are in no way useful or supportive to the needy disabled persons in Bangladesh. Not a single instance of litigation by a person with disabilities is found for relief before the court of law for justice under this Act. The 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 & transparency.

The policy makers of the government must adhere to the legislation enacted by the parliament and comply with international human rights instruments ratified by the government including its Optional protocol for persons with disabilities. Allocations of Business of the different ministries of the government should be inclusive of concerns of persons with disabilities. Currently all development issues concerning disability is placed under the Ministry of Social Welfare. As a result other ministries concerned with development work such as, Ministry of Primary & Mass Education, Ministry of Education, Ministry of Women & Children Affairs, Ministry of Youth & Sports, Ministry of Communication, Ministry of ICT, Ministry of Information etc. 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, a lack of awareness, indifferent attitude and negative mindset seriously act as obstacles for the development of persons with disabilities in Bangladesh².

At present Bangladesh Bureau of Statistics conducts a national census every 10 years in Bangladesh but accurate information about the segment of disabled population is never recorded. The latest report of Bangladesh Bureau of Statistics (following the 2001 Census) speaks about 0.47 percent disability prevalence rate which is seriously incorrect. The National Budget is generally drawn 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 Eight Hundred Million taka (USD 1.2 Million) 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 below.

Bangladesh is heading for its next national census in 2011. It is imperative that the entire census process is inclusive of information on persons with disabilities. Article 31 Section 2 of the CRPD states that, "The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights." It is thus obligatory that the census not only looks into the prevalence, but also the overall socio-economic situation of persons with disabilities and their families for proper future intervention planning purposes.

The illiteracy, ignorance and conservative outlook still play a dominant role to conceal or hide disabled member(s) in the family, particularly the women with disabilities are concealed in the family by their parents for the fear of the marriage of their non-disabled daughters. Superstition is still quite strong in the rural society. Social stigma and prejudices are still strongly valid in some communities about the persons with disabilities. It is found from experience of NGOs working across the country that visually impaired male persons may get married much more easily, whereas a visually impaired female person does not generally find a partner easily. Such facts of life are rather common in the society of Bangladesh.

Therefore article 8 of CRPD 'awareness raising' is most essential. Potential persons with disabilities should be considered with positive view. Nation wide campaign and advocacy for

² Choudhuri, MA, (2009) *National legislative measures on disability and its harmonization with Convention on the Rights of Persons with Disabilities (CRPD) in Bangladesh, UNESCAP*

the rights of persons with disabilities should be carried out. Government machinery along with academic circle, NGOs, DPOs, print and electronic media together with civil society should play the role of major actors in projecting the positive image of persons with disabilities. The role of electronic and print media in the recent time is appreciated to sensitize the issue in different quarter.

Article 35 (Reports by States Parties), Section 1 states that, "Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned." Since Bangladesh is one of the pioneering countries to ratify the CRPD, the Government of Bangladesh is pledge bound to submit a detailed report, as per the prescribed format of the International Committee, by the 3rd May 2010. The preparation of the report should be done through an open and transparent process, following Article 4 Section 3 of the CRPD, which states "In the development & implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations." In pursuit of this measure, the Government of Bangladesh has already commissioned a Committee under the purview of the Ministry of Social Welfare. However, it is imperative that the Committee now moves forward, effectively involving persons with disabilities and their organizations, including those working with women & children with disabilities as early as possible, such that the deadlines could be met.

Bangladesh: Progress of Implementation of the CRPD

- 46 Focal Points established in different Ministries & Departments
- Prime Minister's Office to monitor activities of Focal Points
- Elected as Member of International Committee on CRPD at Conference of State Parties
- Progressing towards changing Allocation of Business
- GOB Committee established to monitor implementation
- Committee is preparing for reporting to International Committee
- Official Bangla version has been published
- Popular Bangla version has been published
- Disability Rights Watch Group from civil society has been formed
- GOB Committee launched for developing new HR based law
- NFOWD is officially requested for drafting new HR based law
- Law draft is in its finalization process
- Parliamentarians' Caucus on Disability has been officially formed

Major Players in the Country

a) Government of Bangladesh

In Bangladesh, the Ministry of Social Welfare, the Department of Social Services and the National Foundation for Development of the Disabled Persons are the three government bodies to cater to the issues of persons with disabilities.

Ministry of Social Welfare

The Ministry of Social Welfare had been responsible for adopting the National Policy of Disability in 1995 and the Disability Welfare Act in 2001. Since then, by heading an Inter-Ministerial Taskforce on Disability, involving key government representatives from 16 different Ministries and Departments and a few Disability Rights Activists, the Ministry had drafted a comprehensive National Action Plan on Disability. The Plan was then approved by the National Coordination Committee in 2006. The Ministry had also played some role in incorporating Disability issues into the national Poverty Reduction Strategy Paper (PRSP). It has launched a Committee for monitoring the implementation of the CRPD in Bangladesh.

Department of Social Services

The Department of Social Services is the implementing wing of the Ministry of Social Welfare and has offices up to the remote Upazilla (sub-district) level across the country. Disability is only one amongst many different vulnerable target groups they address. However, as the name of the ministry itself suggest, the DSS treats disability as a welfare & charity issue and not as a rights issues. As such, even though they are responsible for the 64 integrated education programs (one in each district) for the children with visually impairments, and the other handful of special schools for the children with visual, hearing & speech, intellectual and physical disabilities, all their work is still from a charity perspective. In all their educational institutions combined together, they can cater to less than 1,300 children with disabilities every year, where a large number of those few seats also remain vacant due to negligence of the concerned authorities.

Apart from education, the DSS also runs a handful of rehabilitation programs for people with different types of disabilities from different centers located across the country. For the last few years (since 2003), along with women victims of acid violence, the DSS had initiated a micro-credit program for people with physical disabilities. Under this scheme, recipients would get a soft loan amounting BDT 10,000 at 0% interest (however paying a 5% service charge) with a 6 months breathing period, henceforth paying back the loans in 10 quarterly equal installments. A committee at the local Upazilla level has been formed for selecting the recipients and monitoring the scheme. But in most cases, this has become politicized and the truly deserving persons with disabilities are not being able to access these loans.

Under different other safety net schemes the DSS distributes Vulnerable Group Feeding (VGF) and Vulnerable Group Development (VGD) cards amongst destitute people. They also have monthly allowances for aged people and widows. Even though the DSS claims that the people with disabilities are prioritized during the selection of these beneficiary groups, in most of the cases local political leaders use these schemes amongst their 'vote-banks' and so the disabled people lose out.

Another program is the introduction of a monthly allowance scheme from the 2005-2006 fiscal year specifically for people with severe disabilities, under which a total of 250,000 people currently receive a monthly allowance of BDT 300 from the DSS.

Under yet another scheme, introduced from the 2008-09 fiscal year, the DSS provides an education stipend to students with disabilities in different levels of formal education. So far, about 13,000 students with disabilities in different educational levels, from primary level education to post-graduate higher level education across the country are covered under this scheme.

National Foundation for Development of the Disabled Persons (NFDDP)

The National Foundation for Development of the Disabled Persons (NFDDP) falls under the purview of the Ministry of Social Welfare, but is registered under the Charities Act. Governed by a twelve-member board, where seven are from the Government and the remaining five are selected from the development sector by the Government (apart from the President & Secretary General of NFOWD, who are ex-officio members), the NFDDP runs with only a handful of staff located in its lone office in Dhaka. It has no branch offices, and so is highly dependent on the DSS for its smooth operations.

The Foundation was formed many years back upon a demand raised by NGOs, but became functional only in 2002. Even though its charter declares a wide range of activities for the overall development of persons with disabilities of the country, so far, it has only provided micro level financial assistance to a few hundred NGOs as a support to run their disability programs. There have been accusations of corrupt practices of selecting such recipient organizations, and about lapses in its financial governance in the past. So in early 2008, the Caretaker Government restructured it into an independent quasi-government entity with its own General Body and Governing Board. This change had also attracted donors, including a 5 year project amounting USD 22 Million in the form of a long-term, interest-free credit support from the World Bank. However, the elected Government has overturned that decision, taking it back to its former status. As a result, the World Bank support is now in jeopardy.

In addition to annual grants, the Foundation also channels funds to a handful of NGOs to run about 50 schools for children with intellectual disabilities.

In the 2009-10 fiscal year, the Foundation has taken up two major initiatives. The first is to set up, on a piloting basis, five "one stop service centers" on disability issues in different districts. These centers will provide necessary therapy and rehabilitation services, assistive devices, and counseling services to people with disabilities, in addition to creating a few employment opportunities for persons with disabilities. And the second is to set up a hostel at Dhaka, for both male and female educated people with disabilities coming to the capital in search of employment, from around the country. They will be allowed to live in the hostel free of cost for a maximum of six months, also being provided meals at a subsidized rate, until the secure a job, and move to other affordable places.

The National Coordination Committee (NCC)

The National Coordination Committee had been formed many years back, but after the enactment of the Disability Welfare Act 2001, it was reconstituted. Headed by the Minister of the Ministry of Social Welfare, the NCC is responsible for coordinating all the disability work addressed by the Government of Bangladesh. The NCC is a 17-member committee, where

only 5 are from the non-government sector (including the President of NFOWD, who is an ex-officio member). As per the legislation, either the Managing Director of the NFDDP or a Joint Secretary of the MOSW would operate as the Member Secretary of the NCC. According to the legislation, this Committee is supposed to convene on an annual basis. But it has so far missed three of its annual meetings. In September 2006, as per its mandate provided in the Disability Welfare Act 2001, this Committee approved the National Action Plan on Disability encompassing the work of 17 Ministries. In 2008, the plan was expanded to cover the work of 33 different Ministries and concerned departments.

The National Executive Committee (NEC)

The 12-member National Executive Committee has been constituted under the Disability Welfare Act 2001. Headed by the Secretary, Ministry of Social Welfare, it has three members from the non-government sector (including the NFOWD Secretary General, who is an ex-officio member), and is responsible for implementing the disability work on behalf of the government. In this Committee too, either the Managing Director of the NFDDP or a Joint Secretary of the MOSW would operate as the Member Secretary. As per the legislation, the Committee is supposed to convene on a quarterly basis, but this has rarely taken place over the years.

