



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

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Item 5 of the provisional agenda

**Consideration of reports submitted by parties to  
the Convention under article 35**

**Replies of Bangladesh to the list of issues in relation to its  
initial report\***

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

### **Reply to paragraphs 1 (a), (b) and 2 of the list of issues CRPD/C/BGD/Q/1**

1. Like other common law countries, international treaty provisions are not directly applicable in Bangladesh, rather the treaty provisions are implemented through legislation at the domestic level. The rights and obligations arising out of CRPD are applied through multiple legislations, both primary and delegated.
2. The Constitution of Bangladesh is the supreme law of the land. While guaranteeing non-discrimination and equal protection of law for all citizens, the Constitution allows affirmative action targeting the backward and underprivileged sections of the society which includes persons with disabilities. Other principal machineries to implement CRPD include the Parliament, the Cabinet, numerous administrative bodies and different autonomous institutions.
3. The Rights and Protection of Persons with Disabilities Act, 2013 was enacted after Bangladesh's ratification of the CRPD. Hence care has been taken to ensure that the legislation adheres to the human rights model of the disability to the extent possible.
4. Currently a long-term Plan of Action (2018–2025) is under implementation which has been developed through wide stakeholder consultation involving also the persons with disabilities. The gaps and issues identified or to be identified in the current plan would be addressed in the future action plans.

## **B. Specific rights (arts. 5–30)**

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

#### **Reply to paragraphs 3 and 4 of the list of issues CRPD/C/BGD/Q/1**

5. Article 28 of the constitution is the basis of non-discrimination in Bangladesh. The State ensures equality before law and also equal opportunities for all. The Constitution also allows the Government to take affirmative action to bring the backward section of the society into the mainstream economic life.
6. The Government has considered the draft Anti-Discrimination bill proposed by the Law Commission. In the meantime, the National Human Rights Commission submitted a new draft to the government.
7. The government is currently considering both the drafts. In the meantime, the Government is also taking stock from various Ministries in light of the national policy on the implementation of the SDGs in order to bring it in conformity with relevant sustainable development goals. The government also plans to consult the relevant stakeholders from the civil society as well as the minorities and other backward sections of the society including persons with disabilities and leprosy before the draft could be finalized.

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

#### **Reply to paragraph 5 of the list of issues CRPD/C/BGD/Q/1**

8. Bangladesh Constitution ensures the equal enjoyment of human rights and fundamental freedoms for the women and girls with disabilities.

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

#### **Reply to paragraph 6 of the list of issues CRPD/C/BGD/Q/1**

9. Children with disabilities can equally enjoy all the rights ensured by States to its Citizen. Any aggrieved individual can take recourse of the Court.

10. Both of Bangladesh's Children Act, 2013 and Children's Policy 2011 was formulated paying necessary attention to the Children with Disabilities. Section 89(1) of the Children Act 2013 categorized groups of Children as "Disadvantaged Children". Clause (h) included "children with any forms of disability" to that category.

11. Section 89 (2) declared that the Government may take necessary measures in accordance with the procedure specified by Rules for the purpose of ensuring special protection, care and development of disadvantaged children.

12. National Children Policy 2011 designated its section 6 for undertaking specific planning and programs for implementing Child Rights and specified 6.8 for undertaking Special program for the Children with disability. This includes:

- The rights of all types of disabled children to recognition and respectable living as enshrined in the UN Charter on the rights of the disabled shall be ensured;
- Measures shall be taken for mainstreaming of the disabled children in the society and for ensuring their active participation in each area of life including education. Education is major concerned, according to the types of disability shall be given due importance;
- The children who cannot be mainstreamed in education for the reason obvious for them only special education arrangement shall be considered;
- Appropriate institutional programs shall adopt for education, treatment, training and rehabilitation of the disabled children;
- The families of the disabled children shall be given special assistance and co-operation by undertaking programs in the matter of preventing and assessing of such disability and for their upbringing and growth;
- All infrastructures, facilities and services shall be made accessible to all to ensure that no child is deprived of any kinds of rights and receiving services under the National Child Policy because of their disability.

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

#### **Reply to paragraph 7 (a) and (b) and 8 of the list of issues CRPD/C/BGD/Q/1**

13. Under the auspices of the Rights and Protection of Persons with Disabilities Act, 2013, in addition to National Executive Committee (NEC) and National Coordination Committee (NCC), Committees has been formed in District, Sub-District (Upazilla) and town areas to protect the rights and best interests of the persons with disabilities.

