

# Agony of Persons with Disability

## - A Comparative Study of Bangladesh

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### Abstract

The Disabled persons are not separate from human being. To live as a human being with dignity some legal rights should be implemented but the existing legal system for the betterment of disabled persons has a huge shortage. For this reason they suffer lots. This paper mainly focuses on the lacking of existing legal system comparatively with international legislation and also presents some suggestions to remove the lacuna and to eradicate their agony.

**Keywords:** Agony, Amendment, Disabled, Human rights, Legal system

### 1. Introduction

Persons with disability are the most vulnerable and disadvantageous section of the society and often they are subjected to discrimination and negative attitudes in Bangladesh. The estimated number of persons with disabilities is around 140 million people, which constitutes 10% of its total population (Faruque, 2008). Most of the persons with disabilities are often deprived of basic needs including health care, housing, education, employment and other opportunities. For these reasons effective legal system is necessary for preserving the rights of disable persons in Bangladesh. The most important law in our country on disabilities is Disabled Welfare Act 2001, which is not sufficient to deal with the rights of the disable persons. It is known that law is very powerful tool for legal protection of any person and it is true for the disable persons too. This paper mainly focuses on those who are not able to deal with all situations for some physical or mental lacking as well as comparative legal protection thereof.

### 2. Objectives

The general objective of the study is to evaluate the existing laws and policies in Bangladesh for the welfare of disable persons and provide some suggestions regarding this issue. The specific objectives of this paper are:

- To discuss the meaning of disability in National and International perspective.
- To discuss about issues of disability in Bangladesh.
- To discuss existing Laws in National level and a comparative study with international instrument.
- To give some suggestions for improving present legal system in national level.

### 3. Defining Disability

To understand persons with disability firstly we should understand the meaning of disability. A disability is a condition or function significantly impaired relating to the usual standard of an individual or group. The term is used to refer to individual functioning, including physical impairment, sensory impairment, cognitive impairment, intellectual impairment, mental illness and various types of chronic diseases. According to Oxford Dictionary disability means a physical or mental condition that means you can not use a part of your body completely or easily or you can not learn easily or a physical or mental or permanent disability.

Disability is conceptualized as being a multidimensional experience for the persons involved. The persons who detained such disability are called persons with disability. It simply means handicapped or in most simple words unable to do certain thing.

Different instruments of Bangladesh as well as of international give the look into correct version of Disability. For example Bangladesh Persons with Disability Welfare Act 2001 gives the definition of disability in Section 2. (d). 'Disability' as per section 3 of this Act a person,

1) Is physically crippled either congenitally or as result of disease or being a victim of accident or due to improper or maltreatment or for any other reasons became physically incapacitated or mentally imbalanced and

as a result of such crippled-ness or mental impaired-ness has incapacitated become either partially or fully and is unable to lead a normal life.

2) 'Visual impaired' means any person who has no vision in any single eye or in both the eyes or visual acuity not exceeding 6/60 or 20/200 (Snellen) in the better eye even with correcting lenses or limitation of the 'field of vision' subtending an angle of 20 (degree) or worse.

3) Physically handicapped refers to person who has lost either one or both the hands or lost sensation partly or wholly of either hand or it is so weaker in normal condition that the situations stated under sub-section I (a) and (b) are applicable to his case or lost either one or both the feet or lost sensation partly or wholly of either or both the feet or it is so weaker in normal condition that the situations stated under subsection I (a) and (b) are applicable to his case has physical deformity and abnormality or has permanently lost physical equilibrium owing to neuro-disequilibrium or has 'hearing impairment' meaning one's loss of hearing capacity in better ear in the conversation range of frequencies at 40 decibels (hearing unit) or more or damaged or ineffective otherwise or has 'speech impairment' meaning loss of one's capacity to utter or pronounce meaningful vocabulary sounds or damaged partly or wholly or dysfunctional.

4) 'Mental disability' means one whose mental development is not at par with his chronological age or whose IQ (Intelligent Quotient) is far below the normal range or has lost mental balance or is damaged partly or wholly or has multiple disabilities that is one who suffers.