The District Disability Welfare Committees (DDWC)

District Disability Welfare Committees have been constituted in all the 64 administrative districts of Bangladesh under the Disability Welfare Act 2001. Chaired by the respective Deputy Commissioner (DC), the 9-member DDWC has 2 members from NGOs (nominated by the DC and the President of the Bus Owners' Association). Under the guidance of the NCC and the NEC, the DDWC is responsible for all the disability related programs and activities within the district. The Deputy Director of DSS (who is the respective head of DSS in the district) acts as the Member Secretary of the DDWC. The Committee is supposed to convene on a bi-monthly basis.

Unfortunately, in most cases, the DC is not aware of the existence of such a committee, and so the meetings are rarely held. In some cases the committees have not convened at all in even two years. Following Section 15 of the Disability Welfare Act 2001, the DDWC is responsible to provide an identity card to the persons with disabilities, and maintain a register. But due to a lack of allocation of central funds, these cards are not being provided at all. In most cases, the DDWC is merely issuing certificates, which too are not under any centrally approved format. At the same time, the system that is followed for providing the certificate is cumbersome and littered with administrative tangles creating a huge physical and economic barrier on poor people with disabilities.

Local Government

Even though it is generally highly politicized, Bangladesh has a very strong, elaborate and vibrant local government structure, especially evident in the peri-urban & rural communities. People with disabilities actively participate in the elections, and several of them have been elected into responsible positions across the country, thereby contributing towards & playing a significant role in the local level governance. However, most of these successes are noticed generally in areas with strong NGO activity, where people with disabilities have been organized and adequately been trained to take up leadership roles. Unfortunately, over 70% of the country is yet to be brought under coverage of NGO activity addressing people with disabilities. The City Corporations, which are the authoritative bodies to oversee most of the

public amenities of the city dwellers, and which are mostly inaccessible to persons with disabilities, are yet to open its doors for participation of people with disabilities in the election process. Until and unless these authoritative bodies are inclusive of persons with disabilities, their services will continue to remain inaccessible.

b) Non-Government Organizations (NGOs)

Apart from the government, approximately 60,000 large to small NGOs are working hand in hand and sharing the responsibility of development in Bangladesh. The major program in which almost all of these NGOs are involved in is Micro-credit, which is also the principal step adopted by the NGOs for their own sustainability. Education programs possibly come in second, and health (including with water & sanitation) programs are very common. Gender and development is gradually being recognized widely as a crosscutting development agenda. In this playground, only about 1,500 NGOs are claiming to work with people with disabilities. But only about 600 NGOs have adequately trained human resources to cater to the rehabilitative needs of disabled people. Most of the others simply have either awareness raising programs on disability, or have casually included disabled people (mostly women) in their respective mainstream micro-credit programs.

Prior to 1996-97, any NGO willing to get their staff trained on Disability rehabilitation efforts had to send their respective staff abroad. Most of these organizations being small, and with limited funding support found it extremely difficult, and so the number of NGOs catering to people with disabilities was very limited. A major breakthrough in this arena was the emergence of the Center for Disability in Development (CDD), an NGO dedicated to development of quality human resources and information, education & communication (IEC) materials on Disability, in 1996 and offering training programs since 1997. CDD has emerged as a very renowned and important stakeholder in the disability development arena not only in Bangladesh, but in the entire region also. Almost simultaneously, the emergence of the Disability Information Dissemination Network (DIDN) operated by Center for Services & Information on Disability (CSID) in 1999 also played a major role in disseminating information on the progress of the disability work at the national and international level. These two NGOs, along with NFOWD, the national disability network, have played a major role in highlighting Bangladesh on the international disability development scenario.

National Forum of Organizations Working with the Disabled (NFOWD)

NFOWD is the apex federating body of NGOs working in the field of Disability in Bangladesh with a vision of an inclusive society where all people with disabilities will be visible, and contribute equitably in the nation-building process. Established in 1991, it is registered with the Department of Social Services under the Ministry of Social Welfare and with the NGO Affairs Bureau. NFOWD is an executive member on the Boards of the National Foundation for Development of the Disabled Persons and the National Social Welfare Council. It is also a member of the National Coordination Committee and the National Executive Committee on Disability (constituted under the Disability Welfare Act 2001). At the Regional level, it is a member of the Asia & Pacific Disability Forum (APDF) of which NFOWD is the current Chair, and South Asian Network on Community Based Rehabilitation. At the international level, it is a governing member of the International Disability Alliance (IDA) and the Global Partnership for Disability & Development (GPDD). Initiating with only 22 member organizations, NFOWD now has 318 members spread across 59 districts (out of 64) in the country.

work, and its principal working relationship is with the Government of Bangladesh. As such, over the years it has gained the reputation and recognition within the country to work as the perfect interface between the Government and the NGOs in this field. Any Committee, taskforce, working group etc. the Government forms on disability issues, by default NFOWD is a member. This is upheld either by law, policy or an administrative decision. At the Regional level, UN-ESCAP has recognized this linkage as one of the 'best practices' in the area of 'GO-NGO Collaboration' in this Region.

In 1997 NFOWD hosted the 2nd Regional Seminar on Community Based Rehabilitation and in 2003 it hosted the Regional Symposium on Disability following the ESCAP Regional Biwako Millennium Framework. In January 2006, NFOWD co-hosted the 2nd Asian Conference of Deafblind International, and in February 2008, along with the Government of Bangladesh, NFOWD hosted the 3rd general Assembly & Conference of the Asia & Pacific Disability Forum. These international meets has also helped in raising its profile at the international disability development arena.

NFOWD actively participated in the drafting of the CRPD by the Ad Hoc Committee. It's first involvement came about in 2004 in drafting the Bangkok Draft. Then, after receiving accreditation from the ECOSOC, NFOWD participated in the 6th, 7th and 8th (final) meetings of the Ad Hoc Committee. NFOWD played an active role in ensuring that children with disabilities are actively discussed with in the drafting of the CRPD. As a result, 2 of the 6 children, who subsequently represented all the children with disabilities of the world in the UN, were selected from Bangladesh.

c) Organizations of Persons with Disabilities (DPOs) and Self-Help Organizations (SHOs)

Following the internationally acclaimed spirit of "Nothing About Us Without Us" and a more recent target set in the Biwako Millennium Framework (BMF) on Self-help initiatives, and the CRPD itself, a large number of DPOs are coming up all over Bangladesh, mostly being supported by two large NGOs – Action on Disability and Development (ADD) and the Bangladesh Protibondhi Kallyan Shomity (BPKS). Other organizations, such as Center for the Rehabilitation of the Paralyzed (CRP), Center for Services & Information on Disability (CSID), Young Power in Social Action (YPSA) and many others also have supported establishment of DPOs across the country.

ADD is a widely known large INGO, BPKS is a large national NGO. They are both coordinating people with disabilities at the grassroots level by providing skills and leadership training, and encouraging them to come together as self-help groups. ADD is helping them in forming district level federations, with an aim to unite to become a national level federating body. BPKS has a little different approach and calls it the Persons with Disability's Self Initiatives to Development (PSID). While these small DPOs look mostly into their own micro-level issues, with experience and gradually gathering maturity, they also are looking into the macro level issues, and are contributing in the national disability development movement. In 2004, ADD had organized a national convention of about 5,000 people with disabilities at Dhaka. The practice has been repeated almost every year ever since.

Under the patronization of ADD a grassroots level federating body named the National Grassroots Disability Organization (NGDO) was launched in 2004. Over the last five years, this has grown substantially, now having 92 member DPOs and close to 750 self-help groups in 23 districts, with an overall membership of almost 21,000 persons with disabilities. Considering the additional plight of women with disabilities, in 2005 ADD also patronized the

formation of a women's federation, the National Council of Disabled Women (NCDW). This also has grown alongside the NGDO, with equal number of members, covering about 10,000 women with disabilities in 23 districts.

There are other very old DPOs and SHOs such as the National Federation of the Blind, and the National Federation of the Deaf, which had been established many decades back. The Bangladesh Visually Impaired Peoples' Society (BVIPS) has also earned a good reputation in the country in a short span of time, since the DPO was established only in 2005.

Amongst the parents, Society for the Welfare of the Intellectually Disabled (SWID), Bangladesh, Bangladesh Parents' Club of the Deaf, and a more recent Welfare Society for Mental Health & Rehabilitation are playing a notable role as self-help organizations.

Over the recent years, sign language users are forming their own associations across the country, with two very established communities in Sylhet and Jhenaidah. Children of Deaf Adults (CODA) have also formed a strong association centrally in Dhaka, and are working to establish and popularize sign language.

d) Civil Society Organizations

Bangladesh has a very active & well-informed civil society, which also plays a major role in the national development. A few civil society organizations, as part of their initiatives are also gradually addressing disability issues.

The Rotary Clubs, The Lions Clubs and their affiliate organizations have for long been involved in health camps and eye camps for decades in this country, contributing much in the area of control & prevention of blindness. Rotary Clubs have, during the last few years, donated several hundreds of wheelchairs amongst poor people with disabilities.

The Center for Policy Dialogue (CPD), Unnayan Shomunnay and a few such other CSOs are involved in policy research, especially in national budgetary allocations on disability issues.

The civil society of Bangladesh played a very active role in convincing the Government of Bangladesh towards signing and ratifying the CRPD and its Optional Protocol. That initiative has more recently laid the foundation of the launching of a Disability Rights Watch Group.

e) Networks

In a country, which is home to about 60,000 NGOs, it is only natural that there would be several NGO networks. Two of these networks are very large generalized networks, with membership running into thousands of NGOs across the country – the very old Association of Development Agencies of Bangladesh (ADAB) and the Federation of NGOs of Bangladesh (FNB), which came about as a result of political division within the former, in the early part of the last decade. While none of these two networks have very specific programs other than trying to uphold overall policy concerns regarding a smooth working environment for their member NGOs, and coordination of their respective members' work, they both have specific positions on their respective boards, reserved for organizations working in the field of disability.

The Campaign for Popular Education (CAMPE):

CAMPE is probably the only mainstream NGO network that specifically addresses concerns of people with disabilities. Focusing specifically on quality education in addition to ensuring education for all, and with a membership & partnership of about 1,200 NGOs across the country, CAMPE has been a great ally of the disability rights movement for almost a decade, trying to ensure that all children with disabilities have access to basic and quality education.