14. Through this committees Government aimed to reach at the grassroots level. Each of these committees have more than 2 representatives of Disabled People's Organization, NGOs or voluntary organization working to protect the rights of the Persons with Disabilities.

15. Jatiyo Protibondhi Unnayan Foundation (JPUF) under Ministry of Social Welfare (MoSW) has been observing various National and International Days to build awareness against the prevailing stigma and discrimination from the society. Moreover they have developed a plan to arrange workshop in every district and divisional headquarters in order to boost awareness about the rights and protection of disabled persons among common people.

16. Besides, every year Neuro-Developmental Disability Protection Trust (NDD Protection Trust) organizes World Autism Awareness Day, World Cerebral Palsy Day and Down Syndrome Day. On these occasions, leaflets and brochures were published by the NDD Protection Trust, which contained information related to these disorders.

17. These events are helping to combat stereotypes, prejudices and harmful practices relating to persons with disabilities in every sphere of society.

## **Accessibility (art. 9)**

### **Reply to paragraph 9 of the list of issues CRPD/C/BGD/Q/1**

18. The Act of 2013 ensures the engagement of Disabled People's Organization and relevant NGOs in all activities vis-à-vis to protect the best interest of persons with disabilities through different committees. The Act in Section 34 further ensures that public establishments must be accessible to people with disabilities.

19. Due to the social movement conducted by some leading NGOs and negotiations with authorities' the situations regarding accessibility issues for the persons with disabilities are gradually improving. In capital Dhaka, notable public structures like the National Museum, the Parliament Building, National Stadium, and University of Dhaka along with significant number of private structures have pavements and ramps for disabled person.

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

### **Reply to paragraph 10 of the list of issues CRPD/C/BGD/Q/1**

20. No such practice exist in Bangladesh.

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

### **Reply to paragraph 11 (a) and (b) of the list of issues CRPD/C/BGD/Q/1**

21. In 2015, Bangladesh Government adopted National Disaster Management Policy. Section 10.3 of the Policy reserved special provisions for the persons with disabilities titled "Disaster and Persons with Disabilities". It says:

- Keep information on the number of people with disabilities, their gender and disability types all unions during disaster risk stage;
- At all committees on Disaster, there should be have at least 1 (one) disable person and 1(one) disable practitioner who will represent the disabled at national and field level;
- The infrastructures such as tube wells, latrines, disaster fairs etc. created by the Ministry of Disaster Management and Relief or any development program must be designed in a way which is favorable to disable and elderly people.

22. National Plan for Disaster Management (2016–2020) also ensures inclusiveness and representation of persons with disabilities at all disaster management programmes.

23. In 26 September 2019, Bangladesh Government published "Standing Orders on Disaster 2019". This document was formulated in line with the Sendai Framework for Disaster Risk Reduction 2015–2030 and ensures representation of organizations of persons with disabilities in all stages of disaster management.

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

### **Reply to paragraph 12 (a) and (b) of the list of issues CRPD/C/BGD/Q/1**

24. The Provisions of the Contract Act and Transfer of Property Act aims to protect the best interest of the contracting parties and designed in such a way so that the person who is entering into contract or transferring a property may understand terms and conditions and clauses of the agreement. The Acts allow every person who is of the age of majority according to the law to which he is subject, and who is of sound mind, and is not disqualified from contracting by any law to which he is subject.

25. Section 12 of the Contract Act defined a person of sound mind for the purpose of making a contract if, at the time when he makes it, he is capable of understanding it and of forming a rational judgment as to its effect upon his interests.

26. A person with psychological or intellectual disabilities is presumed that he or she cannot understand the terms of the agreement and thereby cannot make any rational judgment vis-à-vis the contract or transfer. That is why persons with psychological or intellectual disabilities are prevented from entering into a contract or transfer any property. This is a well-established practice worldwide.

27. Apart from this, there is no other restriction for people with disabilities regarding entering into contracts, inheritance, voting and taking decisions. Even there is no bar for persons suffering from psychological disability can inherit property.

28. Furthermore, under the Ministry of Social Welfare, NDD Protection Trust has taken an initiative to find out the discrepancies in different Acts and policies and harmonize the existing Acts and policies following CRPD and other international guidelines.

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

#### **Reply to paragraph 13 (a), (b) and (c) of the list of issues CRPD/C/BGD/Q/1**

29. Person with disabilities have full and unfettered access to justice system like any other citizen. Moreover the Present Government in 2000 has introduced the Legal Aid Act in its first tenure. Nowadays any litigant who is incapable of seeking justice due to financial insolvency, destitution, helplessness and for various socioeconomic condition can receive free legal aid from the Government. This service is also available for persons with disabilities.