Bangladesh has adopted the WHO's definitions and classification of disability. WHO (2004) defines disability as "Disabilities is an umbrella term, covering impairments, activity limitations and participation restrictions. Impairment is a problem in body function or structure on the other hand an activity limitation is a difficulty encountered by an individual in executing a task or action while a participation restriction is a problem experienced by an individual in involvement of life situations. Thus disability is a complex phenomenon reflecting an interaction between features of a person's body and features of the society in which he or she lives"(WHO, 2004).

Convention on the Rights of Persons with Disabilities (CRPD, 2006) defines Persons with Disabilities and include those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity. Again the Disability Discrimination Act, 1995 (DDA) defines a disabled person as someone who has a physical or mental impairment that has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities. According to the Americans with Disabilities Act (ADA) 1990 the term 'disability' means with respect to an individual a physical or mental impairment that substantially limits one or more of the major life activities of such individual a record of such an impairment or being regarded as having such an impairment.

So disability means physical or mental or intellectual impairment for which a person can not able to participate in normal day to day activities. And the persons with disability means any person who suffers from any kind of physical or mental or intellectual impairment.

#### **4. Disability Issues in Bangladesh**

In Bangladesh disabled people live in an unfriendly and hostile environment. They encounter non-cooperation, ill treatment, neglect and hostility at the family, community, society and government levels. They are deprived of not only social and political needs but also basic human needs. They are deprived of employment, education opportunities and health care etc. Their mobility is also seriously limited by the traditional pattern of building and road construction.

In Bangladesh disability occurs for many reasons such as accident, wrong pathological diagnosis, malnutrition of pregnant women, lack of trained birth attendants and nurses, polio, typhoid, paralysis, crime and violence, acid burn, child marriage, marriage between close relations, babies not being vaccinated and also because of lack of knowledge and awareness among care providers. Besides a huge number of citizens became disable during the liberation war in 1971. According to Population Census 1991 the types of person with disability are mainly five (Table -1). The table shows that the numbers of physical disabled are very high and it is 45.5% and second highest is hearing impairment (19.6%). Again according to Action Aid Survey the numbers of physical disabled are the highest and it is 50% and second highest is intellectual 16% (Fig.-1). It is also mentionable that the number of male is higher than female disable (Table- 1).

Although disability is a major social and economic phenomenon in Bangladesh, there is very little reliable data available on this issue. Especially the absence of a comprehensive national survey on persons with disabilities is very hurting. Moreover, disability is not included in any routine data collection or surveillance systems in the health sector but it has been included in national censuses in 1982, 1986 and 1991 estimated a national prevalence rate of disability at 0.64%, 0.5% and 1.60% respectively. Action Aid Bangladesh and Social Assistance and Rehabilitation for the Physically Vulnerable (SARPV) put the disabled population at 8.8% of the total population. Bangladesh Protibandi Kalayan Samiti records 7.8%. Dr. Julian Francis, in a report prepared for the Aid Management Office (AMOD) of the Overseas Development Administration (ODA) of the British Government in 1995, estimated the Persons with Disabilities population to be 9 million of which not less than 7 million live in rural areas. Most of the estimates generally appear to be under rated and sometimes excessive also. A survey on prevalence of disability in 1994 by the Bangladesh Bureau of Statistics shows a rate of 10.62 disabilities per 1000 population. Between, 1995 to 1997 Action Aid Bangladesh conducted a baseline survey which indicates disability prevalence rates in between 13.4 to 14.4 percent.

No comprehensive empirical study has been conducted till now to determine the incidence and prevalence of disabilities 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 exist, subjective information and a number of micro studies generally suggest a disability prevalence rate of between 5 to 12 per cent. The available data and information of Bangladesh Bureau of Statistics based on health and medical perspective, proportional prevalence of disability or impairment of different categories at all ages are visual 31.3%, physical (including leprosy and goiter) 35.8%, hearing and speech 28% and mental retardation 4.9% (BBS, 1998).

However, based on a sample survey conducted in 1991 indicated the number of Persons with Disability was placed at just over 5, 00000. According to Table-2 persons who are 65+ year's age are affected with disability more and the total number of these types of persons are 20.8% (BBS, 1991). In 2000, Action Aid conducted a survey of 1,339 Person with Disability (PWDs) that encompasses some of its ongoing projects in Bangladesh. The survey group consisted of 59.8% male and 40.2% female while the breakdown of ages was 0-10 years old 33%, 11-17 years old 17% and the remaining 50% was over 18 years old (Action Aid Survey, 2000). The largest type of impairment amongst the survey group was physical at 42%, followed by visual and speech and hearing impairments at 20% and 20% respectively (Fig.- 2).

