



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Bangladesh\*

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

1. Please provide the Committee with information on:
  - (a) Measures to incorporate the Convention into domestic law or make it automatically part of the Constitution to ensure that any public action for its implementation follows a human rights-based approach, as promoted in the Rights and Protection of Persons with Disabilities Act, 2013, rather than a charity-based approach;
  - (b) The harmonization of laws and policies with the Convention and on measures to ensure that the concept of disability used in the State party fully adheres to the human rights model of disability.
2. Please state whether and how the national action plan for persons with disabilities adopted in January 2019 will be amended to include time-bound targets and a functioning monitoring and evaluation framework, to ensure synergies with other national policies such as the National Women Development Policy, ensuring they are in line with the human rights model of disability.

#### B. Specific rights (arts. 5–30)

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

3. Please indicate measures implemented to enact the anti-discrimination bill, 2015, in particular to take into account persons with disabilities belonging to minorities and persons affected by leprosy, who lack access to health care on an equal basis with others. Please also inform the Committee whether the State party recognizes the denial of reasonable accommodation as a form of disability-based discrimination.
4. Please provide disaggregated statistical data on cases of discrimination against persons with disabilities, particularly persons with psychosocial or intellectual disabilities, and on investigations conducted, on sanctions imposed, and on remedies provided to victims, particularly women and girls with disabilities, who are affected by multiple and intersectional discrimination.

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

5. Please provide information on steps envisaged to revise the Rights and Protection of Persons with Disabilities Act, 2013 to include the rights of women with disabilities belonging to marginalized groups, and to review the National Women Development Policy

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\* Adopted by the pre-sessional working group at its eleventh session (8–11 April 2019).



to address the rights of women with disabilities belonging to minorities and to develop inclusive programmes to protect their rights.

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

6. Please report on the equal enjoyment of their rights by children with disabilities in the State party and how children with disabilities benefit from laws and policies protecting the rights of children, including the national policy regarding children of 2011 and the children's act of 2013.

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

7. Please provide information on:

(a) The meaningful consultation and effective participation of persons with disabilities and their representative organizations, including persons with disabilities belonging to minorities, in awareness-raising campaigns, with particular reference to their participation in the planning and implementation of programmes and policies, including in remote and rural areas;

(b) Measures to combat stereotypes, prejudices and harmful practices relating to persons with disabilities in all areas of life, including discrimination against persons with disabilities belonging to minority communities and indigenous peoples and persons affected by leprosy.

8. Please indicate the measures taken to raise awareness, targeting society in general and expectant women and health-care personnel in particular, with a view to eliminating stigmatization of and prejudices against persons with disabilities, and those taken to ensure fully informed decision-making regarding women's sexual and reproductive health.

**Accessibility (art. 9)**

9. Please explain whether representative organizations of persons with disabilities are engaged in the design, implementation and monitoring of accessibility standards in relation to the built environment, transportation, information and communications technologies and systems, and other facilities and services open to the public.

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

10. Please inform the Committee about measures adopted to eliminate the phenomenon of infanticide of children with disabilities as a result of the detection of disabilities after birth.

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

11. Please inform the Committee about:

(a) Measures adopted to make disaster risk reduction programmes disability inclusive, including through meaningful consultation and effective participation of persons with disabilities and their representative organizations, particularly women and girls with disabilities, persons with psychosocial or intellectual disabilities, and persons with disabilities living in rural areas, and to ensure the provision of equal, safe access and accessible evacuation measures and shelters;

(b) Any disaster risk reduction strategy that includes representative organizations of persons with disabilities, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030.

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

12. Please provide information on measures to:

(a) Repeal the provisions of the Contract Act, 1872 and the Transfer of Property Act, 1882 which violate the Convention, including in relation to the rights of persons with

disabilities, especially the rights of persons with psychological or intellectual disabilities, regarding property, entering into contracts, inheritance, voting and taking decisions;

(b) Shift from substituted decision-making to supported decision-making that adheres to the Committee's general comment No. 1 (2014) on equal recognition before the law.

