

PERSONS WITH DISABILITIES RIGHTS AND PROTECTION ACT IN BANGLADESH

User-Friendly Booklet



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USER-FRIENDLY BOOKLET

Produced by

Women with Disabilities Development Foundation (WDDF),



In Collaboration with

Asia-Pacific Development Center on Disability (APCD)
South Asian Disability Forum (SADF)



This report is available in a text format for persons with visual impairments and blind persons.

Please contact info@apcdfoundation.org for further details.

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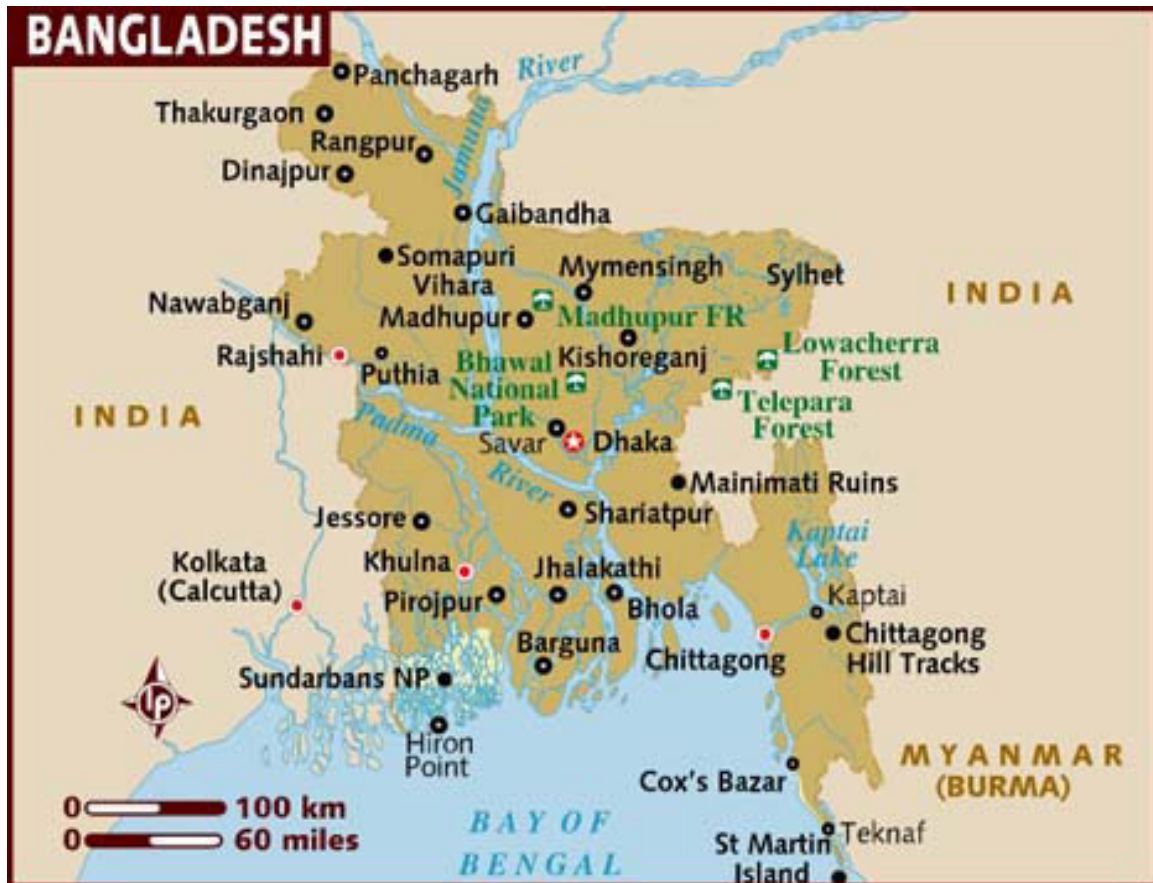
ABOUT THIS BOOKLET

This booklet is about Persons with Disabilities' Rights and the Protection Act 2013.

This Act is in line with the principles of the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

The Parliament members and the President of Bangladesh passed the Persons with Disabilities Rights and Protection Act 2013 on 9 October 2013.

The Disabled Welfare Act 2001 was revoked with the support of the Charter of the United Nations when Bangladesh activated its new law on disability in 2013.



Map of Bangladesh

DEFINITION OF RIGHTS

According to the Constitution of Bangladesh, all citizens of the country have the right to enjoy their dignity, fundamental human rights and have social equality. It does not give new rights to persons with disabilities. But the Constitution says that Bangladesh should make sure persons with disabilities have equal rights like everyone else.