The causes of impairments were many. And the causes of impairments were primarily due to diseases at 29%, complications during pregnancy at 21% and accidents comprised almost 15% of the total impairments (Fig.- 3). Action Aid made a Survey upon the rehabilitation of the Persons with disability. Out of the total 1,339 participants in the survey over 95% (1,283) of them received some form of rehabilitation service. Out of the total that received rehabilitation services 18.7% were included in the educational system, 31.4% were in governmental schools while 39.4% were enrolled in non-formal primary educational schools. None of the participants in the survey were enrolled in university (Action Aid Survey, 2000). Though they receive some benefit from the state, the legal instrument for their benefit is less in number and not adequate for the protection of their rights.

Disability and poverty are inter-linked and reinforce each other. In Bangladesh the disables are mostly poor and are subject to gross deprivation and acute vulnerabilities. The ill-being of the disabled is mainly determined by (i) lack of human development and capacity building such as education opportunities (ii) practice of discrimination, such as the negligence of families and society (iii) demographic factors such as physical inability, death of parents etc. (iv) lack of employment opportunities (v) high medical expenses (vi) denial of participation in social affairs (vii) obstacles to mobility and lack of appliances (viii) lack of opportunities to get organized (ix) lack of housing and shelter etc.

The persons with disability are most neglected part of our country. Most of them are isolated from the mainstream of the society and marginalized and often deprived of basic needs including access to health services, housing, education, employment, and transportation. Widespread discrimination against them and their exclusion from mainstream society lead to extensive economic hardship and loss of their creative capabilities. As a human being they want to equal rights from the country, from every sector of society and institution.

In Bangladesh, disable people cannot participate in the current development stream in spite of the constitutional guarantee. Due to exclusion of huge number of disabled people from the development, an enormous quantity of national production is being hampered. Besides no one cares about the opinions of disable people. They do not get the same things or rights where disabled and non-disabled people do the same work. The employment law for disabled people has not been completely implemented yet. Though there are government policies for them in

education and treatment, they do not get it properly. Besides, they have two seats reserved in transport but they cannot sit there properly. The vehicles are supposed to stop and lift them, but they do not always do it. Disabled persons find much difficulty to get in a bus, train, steamer or any type of vehicle. It would have been much easier for them if the special vehicles are made for them. So the condition and misery of persons with disability in Bangladesh are unreasonable and unutterable.

### **5. National and International Legislation**

Law is very important for understanding their problem and for protection of disabled persons. The Constitution of the People's Republic of Bangladesh guarantees human rights and equality in all respect, for example political, social, religious, education, employment irrespective of race, caste, sex, ethnicity and disability. It has numerous provisions that obligate the government to protect the rights and dignity of all citizens of the country equally without any bias (Articles. 10, 11, 15, 17, 19, 20, 21, 27, 29, 31, 32, 36, 38 and 39). It also allows additional and supplementary provisions that will ensure that citizens who do not have access to all the public amenities are able to obtain such services. In spite of the constitutional obligations, it was seen that the citizens with disabilities in Bangladesh were subject to discrimination in various spheres of life. Therefore persons with disabilities and human rights promoters together with the civil society realize and demand the need for a specific law for the interest of the citizens with disabilities in Bangladesh.

The Parliament of Bangladesh enacted Disability Welfare Act (DWA) 2001, which is also known as Bangladesh Protibondhi Kollyan Ain (BPKA) on 4th April 2001 whereby rights of persons with disabilities received statutory recognition for the first time in the history of country. This Act is primarily welfare based and emphasis is given on the impairment of the individual not on the social and environmental barriers. This Act does not address the dignity of persons with disabilities and is inadequate for protecting interest of the citizens with disabilities. Thus the Act does not satisfy aspiration and desire of the citizens with disabilities of Bangladesh.