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

13. Please provide information on:

(a) Measures to ensure access to the justice system for persons with disabilities on an equal basis with others and to address barriers including discrimination, stigmatization, traditional superstition and illiteracy;

(b) Measures to provide procedural accommodations and gender- and age-appropriate accommodations in judicial and administrative proceedings for persons with disabilities, including persons with psychosocial or intellectual disabilities and persons who are deaf, hard of hearing or deafblind, particularly measures to provide information in accessible formats, such as Braille, Easy Read and sign language, and to ensure the physical accessibility of court buildings and all judicial and administrative facilities;

(c) Any programmes for the training of judicial officials on the Convention and training programmes to enable persons with disabilities to participate in the judicial system as lawyers, judges and other law enforcement personnel.

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

14. Please indicate the measures taken to repeal all laws and policies that restrict the liberty and security of persons with disabilities on the grounds of actual or perceived impairment, including legislation allowing for the forced institutionalization of persons with disabilities. Please indicate the measures taken to provide for appeal mechanisms for redress, especially for women with disabilities and persons with psychosocial or intellectual disabilities, with particular reference to section 54 of the Code of Criminal Procedure, 1898, the Metropolitan Police Ordinances, and the Vagrant and Shelterless Persons (Rehabilitation) Act, 2011. Please clarify how the draft mental health act of 2018, approved by the Cabinet on 15 July 2018, meets international standards and is in line with the Convention. Please also provide statistical data on the number of persons with disabilities in mental health facilities and in detention without their free and informed consent, disaggregated by sex and type of impairment, and indicate any measures in place to ensure their right to liberty and security.

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

15. Please provide information on:

(a) Data, disaggregated by age and sex, regarding reported cases of torture and custodial deaths of persons with disabilities, and on the provision of protection measures, enforceable remedies, accessible services, including shelters, and information in accessible formats for persons with disabilities and their families who have been victims of such torture, including persons with disabilities belonging to minorities and migrant workers and refugees with disabilities;

(b) Information on measures adopted to sanction perpetrators of torture or cruel, inhuman or degrading treatment or punishment and implement monitoring mechanisms.

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

16. Please indicate the measures taken to:

(a) Prevent violence, abuse and ill-treatment against persons with disabilities, particularly against women and children with disabilities, in institutional settings, including police stations, prisons and mental health facilities, including information about investigations conducted and sanctions against perpetrators;

(b) Protect persons with disabilities still living in institutions, in particular women and girls with disabilities and persons with psychosocial or intellectual disabilities, from exploitation, violence and abuse;

(c) Ensure concrete safeguards under relevant laws and policies for the protection of children with disabilities from violence and abuse, including combating the stigmatization of and prejudice against children with disabilities, particularly those from minority and marginalized communities, and children affected by leprosy;

(d) Eliminate harmful practices allegedly resulting in the mutilation of children with disabilities for exploitation in begging;

(e) Implement Sustainable Development Goal 5.2, and please provide data and information on gender-based violence and any programmes designed to protect women and girls with disabilities against violence and to provide them with support.

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

17. Please provide information on measures taken to protect all persons with disabilities from forced sterilization, and women and girls with disabilities from forced abortion. Please also provide data, disaggregated by sex, age and type of impairment, on persons with disabilities, particularly women and girls with disabilities and persons with psychosocial or intellectual disabilities, subjected to forced sterilization and forced abortions.

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

18. Please provide information on community-based services, including financial support, available to help persons with disabilities to exercise their right to live independently and be included in the community, particularly women with disabilities, persons with psychosocial or intellectual disabilities and persons affected by leprosy.

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

19. Please provide information on the accessibility of mobility aids and assistive devices, their affordability for persons with disabilities, and efforts made towards encouraging the local development and production of mobility aids and assistive devices and ensuring that all infrastructures are accessible for all persons with disabilities.

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

20. Please provide information on measures taken to:

(a) Promote and protect the freedom of expression of persons with disabilities, including persons with intellectual or psychosocial disabilities;

(b) Recognize the sign language of Bangladesh as an official language of the State party;

(c) Improve access to information in all formats, including Braille, Easy Read and other augmentative and alternative means and modes of communication, and make information and communications technology available to persons with disabilities on an equal basis with others;

(d) Make television programming accessible for persons with disabilities through the use of audio description, sign language and captioning, and encourage private and public entities that provide Internet services to the general public to make their websites accessible to persons with disabilities.

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

21. Please provide information on the measures adopted in legislation and policies to eliminate discrimination against persons with disabilities, including persons affected by leprosy and persons with psychosocial or intellectual disabilities, in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others. Please also inform the Committee about measures adopted to provide comprehensive information and

support services to children with disabilities and their families, including programmes and policies to provide persons with disabilities, including those living in rural areas, with family planning education in accessible formats and accessible and age-appropriate information on sexual and reproductive health.