Bangladesh Shishu Adhikar Forum (BSAF):

BSAF is the national network of all NGOs working with children. Many of the NGOs working with children with disabilities are also members of this mainstream child rights network, which mostly works to promote the practical & effective implementation of the Convention on the Rights of the Child (CRC) in Bangladesh. While Article 23 of the CRC specifically calls for special provisions for children with disabilities, it took years for most of the organizations to realize that the entire CRC applies to children with disabilities, and not only its Article 23. BSAF itself has not addressed issues concerning children with disabilities in the past, up until in very recent years, where at least a day of its annual celebrations of the Child Rights Week is allocated for children with disabilities.

The Disaster Forum (DF):

A unique platform of NGOs, civil society organizations and concerned individuals, the DF has played a significant role for almost two decades in tracking disasters, and coordinating a response during and after disasters. Working closely with the Ministry of Food and Disaster Management, DF had played the key role in the coordination of all efforts, up until the large bilateral & multilateral donors & INGOs established the Disaster & Emergency Response (DER) group, for coordinating their own responses. Both DF and DER concentrate almost all their efforts on natural disasters, and only very special cases of man-made disasters (such as large building collapse cases). Road traffic accidents, which are part & parcel of the daily life of Bangladesh, are rarely addressed by these groups. Even in cases of major natural disasters, most of the statistical data available with DF is related to number of deaths, the amount of land area (especially standing crop) affected by disasters, number of families affected or dislocated, number of houses destroyed, number of tubewells and sanitation outlets destroyed or affected, even the number of cattle or livestock that has perished. But there is hardly any data on how many persons with disabilities are affected, or how many fresh cases of disabilities occurred immediately as a result of the disaster (such as cyclones or tornadoes), or how many of the injured cases later on resulted into lifelong disabilities.

Other Networks:

Plenty of other issue-focused networks, such as, the STI/AIDS Network, the Coalition of the Urban Poor, NGO Forum for Drinking Water & Sanitation, Association for Land Reform & Development (ALRD), Campaign for Good Governance (SuPro), Coordination Council for Human Rights in Bangladesh (CCHRB), Forum for Regenerative Agricultural Movement (FORAM) etc. are active with a large number of their partner or member organizations across the country. Unfortunately, none of the networks have addressed the specific concerns of persons with disabilities in their programs as a priority.

f) INGOs & Donors:

In a playground of such a large number of NGOs, who are mostly dependent on external funding, INGOs, Finance Institutions & Donors are playing a major role in the development scenario in Bangladesh, mostly by supporting a number of partner organizations. A few such actors are mentioned below.

ActionAid Bangladesh

Working in Bangladesh since 1983, ActionAid Bangladesh (AAB) started addressing disability issues since 1992, by supporting a national NGO as a pilot program scheme in one of its large development areas. The experience was not a good one, and so AAB recognized the necessity to go for a more coordinated effort. As a result, Disability was highlighted as one of its priority working areas, and a Unit was formed in 1993 to support its disability work in Bangladesh. With time & experience, AAB has changed enormously since then, but Disability has still remained a major focal area of all their work. They currently work with 14 partner organizations with an annual estimated budget in excess of USD 0.5 million, which is about 10% of their entire program budget. Their partners range from very small grassroots level NGOs to large national platforms for information dissemination, research & policy advocacy.

Handicap International

France-based Handicap International (HI) came into Bangladesh only recently in 1999. But it has been supporting NGOs in this country since 1997. HI supports a number of NGOs in Bangladesh (all in the disability field) in the areas of prevention, disaster preparedness & mitigation, sports games & cultural development, human resource development, capacity development, information dissemination, research initiatives and policy advocacy & policy influencing work.

Sight Savers International

Otherwise known as the Royal Commonwealth Society for the Blind, the UK based Sight Savers International has been working in Bangladesh since the early 70s. SSI supports a large number of NGOs for CBR initiatives across the country (focused almost only on visual impairments), and has played an instrumental role in launching a large national campaign for the prevention of childhood blindness under the global Vision 2020 campaign. SSI is now on the brink of getting involved in the overall national rights-based disability development scenario.

Save the Children

The Save the Children alliance of INGOs have been active in Bangladesh for more than three decades, but only the one originating in Sweden (later merged with Denmark) has work in the area of Disability. It had quite a number of partners in this field even a couple of years back, but now supports only a handful of programs, with a very small budget.

Other INGOs

There are other INGOs who have been fairly active in supporting disability programs in the past, but due to changes in respective policies, priorities, or implementation arrangements are not that prominently known in the disability sector anymore. Helen Keller International (HKI) & OXFAM-GB are two such examples. On the other hand, there others like Christoffel

Blinden Mission (CBM), which has a small country office in Bangladesh, but not a very large program. Water Aid chiefly works to ensure safe drinking water and sanitation in the country, and have piloted low cost accessible water sources and sanitation outlets in the country.

Manusher Jonno Foundation (MJF)

An outright Bangladeshi organization, MJF is a unique donor/supporter promoting human rights & good governance through a plethora of NGOs and CSOs in the country. They support a large number of disability related NGOs across the country, all from a rights-based perspective. Programs include formation and capacity building of DPOs to national level awareness raising, providing aids and appliances to national level policy advocacy work. MJF also helps strengthen & build the capacities of the organizations itself, thereby helping them to become far more efficient and transparent in their work. In just over six years, MJF has become a huge stakeholder in the overall development scenario of Bangladesh, including in the field of disability & development.

The Polli Karma Shohayak Foundation (PKSF)

PKSF is by far the largest domestic source of funding support for NGOs operating micro-credit work in Bangladesh. It provides loans to smaller NGOs at a certain interest rate, which the NGOs are to repay in long-term intervals. They have a set of guidelines, following which the recipients (NGOs) are to operate their respective micro-credit programs. The guidelines also include a set of selection criteria for the intended micro-credit beneficiaries. Under these criteria, in the earlier days, people with disabilities could not be identified as beneficiaries, as these called for physical & psychological fitness on the part of the intended beneficiaries. This however, has been modified. Now people with disabilities can also access the support from the recipient NGOs.

Bilateral & Multilateral Donors

DFID, CIDA, AusAid and JICA have been supporting disability programs in Bangladesh for many years, and their contributions have been on a steady rise. SDC, SIDA, GTZ have also sporadically supported some micro level programs. In 2009, USAID has entered into the disability development scenario in Bangladesh. The World Bank earmarked a large support, but due to administrative tangles it finally did not work out. JICA and JBFC are now in the process of supporting a large project – upgrading the rail network between Chittagong and Dhaka, where a fundamental principle has been agreed to make the entire infrastructure accessible to people with disabilities following universal design.

UN Agencies

The UN entities in Bangladesh have so far totally ignored the concerns of people with disabilities rather shamelessly. UNICEF supports the GOB (Department of Primary Education) operated Primary Education Development Program, but could not enforce inclusion of the children with disabilities effectively. The only support UNICEF probably can claim is through raising awareness by making the much-acclaimed Meena Cartoon series vaguely inclusive of issues concerning children with disabilities. But the UNDP, ILO, WFP, UNIFEM etc have played no role as yet towards the development of persons with disabilities in Bangladesh. Even during the International Day of Persons with Disabilities (IDPD), which is declared by the UN itself, or for promoting the CRPD, which again was commissioned by the UN, UNDP has not even issued a single statement so far! In 2010, the UN agencies in Bangladesh will

formulate their new Development Assistance Frameworks commencing 2011. It remains to be seen whether these agencies will wake up to the concerns of persons with disabilities!

g) The Corporate Sector

Bangladesh has a thriving corporate sector, which, after the government is the principle job provider, and after agriculture, is the largest backbone of the national economy. Jute and tea used to be the prime export items, however, readymade garments (RMG), handicrafts & leather export has gradually taken over as the larger export oriented industries. Cosmetics and medicines produced in this country are also gradually gaining popularity in the export market. But in this large corporate structure, employment or job creation opportunities for the people with disabilities had never really taken off.

The RMG sector, employing close to 2 million people (where about 70% of the workforce are women) could have been a bustling field for employing people with physical and hearing & speech disabilities as machine operators. The packaging sections could have employed a large number of people with intellectual disabilities. But a lack of social commitment on the part of the employers, and also a lack of adequate training support for preparing people with disabilities for these jobs had prevented them from entering into such large avenues.

About a decade back, the GOB had adopted a policy by which corporate houses could get a tax deduction on any donation to the social sector. Initially this had helped some corporate houses getting involved in supporting social work, and indeed contributed in developing a fairly good corporate social responsibility. But then the GOB had taken off the tax deduction scheme, and so the support was cut short. It was re-introduced, and then again taken off. But what it had initiated is a practice by just a handful of corporate houses, who despite the absence of tax facilities, have continued to show some corporate social responsibility. These have principally been in the area of a better environment though, for example, the British American Tobacco Company alone had invested in planting close to 50 million saplings over the last two decades or so, for a greener Bangladesh.

Corporate support in the area of Disability has been negligible, if not absent. In this area, the most support has come from either the Banks or the cell-phone operators. The Dutch-Bangla Bank for example, has supported corrective cosmetic surgeries of thousands of children with cleft lips and palates. The Standard Chartered Bank has been supporting programs for the development of people with visual impairments. The *Jibon Tora* operated by Impact Foundation Bangladesh also draws some support from various corporate groups. The Grameen Phone is promoting the Special Olympics contingent & events. A handful of other organizations also are accessing some support from different corporate groups. While these all have been seen as considerably large amounts by the respective corporate groups, these are actually only tantamount to a few drops in an ocean in comparison to the needs.

h) Media

With enormous advancements in communication technology and large sums of investments coming into the sector, media – both in its electronic and print forms, have seen remarkable changes over the last couple of decades, and now has become an essential part and parcel of societal lives. However, if we go back in history to the independence of Bangladesh, even with its fairly primitive form, the media played an extremely important, positive & proactive role by constantly encouraging the valiant freedom fighters sustain their sanity, boost their morale, and keep up the fight against a highly organized army. The role played by the Shwadhin Bangla Betar Kendra will always be recorded in history as an important intrinsic

part of our liberation war. And all the organizers & artists involved with it, from its producers, directors, writers, lyricists and composers, to all the performers, musicians, technicians and all have already been recognized as culturally active freedom fighters. Where media has played such a proactive role in the formation of an independent nation, it is only natural that it had become such an intrinsic part of the overall national development in the close to four decades that has followed.