These include the right to:

RECOGNITION OF EQUAL CITIZENSHIP

RIGHT TO PROPER HEALTH SERVICE

RIGHT TO USE SIGN/OWN LANGUAGE AND COMMUNICATION

RIGHT TO ACCESSIBILITY IN THE COMMUNITY

RIGHT TO USE ACCESSIBLE TRANSPORTATION

RIGHT TO EDUCATION AND TRAINING

RIGHT TO DISCRIMINATION-FREE EMPLOYMENT OPPORTUNITIES

T YPE OF PROTECTION

**ACCORDING TO CLAUSE 16.2
OF THIS ACT: ANY PERSON, INSTITUTION,
AUTHORITY OR ORGANIZATION THAT
SHOWS ANY TYPE OF DISCRIMINATION
AGAINST PERSONS WITH DISABILITIES
MUST FOLLOW THESE RIGHTS:**

**IF THE COMPLAINT IS ACCEPTED,
THEN COMPENSATION FOR
PERSONS WITH DISABILITIES WILL BE GIVEN.**

**PERSONS WITH DISABILITIES
HAVE THE RIGHT TO
COMPLAIN AGAINST
ANY KIND OF DISCRIMINATION.**

**IF THE COMPENSATION IS NOT
PAID, THEN LITIGATION CAN
BE SUBMITTED AGAINST THE
CONVICTED PERSONS DIRECTLY
OR INDIRECTLY.**

D EFINITION OF THIS ACT

1. “Upazila Committee” refers to a committee established for every Upazila (sub-district) that promotes the rights of persons with disabilities.

2. “Inclusive Education” refers to equal education given to students with disabilities in every school in Bangladesh. No institution can omit the admission of any student with disabilities for any reason.

3. “Committee” refers to ministries to town level representatives. Gradually, the committee has expanded from the national level (ministry) to executive committee of ministry, district, sub-district, city, and town levels. According to a number of clauses, five different types of committees will form the Rights and Protection Act for Persons with Disabilities.

4. “Program” is a part of this Act.

5. “Fixed” refers to the creation of a rule for the implementation of this Act.

6. “Disability”, “Persons with Disabilities”, and “Rights of Persons with Disabilities” refer to any person who is physically, psychologically, and/or mentally not functioning properly due to social/environmental barriers. Any person who can't take part actively in the society is considered to be disabled. Persons with disabilities have rights equal to all citizens, including fundamental basic human rights that are mentioned in this Act and other laws. This Act gives persons with disabilities the opportunity to lead their lives like other people without facing any obstacles.

7. “Organization of Persons with Disabilities” refers to the formation of organizations led by persons with disabilities or their allies who are working to fulfill the rights and welfare of persons with disabilities.

8. “Accessibility” refers to opportunities given to persons with disabilities to access all facilities without any obstacles. This includes equal access to all social services such as infrastructure, communication, transportation, information and technology.

9. “Appropriate Environment and Real Opportunity to Freedom of Choice is Necessary” refers to the coordination that is required to prevent any obstacles to equal rights when implementing the Act for any type of disability.

10. “Criminal Case” refers to the procedure of punishment after any type of discrimination against persons with disabilities.

11. “Bengali Sign Language” refers to the sign language used by persons who have difficulties with hearing and speech in Bangladesh to express their feelings and culture like other spoken languages.

12. “Impartial Judgment” refers to getting a correct judgment, and that persons with disabilities can bring legal action and have judicial proceedings with a suitable system and facilities like general citizens.

13. “Rule” is a part of this Act.

14. “Special Education” refers to any residential or non-residential institution that shall provide special management to persons with disabilities.

15. “Discrimination” refers to any act that prevents persons with disabilities to get fair treatment, enjoy rights, and have access to facilities provided by the government.

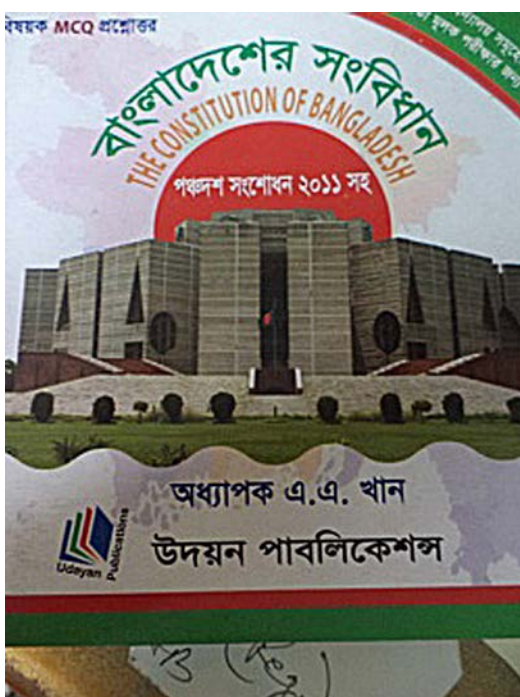
16. “Secretary” refers to a senior or any secretary.