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

22. Please provide information on:

(a) Measures to ensure the right of persons with disabilities to inclusive education and to ensure the enrolment and retention in education of all children with disabilities in mainstream settings and the provision of individualized support;

(b) The availability of educational materials in accessible formats, particularly Braille, sign language and Easy Read, as well as on the accessibility of learning environments, the provision of individualized support, and the training of teaching and non-teaching personnel on quality inclusive education.

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

23. Please indicate measures taken to:

(a) Ensure that the right to have access to quality health-care services can be enjoyed, on an equal basis with others, by persons with disabilities, especially persons with psychosocial or intellectual disabilities, women and girls with disabilities, persons with disabilities who belong to minorities, persons affected by leprosy, and migrants and refugees with disabilities, and to make hospitals and health centres accessible to persons with disabilities, including in rural areas;

(b) Enable persons with disabilities, particularly women and girls with disabilities, to access comprehensive health-care services, including those relating to sexual and reproductive health rights and HIV/AIDS prevention, on an equal basis with others;

(c) Integrate the Convention's human rights model of disability in national health policies, including in the new health policy that the Government is developing, and ensure the participation of persons with disabilities, through their representative organizations, in the preparation of such policies.

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

24. Please indicate the proportion of persons with disabilities who are employed in the public and private sectors, and state the measures taken to:

(a) Promote the employment of persons with disabilities, especially young persons and women with disabilities, in the open labour market in the private sector, and to ensure equal pay for work of equal value for persons with disabilities;

(b) Prevent and address harassment and discrimination against persons with disabilities in the area of employment, especially against those belonging to minorities and persons affected by leprosy;

(c) Promote appropriate measures, including affirmative action programmes, for the employment of persons with disabilities in the open labour market, including for persons with psychosocial or intellectual disabilities, and provide training to employers on the rights of persons with disabilities and reasonable accommodation.

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

25. Please provide information about measures adopted to safeguard an adequate standard of living and social protection for persons with disabilities, in particular children with disabilities and their families, older persons with disabilities, persons with disabilities in rural areas and persons affected by leprosy; please include information on measures to provide them with disability allowances to enable them to meet the cost of disability-related expenses.

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

26. Please indicate measures taken to:

(a) Guarantee the right to participation in political and public life for all persons with disabilities, particularly women with disabilities, and provide data, disaggregated by age, sex and type of impairment, regarding persons with disabilities who participate in the electoral process;

(b) Repeal or amend any constitutional or legal provisions denying persons with disabilities, in particular persons with psychosocial or intellectual disabilities, the right to vote;

(c) Ensure that persons with disabilities are able to have access to accessible election materials and polling stations, and to cast their vote by secret ballot in an independent manner; and to provide voter education and awareness about the electoral process for persons with disabilities, including those with psychosocial or intellectual disabilities.

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

27. Please provide information about:

(a) The accessibility of all museums, cultural and recreational centres, tourist attractions and stadiums, including about provision in public libraries of information in accessible formats for persons who are blind or visually impaired; and the provision of sufficient budgetary allocations to enable persons with disabilities to participate actively in sports and recreational activities;

(b) The steps envisaged to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

**C. Specific obligations (arts. 31–33)****Statistics and data collection (art. 31)**

28. Please indicate measures envisaged to:

(a) Collect qualitative and quantitative disaggregated data on persons with disabilities, including women and girls, minorities, migrants, refugees and older persons with disabilities, persons with psychosocial or intellectual disabilities and persons affected by leprosy;

(b) Include all persons with disabilities, including those belonging to minorities, in the forthcoming national census and the Disability Detection Survey conducted by the Ministry of Social Welfare.

**International cooperation (art. 32)**

29. Please indicate how persons with disabilities and their representative organizations are meaningfully consulted and involved in the design and implementation of international cooperation agreements.

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

30. Please provide information on:

(a) Measures taken to establish an independent monitoring mechanism, with budgetary allocations, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to monitor the implementation of the Convention, and those taken to ensure the participation of persons with disabilities and their representative organizations within the monitoring framework;

(b) The participation of persons with disabilities and their representative organizations in the interministerial national committee responsible for monitoring the implementation of the Convention, and indicate the results and outcome of the monitoring process.

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