However, it took the media a while to start portraying disability from a positive point of view. One should recall the Late Fazle Lohani, who was one of the pioneers to start portraying the positive abilities of people with disabilities on television, through a highly acclaimed series named "Jodi Kichhu Mone Na Koren" (If You Don't Mind) in the early 80s. The media has advanced a whole lot since then, and positive portrayal of issues concerning persons with disabilities has also increased considerably, both in electronic & print media. The State operated Bangladesh Television (BTV) initiated a regular news round up on a fortnightly basis using sign support quite some time back. Sign language interpretation has now become an intrinsic part of BTV's evening news bulletins. A private television channel, from the very first day of its broadcast in 2009 started sign interpretations in its main news bulletins. Other private operators are also now following the measure.

In terms of entertainment related programs, musical talent contests are now a very common program with almost all channels. A couple of years back, on such contests, a few performers with disabilities drew a lot of attention with their musical talents. This inspired a private TV channel to organize a contest only for performers with disabilities in 2009. Besides these, especially during the national and international disability days, many channels have regularly been arranging special cultural programs with performers with disabilities.

Over the years, drama serials and soap serials have taken over the weekly dramas that had been enormously popular on television. In recent years, in very few cases people with disabilities and/or their concerns are being observed in these popular shows. In earlier days, this was either totally absent, or people with disabilities would have been portrayed in negative and derogatory roles.

The State operated Bangladesh Betar (the former Radio Bangladesh) has a large number of performers with disabilities, especially people with visual impairments amongst its core pool of artists. The number of such artists is now gradually on the rise.

The full length feature films, which is still recognized as a large source of entertainment for the common Bangladeshi citizens, is yet to make a notable progress in this regard. People with disabilities still unfortunately feature in this media in humiliating and/or negative roles and characters.

Bangladesh also has a vibrant theater culture, with quite a large number of active groups of performers, but people with disabilities, and their issues, are yet to make a mark in that industry.

Following our independence, as far as actual documentation is available, the print media had constantly portrayed the plight of the freedom fighters injured in the course of the war. Over the decades, print media has also made a mark in its reporting on human rights based issues, including issues related to people with disabilities. There now is a vibrant Human Rights Journalists' Forum, with committed journalists across the country, highlighting rights-based issues from across the country on a regular basis. Dailies & weeklies now cover different types of disability related reports. A simple analysis of the reports covered over the

period January-December 2009 by a few well reputed national dailies: The Prothom Alo, The Daily Star, The Shomokal, The Ittefaq, The Jonokontho, The Bhorer Kagoj, The Bangladesh Observer, The New Age, The Bangladesh Shomoy, and a few local daily newspapers published across the country, have shown a fairly large number of reports on disability issues as follows:

Reports on:	Number
Violation of rights/human rights	30
Judgments establishing rights of persons with disabilities	3
Disability related publication/report launches	4
Sports/cultural events for persons with disabilities	8
Success stories of persons with disabilities	15
Program events of organizations working on disability	43
Miscellaneous other issues of persons with disabilities	50
Total	153

However, if one considers the size of the population involved, and the plight & challenges faced by the people with disabilities on a daily basis across the country, the coverage so far in electronic & print media is far too inadequate. It is imperative that the electronic media allocates a chunk of their airtime and the print media - a considerable amount of print space in their publications to actually help raise awareness and sensitization of the entire population of the nation on disability concerned issues.

Feature films, drama serials & especially advertisements continue to portray people with disabilities in negative, humiliating and derogatory ways. These should be brought to a stop.

State of the Rights

a) Identity & Statistics:

It is estimated that there are approximately 300 million (5%) people with moderate to severe disabilities living in the world. Of these about 100 million (about a third) live in the more developed regions and about 200 million live in developing countries.

To date, unfortunately, no comprehensive empirical study has been conducted to determine the incidence and prevalence of impairments in Bangladesh. The few studies that have been conducted reflect a medical rather than a social model of disability, and they are also limited in geographical coverage.

While no reliable national data exists, anecdotal information and a number of micro studies generally suggest a disability prevalence rate of between 5%-14%, which is close to the WHO estimates, which states that 10% of any given population can be considered to have some or other form of disability. Where there is little reliable data on the prevalence of disability, information on incidence is even less. International comparisons suggest that all developing countries have a high incidence of disability, with great variations in the type of disability according to the health & environmental conditions. Bearing in mind the poor health & environmental status in Bangladesh, including an under five mortality rate of 61 per 1000 live births (2007) - a rate which we feel disproportionately affects children with disability - it is possible to expect a fairly high impairment incidence rate in Bangladesh.

In 1982, the Government undertook a district-wise sample survey, which revealed that there were less than seven lakh people with some form of disability in Bangladesh. In percentage terms, the figures suggest that the prevalence rate was 0.64%. A similar survey conducted by GOB in 1986 found a disability prevalence rate of 0.52%. Further surveys had continued to show a downward trend in prevalence rates. However, in Bangladesh where about 68% of the population suffer from various degrees of iodine deficiency disorders, which alone has resulted in 3 million cases of mental retardation and cretinism, where more than 30,000 children go blind every year from vitamin A deficiency, over 150,000 people contract leprosy, where over 80% deliveries are conducted at homes, and where literally thousands of road accidents occur throughout the year, it is clear that these 1982, 1986 and further demographic surveys suffer from serious under-reporting.

In the year 2001, during the fourth national census, only a few questions specific to disability were added to the questionnaire. This came about after a long campaign initiated by NFOWD since 1998. But due to a lack of appropriate training of the field enumerators & data collectors, and a lack of proper monitoring system for their work, in most of the areas they either failed to report the correct information, or did not ask the relevant questions at all. As a result, it can justifiably be assumed that the output (1%) was not at all accurate as was expected. Based on WHO estimates (10%), Bangladesh with a population of about 150 million people could conceivably have around 15 million people with disabilities, while fewer than 1 million is only being reported.

It is accepted that surveys on the incidence and prevalence of impairments are necessary, not least because they help to raise the profile of disability as well as establish a baseline, it is important to keep in mind the relevancy of such surveys for planning and programming purposes. Within the context of surveys, the distinctions made in terms of impairment, difficulty & disempowerment are crucial to the proper planning for prevention and

rehabilitation of people with disabilities in Bangladesh. While identifying impairments – as the most surveys do in Bangladesh – they can help in planning prevention, they do not, however, automatically help in planning rehabilitation. Therefore, surveys need to begin to move away from singly focusing on numbers – to include a far greater emphasis on needs assessment.

b) Education

Access of children with disabilities to education is extremely limited. An in-equal educational system, a rigid & unfriendly education curriculum, the ignorance and a lack of awareness of parents, compounded with the inadequate knowledge of teachers and the unfriendly environment existing in most of the institutions, has done very little to promote education of children with disabilities in Bangladesh.

With regards to special education, the Government is operating 13 primary schools for people with disabilities - seven schools for those with hearing impairment, five for visually impaired children, and one school for those with intellectual disabilities. Private voluntary organizations are also involved in institutional based educational rehabilitation through five schools for people with hearing impairment, two for those with visual impairment, and three schools for those with intellectual disabilities, along with their branches in different districts.

At the high school level, the Government is running 64 integrated programs attached to regular schools, while voluntary development organizations are operating a number of schools each for those with visual & hearing disabilities.

While the country has an estimated 1.6 million children with disabilities within the primary school-going age, the total number of children enrolled in special & integrated education programs is estimated to be far below 5,000. In terms of manpower in special education, 15 post-graduate teachers are trained each year through the Department of Special Education under Dhaka University. Several other teachers' training programs are also being offered by other private/voluntary organizations. The Government has also developed a National Center for Special Education, and it is likely that there will be a significant increase in the numbers of teachers trained in special education.

With all these efforts combined, only 4% of the children with disabilities within the primary school-going age have so far been enrolled in education³.

Bangladesh has two independent ministries catering to education – the Ministry of Education and the Ministry of Primary and Mass Education – which are striving to meet the goal of “Education for all by 2015”. Yet the education of the children with disabilities is under the purview of the Ministry of Social Welfare, which plays no part to achieve the universal goal. Among the staggering 96% children who are still out of education, a major (70%) portion could have been enrolled in the regular national education program with very little effort. This could be brought under a planned *Inclusive Education Program*. The remaining 30% could be enrolled under Integrated and Special Education Programs. Yet this has not happened as yet. The second phase of the national Primary Education Development

³ *Educating Children in Difficult Circumstances: Children with Disabilities, (ESTEEM-2)*; The study was conducted by Center for Services & Information on Disability (CSID) in 2001 for the Primary & Mass Education Division (PMED) under the Department of Primary Education, Government of Bangladesh, in collaboration with the Cambridge University Consortium. The PMED has since become a separate Directorate under the independent Ministry on Primary & Mass Education.

Program (PEDP-II) has only included the issue upon insistence of NFOWD and under the pressure from its donors. But how effectively this will come about remains to be seen.

Special Education was suggested for children with disabilities in the National Education Policy 2000. In Chapter-17 section-a of the Education Policy, 13 strategies were 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 impaired 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.

Along with the formal education program, Bangladesh has a very strong and vast non-formal education structure, mostly operated by the NGOs. The largest stakeholder in this area is a NGO popularly known as BRAC which operates 35,000 schools itself, and also supports an estimated 25,000 more operated by other different NGOs, following a curriculum developed by BRAC. A recent development in this area is a policy level decision adopted by BRAC to proactively include at least 3 disabled children in each of their own 35,000 schools. The number will gradually be increased. This one decision alone will ensure access of 105,000 children with disabilities into education, and if all the other schools supported by BRAC also follow suit, another 75,000 children will gain access to education without much hindrance. This could then be followed up with other NGOs operating non-formal education programs across the country.

In April 2009, the government formed a sixteen member committee to review and examine the existing Education Policies. After consultation with stakeholders including persons with disabilities, the committee submitted its final recommendations for adequate & appropriate implementation by the concerned authority. Unfortunately, the final report could not live up to the expectations it had generated during its earlier weeks.

c) Work, Employment & Access to income

Employment and/or self-income generation activities are essential towards economic self-reliance of people with disabilities. Where the mere access to education is a huge obstacle, even though the National Constitution categorically prohibits discrimination in employment in any form⁴, employment of people with disabilities in Bangladesh has been a farfetched dream. The government had declared a 10% quota for people with disabilities along with orphans⁵ about two decades back. But due to in-sensitization of employers about the potentialities of disabled people, contradictory employment policies, loopholes in the system

⁴ The Constitution of the People's Republic of Bangladesh, in Article 29(2) states: "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."