Before 1990s the disability issue, as perceived today, was almost nonexistent in the context of Bangladesh. In 1993 and in 2000, National Coordination Committee on Disability (NCCD) and National Foundation for the Development of Disabled Persons (NFDDP) were established under the Ministry of Social Welfare. In 1995, National Policy on Disability was approved outlining guidelines for prevention, identification, education, rehabilitation, research and management of the national program (Table-3). The National Action Plan for persons with disability was approved by the national Coordination Committee on disability (constituted under DWA 2001) on 24th September 2006. A task force constituted by the Government of Bangladesh with representation of 17 ministries and 7 NGOs drafted the Action Plan following the legal provisions and spirit of DWA 2001. The national action plan has outlined the responsibilities of the principal actors and associate actors to carry out task in accordance to this plan.

Government of Bangladesh included persons with disabilities rights in many legislatures and policies such as, Persons with disabilities are included in the National Food Policy 2006 of the Government of Bangladesh adopted to achieve food security for all. The Women Development Policy 2008 categorized women with disabilities as special vulnerable women under Chapter-3 Paragraph 16. In this paragraph it is said that programs should be taken up for especially vulnerable women including women with disabilities considering their diversity of position and needs to provide them special facilities. National Sports Policy 1998 provides the promotion of sports for persons with disabilities with the support from the government. In the objective of this policy it is mentioned to organize special sports activities for persons with disabilities and citizen with special category (Section 2:5). National ICT Policy 2008 addressed persons with disabilities very firmly. Under the Objective of the policy section 1 'Social Equity' states ensure social equity, gender parity, equal opportunity and equitable participation in nation building through access to ICT for all including persons with disabilities and special needs. Under Section 9 sub-section 10 of the Right to Information Act 2009 it is stated that concerned responsible officer will help getting information by a person with sensory disabilities. Moreover, Constitution has recognized citizens with disabilities to cast vote in all elections at national and local levels. Public Representative Order 1972 has no restriction for citizens with disabilities to participate in national and local government elections as candidate. Under Article 13 of the Conduct of Election Rules provisions for voting through postal ballot by person with disabilities was permitted and Article 18 provisions for taking assistance of a companion for persons with physical and visual disabilities were incorporated.

Though there have been Five-Year and Yearly National Plans through which Government of Bangladesh adopted the national poverty reduction instrument clarity and short down Poverty Reduction Strategy Paper (PRSP). The inclusion of disability is an issue that is not only important for the PRSP but also the development

in general. The number of Law and policy for the betterment of the disabled persons in National level is not till adequate. And a new welfare and right based legislation is essential for Bangladesh to protect the rights and for the welfare of the persons with disability. This statement will prove true if we go through the International legal Instrument.

There are many International Conventions on the basis of the International Bill of Rights. A number of International Declarations, Guidelines and Resolutions emanating from the UN (United Nation) which deal specifically with a range of issues relating to disability and there exist many reports emanating from international instrumentalities such as the UN and NGOs. These all can be used to call on the Government of Bangladesh to account for its lack of attention to make law for the persons with disability. In 2006 United Nations adopted the most important convention for the betterment of the persons with disability as named The Convention on the Rights of Persons with Disabilities (UNCRPD), an international treaty that identifies the rights of persons with disabilities as well as the obligations on States parties to the Convention to promote, protect and ensure those rights. The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol were opened for signature on 30 March 2007. Bangladesh is one of the 118 signatories to the convention as She signed and ratified in 2007. In May 2008 the Government signed the CRPD's Optional Protocol also.

We must take note that the CRPD is a huge paradigm shift, a move from an approach where persons with disabilities were considered mere objects of charity, social protection and medical treatment. As the subjects of human rights they should able to make the decisions about life and the future and claim rights on their own behalf. It is also to be noted that all human rights conventions related everyone including persons with disabilities. The International Covenant on Economic, Social and Cultural Rights (ICESCR) (Part II Article 2-2) and the International Covenant on Civil and Political Rights (ICCPR) (Part II Article 2-1) protect against discrimination on any basis. There are also human rights conventions dealing with discrimination such as discrimination against women and specific groups of people, such as children or migrant workers. All human rights conventions include a provision protecting against discrimination and this provision is also applicable in case of persons with disabilities.