30. All newly constructed multi-storied Court buildings have lift facilities for litigants including litigants with disabilities and some of them have separate ramps.

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

#### **Reply to paragraph 14 of the list of issues CRPD/C/BGD/Q/1**

31. Under the Constitution, persons with disabilities, like all other persons, are guaranteed the right to life and personal liberty. Upholding constitutional supremacy, none of the legislation restrict the liberty and security of persons with disabilities. Moreover, as described earlier that NDD Protection Trust are working to find out the discrepancies in different Acts and policies with a view to updating them in accordance with CRPD and other international guidelines.

32. The National Mental Health Act 2017 was approved by the cabinet in January 2018 and will replace the 105-year-old Lunacy Act 1912. Updated legislation will provide a legal foundation to ensure service provision for care and treatment of persons with mental disorders which upholds human rights and maintains respect and dignity.

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

#### **Reply to paragraph 15 (a) and (b) of the list of issues CRPD/C/BGD/Q/1**

33. Bangladesh has been a state party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) since 1998. In 2013, the Parliament has enacted the Torture and Custodial Death (Prevention) Act, 2013 with the specific objective to give effect to the provisions of the UNCAT. The said Act contains extensive provisions for the prevention and punishment of any act amounting to torture against any person. Since the Act came into force, no cases of torture and custodial deaths of persons with disabilities has been recorded.

34. The Constitution of Bangladesh incorporates justiciable provisions prohibiting torture as one of the fundamental rights. In addition to the specific provision for protection in respect of trial and punishment, respect to human rights and dignity of a person is protected through Part II and Part III of the constitution. Part III which contains judicially

enforceable provisions of “Fundamental Rights” that ensure and safeguards rights related to trial and punishment including protection against torture. Moreover judicially non-enforceable Principles of State Policy (FPSP) which are incorporated in Part II marked “fundamental human rights and freedoms and respect for the dignity and worth of the human person” as a guiding principle for the work of the State.

35. In addition to the Constitution, Acts of Parliament, executive decisions/enactments, decisions of the Supreme Court, and policy measures constitute the domestic legal regime concerning prevention and punishment of torture. The Parliament has enacted the Torture and Custodial Death (Prevention) Act, 2013 which contains extensive provisions regarding punishment of perpetrators for any act amounting to torture.

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

#### **Reply to paragraph 16 (a), (b), (c), (d) and (e) of the list of issues CRPD/C/BGD/Q/1**

36. Section 16 of the 2013 Disability Act ensures the right of all disabled persons to equal protection under the law, access to justice, a fulfilling life and to develop. It expressly provides for a disabled person’s right to be free from violence and to live life in a healthy and secure environment. The Act further expressed in Section 12 requires the State to train duty bearers of the justice system to ensure unrestricted access to justice to PWDs who are victims of violence, exploitation and torture, arrange health services, rehabilitate any disabled victims of sexual violence, take steps to arrange for safe custody for a victim of violence, and lastly, to take all necessary steps to ensure legal services for them. In pursuant of the Provisions of Constitution and the said Act, any incidence of violence against persons with disabilities will be tried similarly as those of other instances.

37. Along with the Disability Act 2013, Bangladesh has some specific legislations like The Suppression of Violence against Women and Children Act 2000, Domestic Violence Act 2010, The Child Marriage Restraint Act, 2017 etc. to give additional protections to women and girls against any form of exploitation, violence and abuse. Government in 2017, launched “999” as the toll-free national emergency number. Any instance of violence can be reported immediately to this number and police will take necessary actions.

38. Any form of mutilation is considered a grave offence by the Penal Code of Bangladesh and punishable with death or life imprisonment.

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

#### **Reply to paragraph 17 of the list of issues CRPD/C/BGD/Q/1**

39. Apart from some sporadic instances, such malpractice does not exist in Bangladesh.

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

#### **Reply to paragraph 18 of the list of issues CRPD/C/BGD/Q/1**

40. Government initiates Allowance Program for PWDs in 2005-06 FY as a symbol of its moral obligations towards the PWDs on the basis of the Article 15 (D) of the constitution. In the very beginning 104,166 persons with disabilities were offered a monthly allowance of BDT 200. Since then, the number of recipients and allowance amount has been increased exponentially. In current FY, BDT 13.9 billion has been allocated for 1.5 Million persons with disabilities. Each of them received a monthly allowance of BDT 750.