⁵ Vide Article 29(3) of the Constitution: "Nothing in this article shall prevent the State from - (a) making special provision in favor of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic;"

and a lack of proper monitoring, the declared quota for the people with disabilities had never been implemented properly.

As per the Recruitment Rules under the Government of Bangladesh (Bidhiboddho Protisthan 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 effectively considered till now for government, autonomous, statutory body's employment.

A study conducted in 2002 by an NGO⁶ on disabled people who had found at least some form of employment or self-income-generation scheme found that, only 5% of the respondents were in government jobs, 17% in NGOs and 66% were self employed. Only 22% had been able to find some source of credit (or micro-credit) support. Amongst all the respondents, 68% were not at all capable of saving any of their respective income, as all the income needed to be spent on their daily needs. In most cases, when an institution hires people with disabilities for the first time, it becomes necessary to make some adaptations in the working environment to better accommodate the new staff with a disability. Unfortunately, in 94% cases any such change whatsoever never took place. In most cases, the respondents did not get a job in the line of their education and/or expertise. As such 70% of the respondents were not satisfied with their jobs, but they did not want to change the jobs fearing that the same situations would prevail also in the new workplaces. So they preferred to stay on and rather add on to their seniority, rather than take a chance for possible better employment conditions.

In 2003, the erstwhile Prime Minister of Bangladesh, while inaugurating a GOB supported rehabilitation center for people with disabilities, had declared a 1% quota in all cadre service jobs. The Ministry of Establishment, with the support of the Ministry of Social Welfare, is working since 2004 for developing a policy for establishing and implementing this new quota. A sub-committee constituted by the Government under the Establishment Division and also including the Department of Social Services, is also trying to assess the employment market & identify a suitable list of jobs for employment persons with disabilities depending on the different types & grades of disability.

d) Health & Rehabilitation

According to Einer Helander's (UNDP) estimate, an average of 8.5 million severely or moderately people with disabilities are added each year to the total global figure, which approximately amount to 23,200 people a day. Such figures point to the urgency of finding answers as to how best to provide services and to promote integration, equal opportunities & human rights for people with disabilities.

While rehabilitation has been gaining increased prominence over the last few years (especially with the formation of a National Coordination Committee for people with disabilities, initiating & promoting the SAARC Disability Fund, the National Disability Foundation, initiating micro-credit for people with disabilities etc), the state of the present rehabilitation infrastructure remains weak, especially at the community level. Of the limited opportunities for rehabilitation, almost all are institutional based programs located in urban centers. This implies that the current rehabilitation infrastructure is ill equipped to meet the needs of majority of people with disabilities in the country, most of whom not only live in

⁶ Employment Situation of People with Disabilities in Bangladesh, Center for Services & Information on Disability (CSID), December 2002.

rural areas, but who are also unlikely to have sufficient resources to gain access to even basic rehabilitation services.

Inadequate skilled medical personnel and inadequate medical rehabilitation services by the government hampers people with disabilities from acquiring proper medical rehabilitation services. The Government operates only 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. The oldest functional hydrotherapy unit in the country is also run by an NGO.

After two decades, the government had 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 too is yet to receive affiliation from the government.

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. Despite its having enormous potentialities, rainwater harvesting never became a very popular program in this country. 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 user-friendly 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.

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.

The national health policies have rarely incorporated Disability issues, and so the main actors in this field are 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 never been addressed in the

mainstream health movement. The *Jibon Tori*⁷ floating hospital, run by an NGO, is the only fully equipped such facility catering to the rural areas across the country. Smaller vessels and buses with rehabilitation personnel and equipment are now being replicated by others.

Every year, due to many monsoon rains (and the resulting floods), parts of the country (including parts of the capital city) become inundated. Without proper drainage systems in place, these result in water logging. People (mostly children) dipping in the trapped and infected water suffer from ear infections. A lack of knowledge, health consciousness, and lack of dissemination of information in this regard results in hearing impairments in large numbers.

e) Freedom of movement & Accessibility

Bangladesh has a building code, which clearly demarcates accessibility options for all including people with disabilities. Yet again loopholes in the system, a lack of proper monitoring, and a lack of penalization systems could not establish accessibility for the people with disabilities. Public and private offices, educational institutions, public transportation, utility infrastructure, recreation & tourist spots, market places – almost all are inaccessible to people with disabilities. The government has adopted decisions to create separate ticket counters and reserved seats for people with disabilities in public transports. However, with the transports themselves lacking accessibility options, these decisions did not come of much use.

The 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 provides a detailed description of universal accessibility. There are nine sections in this schedule to ensure accessibility of all including persons with disabilities. These are: general principles, door, railing, stair, ramp, lift, washroom/toilet, parking and sitting. However, the recent Rule is not yet strictly observed and practiced.

Whatever awareness has been raised on accessibility of people with disabilities in the country, has been around the accessibility of persons with physical disabilities, and mostly for wheel chair users. Accessibility of people with visual and/or hearing & speech disabilities is still not very well understood. As such, even though the country is making some slow yet steady progress in the ICT sector, options for visually impaired persons are still far lacking. Braille materials are still not widely available. Sign supports are also not widely available. An NGO has taken the initiative to develop a sign supported Bangla language, but the

⁷ *Jibon Tori*, meaning Life Boat, is a floating hospital catering to prevention of Disability and performs corrective surgeries for cleft lips & palates, orthopedic deformities, eye surgeries. It travels all over the riverine Bangladesh, and remains stationed at each place for three months. It also helps build capacity of local hospitals.

Government has not yet acknowledged it. The State run television network had introduced a weekly news round up with sign support on an experimental basis. The provision has been upgraded to daily local news in the afternoon. It is hoped that this will soon be also introduced in the national news bulletins. One private TV channel (Desh TV) started using sign support in its main news bulletin from the very first day it went on air in 2009. The other private TV channels are yet to follow suit.

f) Disasters and Other humanitarian conditions

Bangladesh is a major theatre of disasters of various types. It currently ranks as the world's foremost disaster-prone country. The situation is aggravated all the more by it's being one of the most densely populated countries in the world. Natural disasters like floods, cyclones, storm surges, nor'westers, tornadoes, earthquakes, river erosions and droughts; human made disasters like conflicts – both political & apolitical (mostly related with land ownership issues); and other disasters like fire, epidemics and road transport disasters ravage the country every year. And they leave a long trail of mortality and morbidity.

During the last thirty three years, the country was devastated by thirty six severe cyclones of varying intensities, the fiercest one was of 29 April 1991, when material damage was to the tune of about 2.4 billion US dollars and human casualty of about 140,000 lives. On a previous occasion of a similar catastrophe in 1970, about half a million lives were lost. Historical records of floods in Bangladesh dating back to 1781, suggest that a major flood could be expected every seven years and a catastrophic one every 33-50 years. More detailed records since 1954 show the worst flooding since then occurred in 1974, 1987, 1988 and 1998, when 70 percent of the country was submerged in the most serious flood Bangladesh had ever seen.

Usually during the months of April and May, Bangladesh experiences the worst cases of nor'westers and tornadoes, which over a very short duration of time can destroy lives and livelihoods, and leave a long trail of new cases of disabilities. The tornado that hit Netrokona and Mymensingh in April 2004 lasting about 4 minutes in the affected areas, alone resulted in 112 new cases of disabilities against a reported death toll of 111 people. In the last two decades, two other tornadoes are remembered for their severity and ferociousness. On April 26 1989, a tornado hit Satura under the Manikganj district. Damage to crop & livestock was almost total and 800 people were killed. 135 people became disabled for life. On May 13, 1996, another tornado hit Tangail & Jamalpur. In Tangail alone over 500 lives were lost. But there are no data on how many people became disabled in this disaster.

During these catastrophic conditions, people with disabilities suffer the most. Starting from evacuation & rescue from the affected areas, to shifting them to safer shelters & higher grounds, while during their stay in the shelter, to relief & post-disaster rehabilitation efforts – at almost every step they may need some additional attention. However, the general understanding on disability among the non-disabled community is so little, that disaster experts often do not address these issues in their response programs.

Following any major natural disaster, the rehabilitation efforts often include reconstruction of households (or the support for it), and in almost all cases, these are in the form of supply of corrugated iron (CI) sheets. While CI sheets may be more durable, and thus become a better option, in most cases, especially in the coastal areas, these create further cases of physical disabilities (and death) in the following round of disasters. Low cost earthen tiles could be an alternate option for roofs as they do cause such large-scale disabilities. It could also generate income for some poor people. In areas where flash floods are a perennial

problem, and where people have to evacuate their households for safer grounds every year, thatched roofs would help them far better, as they float. Families could stall all their young children and movable belongings on the roofs and swim to safer and higher grounds.

Many of these natural calamities (such as cyclones, tornadoes, & earthquakes), manmade disasters and also traffic & industrial accidents also give rise to the number of disabled people. However, severity of such disasters continues to be rated & remembered only upon the number of deaths they result in, and not on the number of people that become disabled as a consequence.