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

On the other hand one Act which is applicable in our country that is The Disable Welfare Act 2001 but this is not consistent with standard set out by the Conventions and International Instruments on disability right. It suggested that the 10 years old Act has various limitations and should be amended to meet the present demand of the disabled persons. However, this Act has various limitations and shortcomings. This is primarily due to resource constraints, lack of job opportunities for Person with Disability (PWD) and a host of other problems. Such as,

- Protection of rights of persons with disabilities,
- Equal opportunities for participation in education, training, employment opportunities, tax relief and subsidies,
- Exemption of custom duties for persons with disabilities and their families on imported items and assistive devices,
- Elimination of architectural/logistical barriers,
- Dissemination of information on legislation, and
- Prohibition of abuse and neglect,

The Disable Welfare Act, 2001 provides a three-tire Committee system. They are National Co-ordination Committee on Disability, the National Executive Committee and the District Disability Committee (in 64 Districts). The committees are without effective representation from persons with disabilities. The people with autism are totally absent in DWA 2001 or even the rules under the act. The sizes of the autistic population are quite significant and deserve state attention through legal system for the protection and promotion of their rights and interest. Because of the long gap of 9 years between the adoption of DWA 2001 and promulgation of the rule under the act practically citizens with disabilities hardly received any relief or protection. The immunity provided by section 21 of the DWA 2001 may be misinterpreted and could be used against the interest of persons with disabilities. This is contradictory to the UNCRPD article 4-1 (a).

Education for all children is often framed in terms of human rights or justice. Yet available evidence suggests that less than 10 percent of children and youth with disabilities have access to any form of education. However, Government has encouraged the education of children with disabilities. After recognizing inclusive education at primary level in 2005, the education system for children with disabilities is gradually shifting towards from segregated to mainstream education system. However, primary education authority has been performing slowly in implementing inclusive education system.

Moreover, by an executive order ten percent job for 3rd and 4th class employment of Government services have been kept reserve for persons with disabilities. But the Recruitment Rules under the Government of Bangladesh: Chapter 2 Clause 3 section 3 subsection A (ka) Candidate may be recruited for a post if he/she is certified as medically fit. On this ground candidates with disabilities otherwise qualified are not considered till now for government, autonomous, statutory body's employment.

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

Persons with Disability are also discriminated in personal Law of Inheritance which is applicable in our country. The Hindu Inheritance (Removal of Disabilities) Act 1928 in the article-2 states that "Notwithstanding any rule of Hindu Law or custom to the contrary, no person governed by the Hindu Law, other than a person who is and has been from birth a lunatic or idiot, shall be excluded from inheritance or from any right or share in joint-family property by reason only of any disease, deformity, or physical or mental defect." This law is absolutely against the interest of persons with intellectual disabilities and persons with psycho-social disabilities. The Lunacy Act 1912 is still enforced in Bangladesh. In many instances intellectually disabled persons and persons with psycho-social disabilities become victim by this Act when there are co-sharer or in absence of their legal guardians, the court declared them mentally unsound to manage their property interest. As a result in many Muslim families persons with intellectual disabilities fail to claim genuine share since there is no special legislative measure to protect their interest

Bangladesh has no anti-discrimination act to protect any form of discrimination against marginalized and minority groups like persons with disabilities. In practice, the judicial system is reluctant to take statements from persons with hearing disabilities, persons with psycho-social disabilities and persons with intellectual disabilities. The Bangla Sign language is not yet accepted in the courts of Bangladesh for persons with hearing disabilities and Deaf though they communicate with other people through Bangla sign language. The same is not legally recognized in DWA 2001. From the above discussion it is now clear that lots of provisions exist in different legislations & policies but none of them can fulfill the interest of persons with disability in Bangladesh. For this reasons amendment of the Disable Welfare Act 2001 which is now 10 years old is essential for Bangladesh.

## **6. Suggestions for Improvements**

Human rights refer to the basic rights and freedoms which all people are entitled to. Human rights law primarily is based on international human rights instruments which are binding to its state parties that have ratified the treaty. Since Bangladesh as a states party has ratified this convention including its optional protocol, She could amend the existing DWA 2001 in accordance with the article 4-1 (a) & (b) of the convention. In this context coordination of UNCRPD with the domestic legislative measures in Bangladesh is significant and relevant. As such following suggestions are given for making effective legislations in favour of persons with disabilities and reducing their misery to a great extent.