41. In 1978, Department of Social Services has established National Training and Rehabilitation Center for the PWD in order to make visually impaired persons capable of self-sustained lives through vocational training. Till date the number of rehabilitated persons is 713. In this institution, visually impaired persons receive training in bamboo and cane work as well as in poultry rearing and movement. At the end of the training, each trainee receives a stipend of BDT 4000 as rehabilitation allowance; The institution further help trainees to obtain employment in both private and public institutions.

42. Similar center was established in Gazipur and Bagerhat Districts (Rural Rehabilitation Center) for persons with physical disability including those who are deaf and dumb. In these institutions trainees are provided with various types short-term industrial trainings such as mechanical, wood work, tailoring, poultry and nursery training etc. Here also trainees receive a stipend of BDT 4000 to rehabilitate themselves. So far, 3223 person have received such training.

## **Personal mobility (art. 20)**

### **Reply to paragraph 19 of the list of issues CRPD/C/BGD/Q/1**

43. The Jatiyo Protibondhi Unnayan Foundation – JPUF (National Foundation for Development of the Disabled Persons) has initiated providing assistive device to the persons with disabilities (PWDs). The main objective of the initiative is to foster social inclusion and participation of the persons with disabilities (PWDs) in every aspect of life. Till November, 2019 forty five thousand five hundred and thirty four (45,534) assistive devices like wheel chair, try cycle, standing frame, walking frame, white cane, smart white cane, hearing aid machine, elbow crutch and limb have provided among the persons with disabilities (PWDs) free of cost.

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

### **Reply to paragraph 20 (a), (b), (c) and (d) of the list of issues CRPD/C/BGD/Q/1**

44. The Freedom of expression of PWDs are well protected in accordance with Constitution’s Article 39.

45. The national television channel “Bangladesh Television” and some private channels has incorporated interpreting the speech into sign language.

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

### **Reply to paragraph 21 of the list of issues CRPD/C/BGD/Q/1**

46. Right to form family is a constitutionally guaranteed fundamental right in Bangladesh without discrimination on any ground.

## **Education (art. 24)**

### **Reply to paragraph 22 (a) and (b) of the list of issues CRPD/C/BGD/Q/1**

47. The Disability Act of 2013 refers “general education” for those studying with non-disabled students and “special education” for disabled people with special needs, requiring extra care and taught through a different mode of education. It guarantees the right to “access to education” for every disabled person (Section 16 (h)) including the right to participate in either general or special education. A disabled person is entitled to an appropriate environment and access to all opportunities during their course of study (Section 16 (m)). The Act furthermore prohibits the head/authority of an educational institution from preventing admission of a disabled person on the basis of discrimination, and also details the consequences for doing so.

48. Under the supervision of Jatiyo Protibondhi Unnayan Foundation (JPUF) there currently there are 62 special schools for intellectually disabled children and 11 schools for the children with autism. More than 9,200 students are studying in these institutions.

49. The DSS is running the “Integrated Education Programme for the Visually Impaired (blind) Children” with a view to provide education with normal students. They are taught in braille system. The books are published in the braille press of the Employment and Rehabilitation Centre for the Physically Handicapped (ERCPH), Tongi, Gazipur. Started functioning since 1974, the Programme has incorporated the syllabus of the Secondary

Education System. Currently, under this programme, 64 units have been set up in selected normal secondary schools in 64 districts.

50. Besides there are 08 National training and Rehabilitation centre for PwDs and vocational training, employment and rehabilitation centre for physical disabilities.

51. To encourage the children with disabilities to enrol themselves in the educational institution and to prevent dropouts, the GoB has initiated stipend programme for the disabled children. During 2008–2009, the number of disabled children who received stipends was 13041 and total sanction from government was BDT 60 million. This FY, the Government has allocated taka 95.64 core for 100000 students.

52. The Ministry of Social Welfare has developed a Combined Special Education Policy on Disability 2019. The policy aims to align the education system for PWDs with CRPD goals.

## **Health (art. 25)**

### **Reply to paragraph 23 (a), (b) and (c) of the list of issues CRPD/C/BGD/Q/1**

53. The Disability Act establish the right of PWDs to live in a healthy environment. It states that depending on the type of disability, quality medical services and health care facilities must be provided to PWDs. It also prohibits discrimination against PWDs; and empowers them to make complaints to the District Committee against any discrimination faced while availing health care services and to claim compensation.