17. “Inclusive Education” refers to general schools mandated to include education for persons with any type of disability.

18. “Protection” refers to any type of activity mentioned in the Act that protects the rights of persons with disabilities.

19. “Equal Lawful Acceptance” refers to persons with disabilities having the right to act independently without depending on others.

20. “Social Rehabilitation” refers to persons with disabilities who can participate in all branches of society.



The Constitution of Bangladesh



Children with disabilities in class

TYPES OF DISABILITY

Autism

Autism is a difficulty in development of brain growth that reveals itself within six months to three years of a child being born. Persons with autism can appear extremely excited and often display unnatural physical gestures.

Physical

Physical disability refers to a person who does not have one or both hands or legs, or is partly or fully paralyzed in hand or leg function and/or cannot balance themselves without support.

Psychosocial

Psychosocial refers to schizophrenia or other disabilities such as clinical depression, bipolar disorder, post-traumatic stress, anxiety or phobic disorders that prevent persons from engaging in daily activities.

Visual Impaired

According to this Act, there are 3 different kinds of visual disabilities:

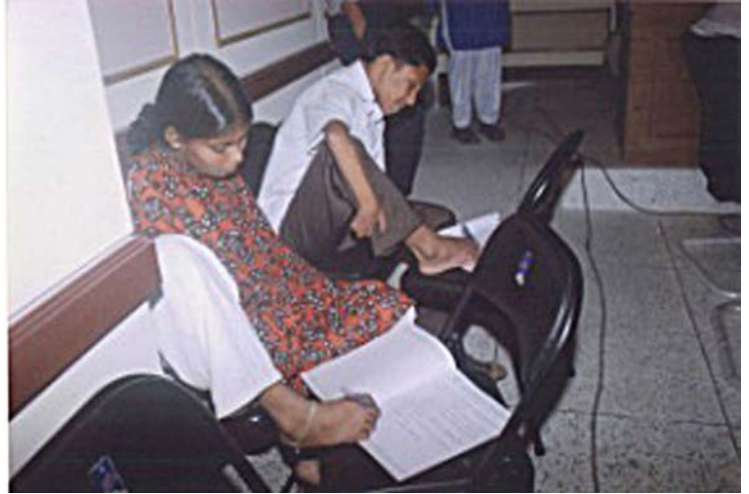
- 1) Fully Visual: No visual function in both eyes. Vision below 6/60 or 20/200 is considered fully blind.
- 2) Partially Visual: One eye is completely sightless or blind.
- 3) Indistinct Visual: Vision within 6/18 or 20/60 and 6/60 or 20/200 (between 20 degrees to 40 degrees out of 60 is considered as insufficient blindness).



A woman in a wheelchair working on a computer



A child reading Braille



Persons with disabilities writing with their feet

Speech Disability

According to this Act, persons with speech disabilities cannot speak well due to difficulties in the palate.

Intellectual Disability

According to this Act, Intellectual Disability refers to the incapability of doing something on the basis of age and cognitive ability that create barriers to work efficiently, as well as carry out own daily activities without relying on others for help.

Hearing Disability

This refers to the incapability of hearing below 60 decibels (dB), the range of human hearing.

The three kinds of hearing disabilities are:

- 1) Totally Inaudible: Both ears are inaudible.
- 2) Partially Inaudible: One ear is fully inaudible.
- 3) Weaken Inaudible: Both ears can hear very little or sometimes fully inaudible.

Hearing-Visual Disability

Hearing-visual disability refers to persons who are incapable of hearing fully or partially, as well as incapable of seeing fully or partially. There are four divisions among persons with hearing-visual disability type:

- 1) Medium to severe position of hearing and visual disability
- 2) Medium to severe position of hearing, visual and other disabilities
- 3) Limitation of vision and hearing level
- 4) Decreasing vulnerability of vision and hearing capacity

Cerebral Palsy

Cerebral palsy refers to the incapability to function generally, or the limitation of performing daily activities due to brain damage.

Down Syndrome

This is a disability passing from generation to generation where the 21st pair of chromosomes has an extra chromosome, which weakens the muscular system, and develops short stature and a circular face, which are considered to be characteristics of a person with Down Syndrome.