➤ Making necessary laws and policies in pursuance of international policy and amending existing law in coordination with UNCRPD,

- Establishing a data collection mechanism for the disables, taking note of disability in the national monitoring indicators particularly the goals on poverty and education and monitoring disability in planned surveys e.g. in the national census, the Demographic Health Survey, etc.
- Different ministry and division should concentrate on the rights of disable and work together,
- It is necessary to strengthening and upgrading the authority of the National Foundation for the Development of Disable People so that it can oversee and follow up the implementation of core aspects of the National Action Plan as well as the scaling up of Community Based Rehabilitation in selected districts,
- In election manifesto, declarations should highlight the rights of disable such as education, health, and rehabilitation sectors, etc.
- Increasing the reserve sits system for disable in government and non-government jobs and the employment law for disabled people should be implemented. It is necessary to monitor the implementation of the current 10 percent quota system for the employment of disabled people (and orphans) in the public sector,
- Imposing grievous punishment to the offenders who commit any crime against disable persons. Special steps should be taken to prevent disable girls from exploiting physically and mentally.
- In the education sector, access of the disabled children and persons must be ensured. It is necessary to create awareness and sensitize teachers, management committees, parents and peers through DPOs (Disabled People's Organization) and NGOs to treat disabled people with respect and dignity,
- Making of separate budget for persons with disability and for making necessary infrastructure is essential,
- Actions to be taken in the health sector are (i) strengthening early detection of symptoms of disability and providing primary medical rehabilitation (ii) making it mandatory to undergo blood tests for intending couples before marriage to avoid the birth of disabled children (iii) undertaking a nutrition program for pregnant women (iv) training doctors, nurses & other caregivers to deal with disability issues and (v) introducing support services of asistive devices and equipment at the health center,
- Reserve seats shall be allocated for the disabled in the Parliament. They should be involved in policymaking body for alleviation of poverty and development of the poor,
- It is important to ensure mobility of the disabled people so that they have access to all sorts of public services. In this respect attention must be given to access to transport vehicles, infrastructure, water and sanitation etc. Building ramps in public buildings and in large housing facilities and in cinema halls and other entertainment facilities should be made mandatory. Special toilet facilities should be built in buses, waterways, rail stations, schools, banks, and in all public space. All transport facilities must have reserved seats for the disabled,
- The disabled day should be observed by all from local to national level,
- It is also important to ensure the participation of persons with disability in social functions, sports & other activities related to entertainment. It must be ensured that voting facilities of disabled persons are friendly so that they can participate in voting activity,
- It is clear that our present legislation in no way is consistent with CRPD standard and there is not only a need but also a legal obligation to amend the present law. Considering the CRPD values and structure the Government of Bangladesh should amend the existing 10 years old Act immediately.

## 7. Conclusion

UNCRPD is mainly focuses on right-based approach. The right-based approach has two elements: firstly, it implies conferring disable people with the enforceable rights to protection against direct and indirect forms of discrimination. Secondly, positive action programmes should be designed to rectify the historical subordination of disable people to their able-bodied environment. Human rights based approach can be a very powerful tool for legal protection of persons with disabilities. To make real progress in this sector in a developing country like Bangladesh, an all-out effort from all quarters is mandatory. The persons with disabilities themselves, their organizations, other organizations working in this field, and all the advocacy platforms need to increase their awareness campaigns for the prevention of disability and for the recognition of the rights and privileges of persons with disabilities as equal citizens of the country.

It is noted that the CRPD sets out the human rights of persons with disabilities and the obligations on States to promote, protect and ensure those rights as well as mechanisms to support implementation and monitoring. Thus Bangladesh is under an obligation to provide proper mechanisms to support implementation and monitoring the rights of the persons with disabilities. The process of amendment of Disability Welfare Act 2001 should be

carried out as far as possible following the preamble, purpose, general principles, obligations and rights of persons with disabilities of UNCRPD to make it human rights based amended law and upholding the spirit of the constitution of the Peoples' Republic of Bangladesh.

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Table 1. Percentage of Disability by Sex & Type (1991 Census)

Type of Disability	Male	Female
Visual Impairment	16.7	18.4
Hearing Impairment	19.6	22.5
Intellectually Disabled	15.5	15.1
Leper	2.7	2.4
Physically disabled	45.5	41.6
Total	100	100
% of Total Population	0.55%	0.39%
Est. Number of Population	309,817	208,832
Gender Mix	59.70%	40.30%

Source: Bangladesh Bureau of Statistics 1999.