54. The Act calls for use of accessible modes of communication in all hospitals and medical institutions including sign language interpretation or employment of speech language therapists where deemed necessary. Under the Act all aspects of accessibility and mobility is to be ensured for PWDs in medical and health care institutions.

55. JPUF has been implementing a program titled Protibondhi Seba O Sahajjo Kendro (PSOSK) since 2009. Under the program there are 103 Integrated Disability Service Centers (IDSCs) covering all 64 districts and 39 Upazillas of the country. Physiotherapy, speech and language therapy, occupational therapy, hearing test, visual test, counselling, referral service etc. are being provided to the PWDs free of cost from these centers. Gradually this program will be extended up to upazila level of the country very soon.

56. With a view to provide therapeutic services to the remote people with autism, 12 mobile therapy vans are working at free of cost. From the mobile campaign report, till last September, 319,853 PWDS registered in this centers and 7,15,923 received services from these 103 IDSC. A mobile therapy van camp has been established in Bangladesh Secretariat in June, 2017.

57. Moreover, Neuro-Developmental Disability Protection Trust has formed 64 District level Committees and One Stop Hospital Service Committees in different hospitals to ensure the prompt service for the persons with NDDs. The Trust also helping the persons with NDD with following: (a) NDD Protection Trust is providing annual financial support for health for person with NDDs; (b) Caregivers Skill Training Program has been initiated with the technical support of World Health Organization (WHO) to train the caregiver to provide more efficient and evidence based care for the children in Bangladesh in the different parts of the country, and (c) Bangladesh Rehabilitation Council Act-2018 has been enacted to ensure appropriate rehabilitation management for person with disability. NDD Protection Trust played a key role in this initiative. Rehabilitation Council has initiated its activities in accordance with this law.

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

### **Reply to paragraph 24 (a), (b) and (c) of the list of issues CRPD/C/BGD/Q/1**

58. The Disability Act provides for the right to employment in all government and non-governmental organizations and to benefits, pensions, maternity payment, compensation

packages and other facilities in the event of a PWD not being able to continue employment, and prohibiting discrimination. (S. 16 (i) (j)) No such organization can refuse employment to a disabled person on the basis of discrimination as long as that person has the capacity to perform in that position. (S. 35).

59. The Act sets out the duty of public and private organizations to identify positions within their organization suitable for an employee with disabilities; the duty to ensure employment and sole business opportunities, provide banking and commercial services on a priority basis and provide easy access to small loans and start up loans.

60. To facilitate the persons with disabilities, especially youth and women in the open labor market JPUF has organized two job fairs in 2016 and 2018 consecutively. From the job fair 2018, 65 (Sixty five) persons with disabilities got job in formal sector of different private organizations.

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

#### **Reply to paragraph 25 of the list of issues CRPD/C/BGD/Q/1**

61. By considering the condition of PWDS, GoB is expanding the number of beneficiaries and their allowances for adequate standard of living and social protection.

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

#### **Reply to paragraph 26 (a), (b) and (c) of the list of issues CRPD/C/BGD/Q/1**

62. Apart from person of unsound mind, no other person with disabilities is barred from participation in political and public life in purview of the Constitution of Bangladesh.

63. Apart from the Constitution, the Representation of the People Order, 1972 in Order 31 (7) states that “where an elector is blind or is otherwise so incapacitated that he cannot vote without the assistance of a companion”, the Presiding Officer shall provide assistance.

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

#### **Reply to paragraph 27 (a) and (b) of the list of issues CRPD/C/BGD/Q/1**

64. The accessibility of PWDs is encouraged in all public and private structures. Currently several public structures like the National Museum, the Parliament Building, National Stadium, Universities and Hospitals has ramp and lift facilities. Government also encourage PWDs to participate actively in sports and recreational activities.

65. The Ministry of Social Welfare (MSW) is going to establish a sports complex for the persons with disabilities with the facilities of Football, Cricket, Swimming, and other games. Bangladeshi players also regularly participate in special Olympics.

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

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

#### **Reply to paragraph 28 (a) and (b) of the list of issues CRPD/C/BGD/Q/1**

66. Such data has already been collected and available on Government’s Disability Information System website which can be accessed at [www.dis.gov.bd](http://www.dis.gov.bd).

**International cooperation (art. 32)**

**Reply to paragraph 29 of the list of issues CRPD/C/BGD/Q/1**

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

**Reply to paragraph 33 (a) and (b) of the list of issues CRPD/C/BGD/Q/1**

67. The National Human Rights Commission of Bangladesh has formed a thematic committee on persons with disability and autism which receives complains from persons with disability.

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