Over the last decade or so, Bangladesh has seen a rapid growth of the real-estate business sector. Every available vacant space close to the large cities is being gobbled up, and not paying any heed to water drainage, buildings, industries and housing estates are coming up indiscriminately. In many cases the land is not prepared adequately before starting building construction. In many cases the construction goes beyond the approved limits. This is resulting in occasional accidents, where buildings either tilt, or crash down, killing and maiming people in large numbers. In a similar accident early in 2005, a garment factory had collapsed, killing scores of factory workers working during the night shift. Built on a marshy land, the nine-floor factory was constructed on a foundation meant only for four floors. It was then stacked with heavy machinery and equipment on all the floors. After the factory collapsed like a pack of cards during the night, rescue workers reached the spot the next morning. Heavy rescue machinery arrived later in the day, but it took two days to set up the machinery, as the area surrounding the building was not accessible. Two smaller structures needed to be knocked down in the process. Rescue workers having some expertise in such type of work had to be brought in from across the country. Despite all that, it took over ten days to reach the ground floor. By then, most of the trapped workers had died & putrefied. The country desperately lacks the technical knowledge and required machinery for such rescue work. For a country, which geologically lies over the junction of two tectonic plates, where occasional mild tremors have compelled the relevant experts to forecast a major earthquake any day now, the needs for such machinery and technical knowledge is far more a necessity than is being anticipated.

g) Participation & Voice

The national Constitution of Bangladesh has recognized citizens with disabilities to cast vote in all elections at national and local levels. The Representation of the Public Order (RPO) 1972 has no restriction for citizens with disabilities to participate in national & local government elections as candidate, rather the Conduct of Election Rules (1972) clearly specifies processes to be adopted to facilitate vote casting by people with visual and/or physical disabilities, along with maintaining all necessary secrecy and confidentiality. Disability related information were incorporated for the first time in the national voter's list and the Conduct of Election Rules published as gazette on 23 October 2008 provided the following provision for voters with disabilities: Under Article 13 provisions for voting through postal ballot by voters with disabilities is permitted; Article 18 provides for taking assistance in the polling booth to cast the ballot of a trusted companion for persons with physical & visual disabilities.

h) Information & ICT

Availability of information has always been a challenge for the common Bangladeshi citizen. When that citizen is a person with disability, especially with either visual or hearing & speech related disabilities, the challenge has been greater. The situation is gradually improving. In

2009, soon after the present Government came into office, the National parliament enacted the Right to Information Act 2009, more popularly known as the RTI. Under Section 9 sub-section 10 of the act, it is stated that concerned responsible officer will help getting information by a person with sensory disabilities. This sub-section also states that the concerned officer will provide all necessary assistance to demonstrate the information to the person with disabilities.

It is widely known and understood that access to information & Communication Technology (ICT) could break down many barriers, and pave the way for persons with disabilities to compete with non-disabled peers on an equal footing. However, the practice of this has been extremely limited in the past. The National ICT Policy (2008) for the first time has 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 the 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 states further 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 suggests several actions to be taken for accessibility and availability of ICT for persons with disabilities. These are:

- 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;
- National ID card with identification of persons with disabilities and special needs,
- Develop Bangla speech processing tools – Text to Speech (TTS), Automatic Speech Recognition (ASR) – for print disabled community;
- Develop Bangla script processing tools – Optical Character Recognition (OCR), Braille reader – for the print disabled;
- Integrate natural language processing tools in applications.

This policy is quite consistent with Article 9 of the CRPD.

i) Recreation & Cultural Activities

Access of persons with disabilities to recreational & cultural activities is highly limited in Bangladesh. Recreational facilities that are open to public, such as parks, children's parks, theaters, cinema halls, places of cultural interests & historical heritage, museums, tourist spots etc. absolutely lack any kinds of accessibility features whatsoever. Even good and established restaurants do not have any accessibility features for people with disabilities. There are a few notable international restaurant chains that have opened their outlets in Dhaka and Chittagong. They are not accessible either. Only recently, Pizza Hut has made an arrangement to publish their menu in Braille, thinking about its customers with visual disabilities. But that is beyond the economic means of most of the people with disabilities in Bangladesh.

In terms of cultural activities, the Bangladesh Shilpakala Academy and the Bangladesh Shishu Academy organize scores of programs around the year. But they are not inclusive of people with disabilities.

NGOs working in the disability field, with their limited capacities, try to arrange program events at every given opportunity. These programs reveal the high quality of many performers with disabilities in the areas of painting, crafts, songs & dances, which, with a little support and patronization could help establish them in the society. However, so far, the support from either the Government or the non government cultural sectors is vastly missing.

j) Sports & Games

Despite a scarcity of resources, Bangladesh historically spends fairly large sums in the arena of sports and games. Every four years, a large contingent of athletes and officials participate in the Olympics, larger contingents go to the Asian Games, and far larger contingents take part in the South Asian Federation (SAF) Games. However, when it comes to the results, apart from a few good examples at the SAF level, and a rare few at the Asian level, our overall performances at the international level is extremely poor. Only the Bangladesh National Cricket Team is our recognized torchbearer at the international level, having achieved Test Match status in 2000, but even that has been criticised up until recently, with a few good performances at different series that our team has played. On the other hand, it is the people with intellectual disabilities that have brought laurels for the country, by brilliant performances, consistently, in the Special Olympics over the last four outings. But the patronization and support, or the recognition that was expected for this contingent from the Government is far from adequate. If Grameen Phone had not come forward to promote and sponsor this sport, or the contingent, its participation in the last Special Olympics was in doubt.

The National Sports Policy (1998) has made provisions for the promotion of sports for people 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 citizens with special category (2:5). Section 11 of the Policy has also 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.

Despite the constraints, NGOs in this field have progressed fairly well. There is a national body for the Special Olympics, which is gradually setting up affiliates across the country. There also is a National Association of Sports for Persons with Disabilities (NASPD), which is a cross-disability organization, promoting sports & cultural initiatives for people with all types of disabilities. It has regularly organized national level sports on an annual basis, and now also organizes such sports at the Divisional level before the national event.

There are several chess clubs for people with visual impairments across the country, under the Bangladesh Braille Chess Association, which used to hold national level competitions in the past. But due to funding scarcity, the annual event has gradually phased out.

Over the last three years, a Bangladesh Blind Cricket Council (BBCC) has emerged, and is gradually popularizing the game. Two Blind Cricket Clubs have already emerged in Dhaka and Chittagong, and many young people with visual impairments are showing a keen interest into the game. The first such exhibition match in the country was held during the historic inaugural Test Cricket Match of Bangladesh versus India in 2000, from our national stadium. NASPD arranged that match, but now BBCC is ready to take over. It already has a membership of both the Asian Blind Cricket Council (ABCC) and the World Blind Cricket Council (WBCC). Bangladesh now functions as the Treasurer of the ABCC.

k) Safety & Security

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 is capital punishment or rigorous imprisonment for life-term and in addition shall be fined. Section 13 (Provision relating to the Children as Outcome of Rape) sub-section 1 (g) of the said Act states that - in case of disabled child up to his/her gaining ability to 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, amongst people with hearing impairments and those with intellectual disabilities, the women are the most vulnerable victims and are violated as they can not express their evidences to the investigating agencies and before the court. Furthermore, sometimes families of those victims attempt to conceal the facts fearing and/or anticipating social humiliation. Appropriate legal actions can not be taken due to absence of witness before the Court. Legal Aid service by the Ministry of Women and Children Affairs for such nature of case is essential.

l) Access to Legal Support & Justice

The access of people with disabilities to legal support and justice is highly limited in Bangladesh, due to a number of factors. Firstly, there is a general lack of awareness even amongst persons with disabilities & their families on their own rights & entitlements. Secondly, there are no adequate proactive laws to protect the rights to their special needs. Thirdly, the legal system is fairly complex, complicated & time consuming, to a great extent also beyond affordability. Fourthly, there is a lack of proper knowledge and understanding of the special needs issues amongst the law enforcing agencies and legal service providers. A system is also absent in the country to disseminate appropriate information to the families of persons with disabilities. On top of all that, abject poverty often ensures that they are dependent on the rights perpetrators, against whom they have no voice, or means to fight against. Developing an inclusive process to address specific demands of the persons with disabilities is therefore an important demand of the time.

People with disabilities have limitation in movement, stagnancy in expanding their knowledge in the existing socio cultural phenomenon. Almost all of them have been dealing with poverty, hunger, social discrimination for ages. The result ends up in major drawbacks in their personal and social life.

Legal opportunities are not aware or even open for persons with disabilities regarding their faced obstructions in the disability ground. In judgment, courts hardly respond to victims' voices, especially for the people with hearing and intellectual disabilities. For instance, a rights-based lawyer's organization, the Bangladesh Environment Lawyer's Association (BELA) was able to take one case on violation of a disabled person's right to Court, but petition was not offered to the victim.

The law enforcing agencies in Bangladesh are supposed to get oriented on the specific needs regarding disability. The discriminative position of people with disabilities in education, working environment, public communication & support, awareness raising and accessibility in society has to be taken up to the different tiers of the state and addressed together. People with disabilities are supposed to receive legal knowledge, access to justice and stay updated, educated by State on the other hand.

Lack of awareness is to be addressed through awareness raising, training on different laws like the Disability Welfare Act 2001, or human rights laws like the CRPD, disability inclusive laws and so on.

The training curricula for the law enforcing agencies are to be modified for the Police & Ansars. Disability issues should be included into their training manuals & refresher's training manuals such that they would stay concerned on the overall situation of the state of people with disabilities in Bangladesh.

m) Social Security & Social Justice

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 Act is still enforced in Bangladesh. This law is absolutely against the interest of persons with intellectual disabilities and persons with psycho-social disabilities.

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 is co-sharer or in absence of their legal guardians, the court interprets the law and these persons are considered as mentally not sound to manage their property interests. Similarly, 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. The Disability Welfare Act 2001 or Rules under the Act has not covered these issues.

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 there of 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).

n) Minorities with Disabilities:

Disability cuts across all sections of the population, young or old, rich or poor and adds to the vulnerability. Within the sections and/or communities of the population that already is recognized as vulnerable – either for gender, age, ethnicity, religion or belief, geographical location, profession, sexual orientation, or whatsoever reason, about 1 ten percent of them are persons with disabilities, for whom the vulnerability has a multiplying effect. In most cases, they are left out of all mainstream development agenda.

The 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.

Persons with disabilities were specifically mentioned 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 programs 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) are a few specific examples on how the policy addressed the needs of persons with disabilities. However, these are not necessarily being practiced in reality.

Within the ethnic minority groups, most of the groups have an in-built social support system that has been practiced for generations. This ensures that the needy does not go hungry, or the sick does not go without healing. Unfortunately, when it comes to the provisions to be ensured by the State, the people with disabilities in the three hill districts live in extremely vulnerable conditions. First and foremost, the District Committee structure provided in the Disability Welfare Act 2001 has no value in the three hill districts, where the administrative structure itself is different. Physical accessibility is a huge issue there, so is enrolment into the regular schools.