Table. 2 Percentages of People with Disability PWDs by Age (1991 Census)

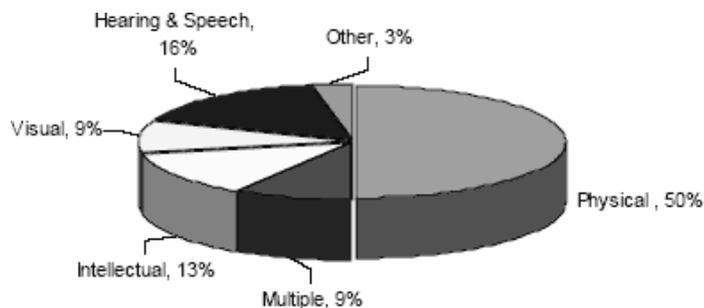
Age Group	Male	Female	Total
0-4	5.9	4.1	5.2
5-9	9.7	9.8	9.8
10-14	10.2	9.5	9.9
15-19	5.4	6.6	5.9
20-24	6.6	6.5	6.6
25-29	5.4	6.2	5.8
30-34	5.9	3.1	4.8
35-39	4.9	4.9	4.9
40-44	5.4	4.5	5
45-49	5.3	4.4	5
50-54	5.6	4.5	5.2
55-59	5	4	4.6
60-64	6.8	6.9	6.8
65 +	18	24.9	20.8
Total	100	100	100

Source: Bangladesh Bureau of Statistics 1991.

Table 3. Bangladesh Policy and Developments

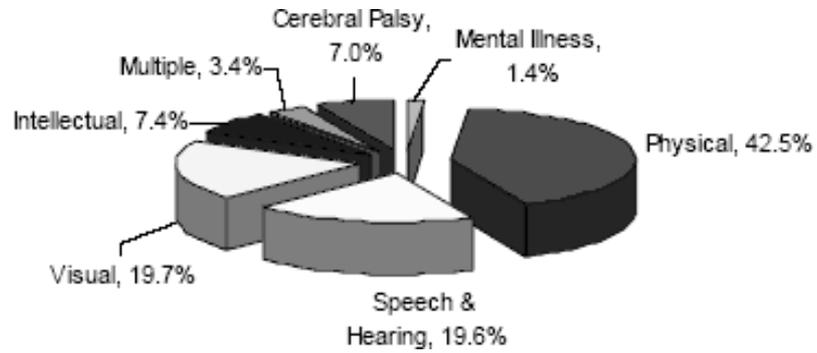
<p>1993, National Coordination Committee on Disability established under the Ministry of Social Welfare</p> <p>1995, National Policy on Disability approved outlining guidelines for prevention, identification, education, rehabilitation, research and management of the national program</p> <p>1996, Action Plan on Disability approved outlining the plan for the implementation of the National Policy - this plan has not yet been fully implemented</p> <p>2000, National Foundation for the Development of Disabled Persons (NFDDP) established under the Ministry of Social Welfare</p> <p>2001, Disability Welfare Act passed by Bangladesh Parliament</p>
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Source: Bangladesh Protibandhi Kallyan Somity.



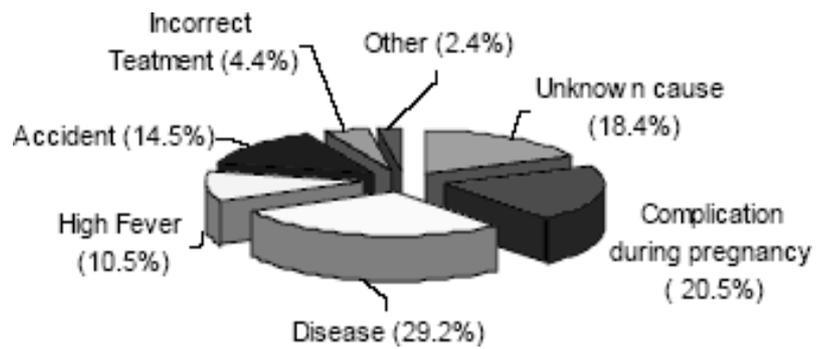
Source: Action Aid Survey, 2000

Figure1. Types of Disabilities



Source: Action Aid Survey, 2000

Figure 2. Types of Impairment



Source: Action Aid Survey, 2000

Figure 3. Cause of Impairment