Multiple Disabilities

Multiple disabilities refers to having more than one disability.



Deaf persons communicating in sign language



A poster featuring Bengali sign language

RIGHTS OF PERSONS WITH DISABILITIES

These include any existing laws that work with the current Persons with Disabilities Rights and Protection Act 2013, which is listed below:

General Rights	Fundamental Rights
1. Fully alive and developed	1. Accessibility
2. Equal lawful recognition and justice	2. In all levels of education, favorable facilities in the institution and participation in general and co-education
3. Rights of inheritance	3. Employment at Government and Non-Government Organizations
4. Freedom of expression, opinion and information	4. Getting compensation for disability during employment or getting back the position
5. Parent, legitimate or lawful guardian, marriage life, children and leading family life	5. Getting health care
6. Active participation in social, economic and national levels according to the types of disability	6. Legal facilities and necessary environment for education as well as place of employment



Persons with disabilities exercising their right to be heard

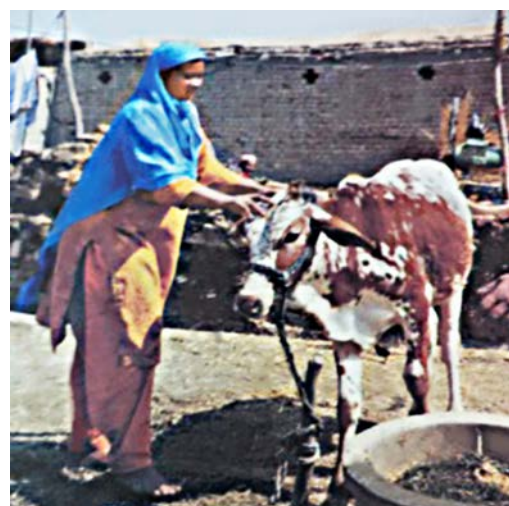


A boy with a disability being cared for by family

7. Well protection and facilities of safe and healthy environment free from suppression	7. Participation in culture, entertainment, tourism, leisure and sports
8. Access to all social facilities (e.g. assisting services and rehabilitation) for persons with disabilities including physical, psychosocial and artistic skills	8. Dependents who are persons with disabilities have safe residence or rehabilitation after being separated from family
9. Receiving Bengali Sign Language when requested by persons who are Deaf and hearing	
10. Secrecy of personal information	
11. Creation of autonomous organizations and welfare council or association and administer	
12. Getting national Identification, enrollment into election, and being able to vote and participate in elections	
13. Any other rights given by the Government according to the ordinance	



Persons with disabilities participating in a cultural performance



A person with a disability living independently

E ESTABLISHMENT OF COMMITTEES

According to this Act, five types of committees will be established based on their responsibilities and process of work from national to town levels.

National Coordinating Committee

This 28-member Committee will be formed by the Ministry of Social Welfare, different ministry representatives and representatives from Disabled People's Organizations (DPOs) and will maintain the rights of persons with disabilities.



Advocates discussing the issue of disability rights

National Executive Committee

This Committee will consist 17 members and will be formed by the Ministry of Social Welfare.



Conferences tackling disability issues

District Committee

This 17-member Committee will be formed by the District Commissioner; the Deputy Director of the District Social Welfare Office will be the Secretary.



Groups promoting the rights of persons with disabilities

Upazila Committee

This Committee will be formed with 14 members by the Upazila Nirbahi Officer.

City Committee

This Committee will be formed with nine members in the city area under the city corporation. There will be a City Committee of eight members under the city corporation.



Women's group taking up the issue of disability in meetings

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RESPONSIBILITIES OF CONCERNED AUTHORITIES

All government, non-government organizations, educational institutions and local authorities will have the right to make new laws, instead of existing government laws, to establish the rights of persons with disabilities.

The initiatives by the government will become beneficial tools to improve the rights of persons with disabilities.

The government must follow the mentioned laws, which are set out by the committee for implementing equal rights of persons with disabilities.



Group discussion about implementing equal rights of persons with disabilities

Government will conduct a survey program for the collection of statistics and data of all persons with disabilities.



Government representatives conducting a survey and collecting data about persons with disabilities

RESPONSIBILITIES OF GOVERNMENT

Government will take proper steps towards the alleviation of risks and prevention from increased disability for children with disabilities, women with disabilities, seniors and persons with multiple disabilities.

Government will arrange free medical service for poor persons with disabilities.



Persons with disabilities needing and being given medical care

Government will encourage recognition and use of all means of communication types and systems including: sign language, Braille, touch communication, scenery communication, vocational and computer-based multilateral communication, and other systems of demand.