Bangladesh has no anti-discrimination law as yet to protect any form of discrimination against marginalized and minority groups like people with disabilities. In general practice, the judicial system is reluctant to take statements from persons with hearing disabilities, persons with psycho-social disabilities & persons with intellectual disabilities. The Bangla Sign language is not yet officially accepted in the courts of Bangladesh for persons with hearing disabilities though they communicate through Sign language, since it is not legally recognized in the legislation of 2001. There have been exceptions though, where certain judges have invited sign interpreters. But when the poorly educated person with hearing impairment is not conversant in formal sign language, and uses rather indigenous signs, the presence of the interpreter makes little difference in the proceedings of the court.

o) Inclusion Vs Exclusion

One major policy that has prevented Disability from being mainstreamed as a cross cutting development issue is the Allocation of Business of the different ministries of the Government of Bangladesh. According to the Allocation of Business, the Ministry of Social Welfare, since its inception in the early 1960's has been the lead ministry to cater to all the issues of people with disabilities in Bangladesh, including areas like education, employment, rehabilitation etc. But the Ministry, along with the Department of Social Services is not capable enough to deal with all the issues. At the same time, the other relevant ministries also do not address the needs of the people with disabilities, as they often mention, "it is the issue of the Ministry of Social Welfare, and not ours"! As such, the Ministry of Women & Child Affairs does not include issues of women and children with disabilities; Ministry of Youth does not think about the development of youths with disabilities, the Ministries on Education and Primary & Mass Education do not give appropriate importance to the education of adults or children with disabilities.

Over the years, the relevant ministries, in the neighboring countries have changed their respective names, for example, Ministry of Social Rights in Sri Lanka, Ministry of Social Justice in Pakistan, Ministry of Social Justice & Empowerment in India. In Bangladesh however, it has continued as the Ministry of Social Welfare, which is why disability issue is still looked upon as a charity or welfare issue and not a rights based issue.

Bangladesh has a plethora of NGOs (over 60,000) sharing the development work of this country alongside the Government. Almost all NGOs operate on the micro-finance market where the poor can save and borrow small sums of money. An important aspect of this activity is that NGOs have started to levy service charges for greater financial sustainability of their organizations. It could be safely estimated that over 80% of the NGOs work with a basic service delivery package, which consists of chiefly micro-finance, education, health & sanitation projects as their core activities. Unfortunately, even though most of these NGOs are academically targeting the poorest of the poor, practically, people with disabilities, who constitute 20% of the poorest, are more than often left out of all their programs. As far as information is available, fewer than 600 NGOs are currently offering quality program activities for people with disabilities.

A majority of the NGOs are addressing the rights of women, however the rights are women with disabilities are rarely being addressed. Many organizations operate safe shelter homes for women who have been rescued from traffickers and/or abused. But most of their doors are shut to an abused woman if she is intellectually disabled.

Most of the NGOs working on rights of children generally perceive that only Article 23 of the Convention on the Rights of the Child (CRC) applies to children with disabilities, not recognizing that these children are first and foremost – children – and then they should be looked upon as children with disabilities. Hence the CRC applies to these children in its entirety, and in the cases of non-disabled children, Article 23 has no implications.

A large number of NGOs are also offering non-formal education programs tapping the children who are left out from the formal education system. Unfortunately, in most cases they leave out the children with disabilities from their school catchment area surveys. A child with a mobility/physical disability needs no special attention or teaching technique. Those with mild visual and hearing disabilities also could be included in the schools without much extra effort. Yet they are isolated and left out of these programs.

The geography, high population density and the excellent road network have collectively enabled the proliferation of large micro-finance operations, in particular alongside the major roads all over the country. It is therefore not surprising to see growing competition and sometimes overlap between large NGOs with some of the smaller NGOs being squeezed (out of the market). This is because of the fast moving pace of the larger NGOs that wish to increase their coverage first & foremost through a standardized & packaged set of program activities. It is in the remote areas, where communication continues to be a problem that local NGOs can compete better. Those NGOs that propose specific agendas and who are capable of swift change and adjustments are likely to further develop. Disability, being a specialized yet still a niche area, could be a way out for these smaller NGOs for their own survival.

The Disability Rights Watch Group

Background:

On December 13, 2006, the United Nations in its 61st session of General Assembly adopted the historic human rights treaty titled "Convention on the Rights of Persons with Disabilities (CRPD)". The UN invites its member countries to sign off the treaty to protect, promote and fulfill the rights and dignity of persons with disabilities of the world. Persons with disabilities, self-advocates, advocates of rights of persons with disabilities, their organizations, supporters, national and international actors and the member states of the United Nations actively participated to formulate the Convention. The CRPD proclaims an end to the age-old charity and upholds the human rights of persons with disabilities of all the nations. Bangladesh, as a member state has meanwhile ratified the Convention and its Optional Protocol and became one of the pioneering state parties to the treaty.

Prior to finalization of the Convention, an Ad-Hoc Committee was formed to formulate a draft Convention, which had eight consecutive sessions incepting from 2002. Unfortunately, apart from the eighth session, Bangladesh did not participate officially in any of those with some concrete feedback or proposition from this end. Sporadic participation by different NGO leadership in different sessions took place. However, in early 2005, NFOWD decided formally to work on the preparation of the draft Convention. Historical legacy of the state apathy and its predominant welfare approach, reluctance of and denial by the greater development community of the issue, absence of proper education on the issues of human rights of persons with disabilities even within the community working on it, absence of strong social movement of persons with disabilities – all those worked as factors causing such delay in action. However, in spite of a delayed involvement, NFOWD was able to assemble major actors in the process, and organized series of consultations with the diverse communities/groups of persons with disabilities ranging from NGOs, DPOs, human rights movements, relevant government bodies and officials and the civil society actors.

In this journey, NFOWD got both technical and financial support from ActionAid Bangladesh and Save the Children Sweden-Denmark, which had enhanced the activism in an uninterrupted manner. NFOWD was able to join successfully with Save the Children Alliance to send off two children with disabilities (a girl and a boy) to the Sixth Ad-Hoc Committee meeting through a multi-stepped screening process. Both of them were from underprivileged communities and successfully represented the issues of children from a developing country context with their stories of exclusion and denial they have faced on the basis of disability, denial of all the entitlements that were supposed to be the rights of children in Bangladesh. From a disability perspective, it is evident now that all the other human rights treaties, e.g. CRC, CEDAW etc. are meant for the non-disabled majority of the world. From that experience of participation, Bangladesh came to the limelight in the Ad-Hoc Committee meetings. Being inspired by the power of participation from the experience of sixth Ad-Hoc Committee meeting, NFOWD held series of consultations with various groups and stakeholders concerned prior to the eighth session. Those include consultations with Ministries concerned, scholars from the groups of persons with disabilities, children with disabilities, visually challenged persons, groups of women with disabilities, the NGO communities and INGOs/supporters and international actors concerned. The consultations blended with the mastermind opinion by some of the eminent human rights and development experts, NFOWD formulated a position paper to place before the eighth session of the Ad-Hoc Committee on behalf of Bangladesh. Meanwhile, the leadership of the Forum carried out successful lobbying to get the government accreditation for the position

paper. Mr. Monsur Ahmed Choudhuri, the then Chair of Policy & Legislation Committee of NFOWD conveyed the paper to the UN as an official representative of the Government of Bangladesh.

It should be mentioned here that NFOWD has been the single actor to advocate ceaselessly to ratify CRPD & its Optional Protocol by the GOB. Thus it has facilitated to create history in disability rights movement ensuring getting those two documents ratified. Bangladesh is one of the first twenty ratifying countries to the CRPD, which has promoted a very positive image of our country in front of the global community. This is going to be a new journey of human rights exercise with such a strong legal instrument by the persons with disabilities and their supporters. The CRPD, as the most important human rights instrument in the lives of the persons with disabilities has to reach out the people, the relevant actors, the institutions concerned for their response and use. Or else, the whole story would remain just as rhetoric like many other human rights treaties we had before.

Why a Watch Group?

NFOWD announced formation of a Watch Group (named as "Disability Watch") in several public events, which appeared in several national media immediately after the UN adopted the CRPD. Disability Watch intends primarily to monitor the progress of implementation of CRPD as a civil society group and report back to the Committee to this Convention. Ratification of CRPD and especially its Optional Protocol has opened the door for persons with disabilities to claim human rights on an equal basis with others. Any violation to this, denial of protection and provision of remedy at local level may result to launch complaint against the source country to the Committee of this Convention. The government of Bangladesh has to submit report to the Committee after an interval of two years of entry into force of the CRPD. Disability Watch takes the opportunity to advocate and play the key civil society role to publish shadow reports to the UN. This is a journey towards the greater exercise of referring the international human rights law to strengthen disability movement in Bangladesh.

Challenges ahead:

- Apathy of the state apparatuses, which might end up their duty just making an ornamental signing on another international treaty;
- There is no group or body to play a wide-ranging civil society role to uphold the commitments, to help the government and other actors in finding out necessary solutions/get things done;
- Shifting the disability paradigm from a needs-based to human rights-based approach is not an easy task.
- Narrow and compartmentalized perception on human rights of persons with disabilities by the NGOs and the organizations of the persons with disabilities;
- The issue is not a recognized mainstream development agenda and not a development priority in Bangladesh as yet;
- Involving relevant actors from various sectors so that the Convention and the actions regarding this do not take place in isolation;
- Formulating, adopting, amending, repealing policies and legislations that presently do not support persons with disabilities in attaining their full human rights and dignity and to get the authorities, institutions and the actors involved actively;
- Wider communities of persons with disabilities were not actively involved in formulating the draft, therefore, for the majority of persons with disabilities, the document is coming in their lives as a 'miracle'...building post-facto ownership...?

- Wider community & mass people are not aware of the significance of an international human rights law. Stigma and stereotypes construct a very negative image of people with disabilities that is predominant in the country
- State bureaucracy in the name of 'Allocation of Business' still active as a strong barrier to exercise human rights of persons with disabilities. The State officially perpetuates 'charity' as the solution to disability issues and reinforces compartmentalization, which is evident.

Aims of the Disability Watch:

- Monitor, investigate, report & act on the issues of human rights violation of persons with disabilities in Bangladesh;
- Monitor the progress of CRPD pledges by the government of Bangladesh and other national & international agencies making an impact on the lives of persons with disabilities in Bangladesh.
- Play a civil society role, which intends to bargain with the State for the promotion, protection and fulfillment of human rights & dignity of persons with disabilities in Bangladesh.