Accessible public transportation for persons with disabilities

Government will make arrangements for facilitating accessibility and mobility of persons with disabilities.

All public places and services will be accessible for persons with disabilities.



Accessible technology for persons with disabilities

Government will take necessary steps towards facilitating accessibility for persons with disabilities in reading books of the National Curriculum and Text Board (NCTB) and other libraries through the installation of an acceptable and proper technology that supports an e-learning platform.

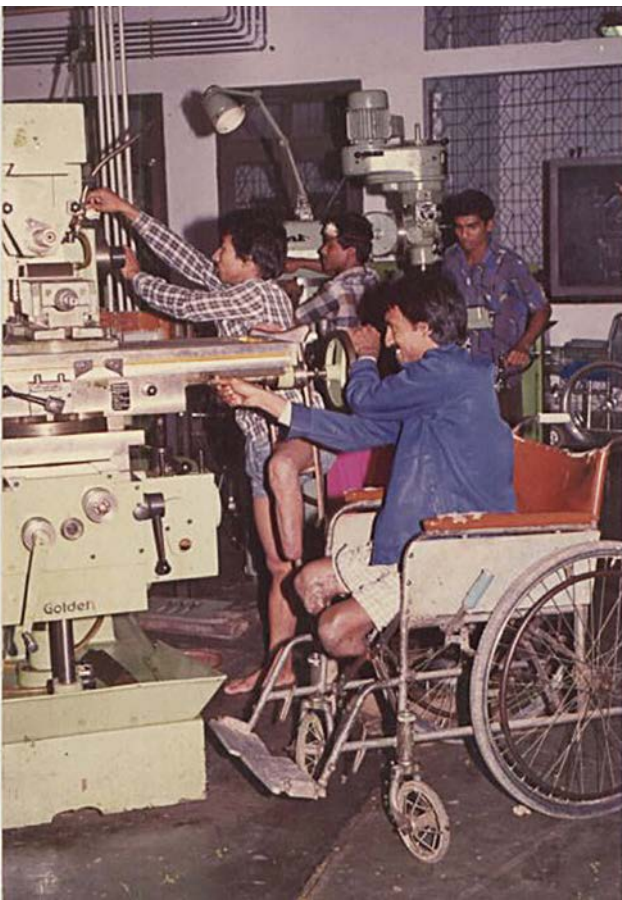


Children with physical disabilities

Government, non-government, and private organizations can provide available technology to encourage information and service provision to the general public.

Government to encourage private initiatives for persons with disabilities to arrange support for the family and receive from society based on rehabilitation programs.

Government will take necessary steps to ensure education is inclusive and provides reasonable accommodation to students with disabilities in educational institutions.



Persons with disabilities in the workplace

Government will introduce combined special education and vocational training in the existing technical-vocational education system, and provide accessible training programs for persons with disabilities.

Employment facilities must be created on a priority basis by detecting appropriate work places in public and private sectors for persons with disabilities. Private entrepreneurs should provide a special tax holiday facility to persons with disabilities.

Government will ensure step-by-step inclusion of persons with disabilities on a priority basis especially for the poor and children with disabilities, women with disabilities and seniors with disabilities in the existing social safety-net program and poverty alleviation programs.

Government will take proper steps of legal, administrative, social, educational or other perspectives of freedom for persons with disabilities from all types of torture and violence, including sexual violence and rape regardless of gender, in or outside the family.

Government will take necessary steps towards ensuring safety and security of persons with disabilities in the case of natural disasters, humanitarian emergencies and occurrences of violence.

Government will ensure participation of persons with disabilities in domestic cultural programs recreation, tourism, refreshment and sports programs for the development of creative thinking, artistic skill, intellectual, physical, and emotional well-being.

Government will establish a sports training center for persons with disabilities with special facilities.



Persons with disabilities engaged in sports activities

Government will encourage the establishment of disabled people's organizations and self-advocate organizations for persons with disabilities, and to ensure financial support is available to the organizations.



Inclusion of persons with disabilities in the community

TAKING OFFENSE INTO ACCOUNT

Any criminal procedure can be taken to court under this Act.

Persons with disabilities, their parents or legal guardian or Disabled People's Organizations on behalf of persons with disabilities can file a criminal case against any other person.

Punishment and sentencing will be decided by the First Class Judicial Magistrate and whoever commits any offense will be considered for trial under this Act.

No offense occurring under this Act will be trialed under the court of any judge below the rank of First Class Judicial Magistrate.

Criminal procedures will be applicable for trial process for offenses committed under this Act.



Non-discrimination on criminal procedure





Accessible for Persons with disAbilities

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