Scope of work:

- To act as a 'complaint box' for the persons with disabilities facing human rights violation in Bangladesh;
- To provide feedback to the state and to the Committee to the Convention by publishing reports called "State of Human Rights of Persons with Disabilities in Bangladesh"
- Produce Alternative/Shadow Reports to send to CRDP Committee
- Publishing policy briefs and presenting modalities/alternative frameworks to the State and Non-State Actors;
- To provide technical support to the social movements, other civic and human rights forums for promotion of inclusive development and human rights exercise;

Group Composition:

Convener:

Ms Quazi Rosy, an eminent human rights & woman's rights activist, noted poet and litterateur, involved with the disability movement for over 10 years, in personal life – fighting cancer for over a decade.

General Body:

The General Body comprises of eminent human rights advocates, individual activists, contributors, representatives of organizations promoting human rights of groups of people including persons with disabilities.

Members of this group at the end of 2009 are:

Ms Rasheda K Chowdhury	Director, CAMPE
Prof Dr Abdul Mannan Chowdhury	Vice Chancellor, World University of Bangladesh
Mr Zaglul Ahmed Chowdhury	Chief Editor & Managing Director, Bangladesh Shongbad Shongsha (BSS).
Adv Syeda Rejwana Hasan	Advocate, Bangladesh Supreme Court & Director, Bangladesh Environment Lawyers' Association (BELA).
Mr D P Borua	Former Chief Editor & Managing Director, Bangladesh Shongbad Shongsha (BSS).

Dr Iftekhazzaman Ms Ayesha Khanom Adv Dr Naim Ahmed Prof Shafiq Ahmed Siddiq	Executive Director, Transparency International Bangladesh President, Bangladesh Mohila Porishod Advocate, Bangladesh Supreme Court Dept of Accounting, Business Studies Faculty, University of Dhaka.
Mr C M Shafi Sami	Ambassador (Retd) & Former Foreign Secretary of the Govt. of Bangladesh
Prof Qazi Kholikuzzaman Ahmad	President, Bangladesh Economy Society & Chairman, Bangladesh Unnayan Porishod
Prof Dr Subhagata Choudhury	Director, Laboratory Services, BIRDEM Hospital
Dr Haseeb Mahmud Mr Osman Khaled	Director, IMPACT Foundation Bangladesh Ex Vice President, Bangladesh National Federation of the Deaf & CAD Engineer Advanced Development Technologies.
Ms Antora Ahmed	Asst. Vice President, Arab Bangladesh Bank Ltd.
Mr Mostafa Jabbar Dr Wahidul Islam	President, Bangladesh Computer Samity Country Director SightSavers International
Dr Hamida Khanom	President, Society for Education of the Intellectually Disabled, Bangladesh.
Ms Akteri Asf (Shopna Reza) Adv Eliza Rahi Ms Kawsar Parvin	Secretary General, Caring Glory Executive Director, Shomaj Porborton Kendro (SPK) Vice President, Kormojeebi Shomajsheba Shomity

Core/Working Group

A (9 member) Core Group includes activists, experts, self-advocates & rights advocates, multidisciplinary group, gender and disability balanced.

Ms Quazi Rosy Mr Shahidul Huq	Eminent writer & human rights activist Executive Director, Social Assistance & Rehabilitation for the Physically Vulnerable
Ms Mohua Paul	Director, ACCESS Bangladesh Foundation
Mr Habibur Rahman	General Secretary, National Grassroots Disability Organization
Mr Harun ur Rashid	Executive Director, Bangladesh Protibondhi Shohojogita Sangstha
Mr Badrul Mannan	General Secretary, Welfare Society for Mental Health & Rehabilitation
Mr Khairuzzaman Kamal	Executive Director, Bangladesh Human Rights Journalists' Forum
Mr Swapan Bhuiyan	Staff Correspondent, Bangladesh Shomoy
Ms Rehana Begum	Program Officer, CAMPE

Division of Labor:

- NFOWD provides overall secretariat support to the Disability Watch in carrying out its regular and periodic activities. Forum collects funds and assembles other resources for smooth operation of Disability Watch.
- An (may be more than one) expert organization (based on merit and credibility the GB selects the name) takes the responsibility of carrying out the monitoring report on bi-annual basis.
- Focal Points at District Level: Voluntary position, rotating if needed.

The Parliamentarians' Caucus on Disability

Background:

Involvement of civil society in development activism has become a popularly celebrated fashion in development arena. However, involvement of political society into the agenda of development journey has not yet been taken into consideration to that extent. Formation, engagement and partnership with a Parliamentarian's Caucus on Disability Rights would pave the way to critically engage with political society to ensure, protect and promote rights and dignity of persons with disabilities in Bangladesh, who experience worst form of poverty, discrimination and social injustice, are forgotten during national development plan, remain missing in population census and officially treated as objects of clinical intervention and pity. There are Parliamentarian's Group on the issues of Quality Education, HIV/AIDS and Anti-Trafficking, which have made significant contributions in the respective fields. Usually, good Parliamentarians from major political parties form such 'loose forum' to work inside the Parliament and outside in their respective political platforms to promote particular issues and to bring them under their political agenda. After the Parliament took off, the NFOWD leadership initiated a process to form such a group on the issues of disability rights. Following discussions with a couple of good Parliamentarians the plan was taken forward. The NFOWD leadership formally approached the former Minister for Law, Justice and Parliamentary Affairs, proposing him to lead the caucus. He discussed the proposal formally with the Speaker of the Parliament. Upon an agreement from all, the Caucus was formally launched on 23rd November 2009 through its first meeting hosted in a Cabinet Room of the National Parliament.

Pattern of the Caucus:

Good Parliamentarians from major political parties who has shown their interest to join and form such a group previously in various occasions organized by NFOWD. They have proved their commitment meanwhile to promote an inclusive development agenda.

Purpose:

The Parliamentary Caucus on Disability (PCD) intends to ensure greater influence in the policy forum on the issue. This would enhance the pace of advocacy in favor of persons with disabilities. The Caucus takes lead in policy formulations as well as influences their respective Party agenda and manifesto from a human rights-based perspective.

Broad-based activities:

- Propose and formulate laws for the promotion and protection of rights and dignity of persons with disabilities;
- Initiate to repeal policies & laws that perpetrates human rights violations of persons with disabilities
- Influence and advocate to formulate inclusive national development plans e.g., PRSP, sectoral plans;
- Actively take part to ensure greater and just allocation for persons with disabilities in the national budgets;
- Influence private sector agencies to respond to the issues of persons with disabilities;

Sustainability:

Activism of previously organized Parliamentarian's Caucus on the issues of HIV/ AIDS and Anti-Trafficking issues has been recognized and appreciated as they have made a difference. They were able to set up a Caucus Secretariat in the Parliament building. Disability as an emerging development issue as well as a vibrant social movement has already achieved significant level of respect from the government's end. Following the ratification of CRPD and its Optional Protocol by Bangladesh, it has become a legal obligation of the government to promote, protect and fulfill the rights and dignity of persons with disabilities on an equal basis with others. Therefore, political parties will have to recognize the issue and respect the human rights treaty and its pledges. The Caucus would play a critical role to promote disability as a mainstream development and human rights agenda in the political arena.

Composition:

Convenor: Advocate Abdul Matin Khasru (AL)
Chairperson, Parliamentary Standing Committee on Private Members' Bills & Resolutions
Former Minister, Ministry of Law, Justice & Parliamentary Affairs
Constituency # Comilla 5

Members: Advocate Mir Showkat Ali Badsha (AL)
Constituency # Bagerhat 2

Alhaj Dr Mozammel Hossain (AL)
Constituency # Bagerhat 3

Mr A B M Ghulam Mostafa (AL)
Constituency # Comilla 4

Mr Nasimul Alam Chowdhury (AL)
Constituency # Comilla 8

Advocate Fazle Rabbi Miah (AL)
Constituency # Gaibandha 5

Mr Bazlul Haque Haroon (AL)
Constituency # Jhalokathhi 1

Ms Sagufta Yasmin (AL)
Constituency # Munshiganj 2

Mr Matior Rahman (AL)
Constituency # Mymensingh 4

Prof Dr M Amanullah (AL)
Constituency # Mymensingh 11

Dr M Akram Hossain Chowdhury (AL)
Constituency # Naogaon 3

Mr Waresat Hussain Belal, Bir Protik (AL)
Constituency # Netrokona 5

Barrister A M Mahbub Uddin Khokon (BNP)
Constituency # Noakhali 1

Mr Mahmud Us Samad Chowdhury (AL)
Constituency # Sylhet 3

Professor Apu Ukil (AL)
Constituency # 302

Advocate Tarana Halim (AL)
Constituency # 308

Ms Rowshan Jahan Shathi (AL)
Constituency # 326

Ms Rasheda Begum Hira (BNP)
Constituency # 339

Advocate Salma Islam (JP)
Constituency # 345

Other Members of Parliament could be joining the Caucus in the future.

Conclusion

Disability has, and will always remain in our society, with the entire social stigma attached to it. But in the backdrop of all these problems, the silver lining is that the government is showing an increasing interest in the Disability sector, and at the same time, a keen interest to work hand in hand with the non-government sector. But to make some real progress in this field in a developing country like Bangladesh, an all out effort from all quarters is mandatory. Now that the revised Allocation of Business of different Ministries and Departments is in its final stages of approval, it can be anticipated that, when this change sees the light of day, all the development ministries of the government, in addition to the Ministry of Social welfare, will have some concrete role to play. Similarly, at the non-government sector, many NGOs are also increasingly taking up disability work. The Corporate sector is also opening up to the issue, creating new avenues for employment and other types of support. The media – electronic & print – have also begun to show a responsibility to highlight the problems and prospects regarding people with disabilities.

People with disabilities themselves, their organizations, other organizations working in this field and all the advocacy platforms now need to increase their awareness campaigns for prevention of disability, and for establishing their rights and privileges, as equal citizens of this country, in the light of the CRPD. Measures should be taken to ensure that every child with a disability gets access to basic and quality education, every person with a disability has an opportunity for a respectable employment and/or income, every built infrastructure and transportation system is equally accessible to people with disabilities, every person with a disability has equal access to the legal system and the basic public utilities, every preventable disability is actually prevented, and that every person with a disability can live a life with dignity & freedom.

Like gender development issues, Disability should also be recognized as a crosscutting mainstream development agenda for all. Only then we shall collectively bring about positive changes in the lives and livelihoods of the people with disabilities in this country, and any other country in the world.

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