

Alternative Report- Bangladesh

**For the adoption of the list of issues by the
UN Committee on the Rights of Persons with
Disabilities (CRPD)**

Situation of Persons with Disabilities Belonging to Minorities

11th pre-session of the UN-CRPD (April 2019)

Organization consulted to prepare the report

Bangladesh Dalit and Excluded Rights Movement (BDERM), Center for Services and Information on Disability (CSID), Council of minority, Women with Disabilities Development Foundation (WDD), Social Assistance and Rehabilitation for the Physically Vulnerable (SARPV), Dalit Women Forum, Bandhu Social Welfare Society, Maulavibazar Cha Jonogosthi Adivasi Front, Gono Sastho Kendra, Bolipara Nari Pragati Sangha, Bangladesh Institute of Theater Art (BITA). Jatio Adivasi Parishad (JAP)

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Nagorik Uddyog

The name “Nagorik Uddyog” (The Citizen’s Initiative) epitomizes the organization’s fundamental goal as well as the strategies and activities it utilizes to achieve this goal. Nagorik Uddyog is a non-profit national level development and human rights organization advocating on fundamental human rights for excluded, poor and underprivileged minorities since its establishment in 1995. As an active member of many national and international development forums and networks, undertakes lobbying and advocacy activities to promote human rights and good governance.

NU recognizes that the poor, marginalized and disadvantaged must be given the power to participate in and contribute to all those decision-making processes that affect their lives. Accordingly, NU strives to provide an enabling condition for the people to set up institutions and mobilize themselves.

Minority Rights Group International

Minority Rights Group International campaigns worldwide with around 130 partners in over 60 countries to ensure that disadvantaged minorities and indigenous peoples, often the poorest of the poor, can make their voices heard. Through training and education, legal cases, publications and the media and cultural programmes we support minority and indigenous people as they strive to maintain their rights – to the land they live on, the languages they speak, to equal opportunities in education and employment, and to full participation in public life.

INTRODUCTION

1.1 Introduction

Bangladesh ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) on November 30, 2007 and its Optional Protocol on May 12, 2008 (5). The goal of this report is to look at the particular situation of persons with disabilities belonging to ethnic and religious minorities or to indigenous peoples in Bangladesh, to identify the specific human rights challenges they face and to offer recommendations as to what the government of Bangladesh should do in order to make sure that the efforts to improve the rights of persons with disabilities do not leave behind those who belong to vulnerable groups, and that policies targeting minorities and indigenous peoples duly address the situation of those of them who are with disabilities.

Persons with disabilities: Data on person with disabilities in Bangladesh are limited and often not reliable, or underestimate the prevalence due to varying definitions of disabilities and data collection processes. The World Bank estimated that 13.83 million people with disabilities were living in Bangladesh as of July 2012, which includes approximately 3.4 million children with disabilities.

Minorities and indigenous peoples: The majority ethnicity in Bangladesh is Bengali, an ethno-linguistic group, comprising over 98 per cent of the population. According to the 2011 Census, approximately 1.8 per cent of the population are indigenous ‘Adivasis’, amounting to around 1.6 million – though some community representatives claim the actual figure is considerably higher. The majority of indigenous peoples live in the plains of the north and southeast, as well as the Chittagong Hill Tracts, where they are also referred to as Jumma. The predominant groups are Chakmas, Marma and Tripura. The government recognizes 27 ethnic groups but not does recognize the international definition of ‘indigenous peoples’.

Bangladesh’s trajectory in the decades since independence has seen a shrinking of its religious diversity, reflected in the relative decline of religious minorities from 23.1 per cent of the population in 1971 to 9.6 per cent today – a contraction largely due to the mass migration of its Hindu population, who at 8.5 per cent currently make up the largest religious minority, followed by Buddhists (0.6 per cent) and Christians (0.3 per cent). In addition, some indigenous peoples, such as Mro, practice animism.

While the majority of Muslims are Sunni, a small proportion are Shi'a and as such represent a sectarian minority. Similarly, the approximately 100,000 Ahmadis, who self-identify as Muslim, have for decades been stigmatized by extremist groups who have called for the community to be formally designated as non-Muslim. Furthermore, approximately 300,000 Biharis form a small but significant minority ethnic group living in and around the capital city Dhaka and are a linguistic Urdu speaking minority.

Persons with disabilities belonging to minorities and indigenous peoples: There is no official data available on persons with disabilities who belong to minority groups living in Bangladesh. There has been no comprehensive survey on their situation.

1.2. The CRPD Shadow Report

The following report is based on eight Articles of the UNCRPD namely: Article 5 (Equality and non-discrimination), Article 6 (Women), Article 7 (Children), Article 8 (Awareness Raising), Article 11 (Situations at Risk and Humanitarian Emergencies), Article 24 (Education), Article 15 (Health), Article 26 (Habilitation and Rehabilitation), Article 27 (Work and Employment) and Article 31 (Statistics and Data Collection).

1.3. Methodology

The report focuses on the situation of persons with disabilities within minority communities and their experiences, drawing from secondary data derived from different surveys and primary sources gathered during Focus Group Discussions (FGDs), conducted by Nagorik Uddyog in January 2018 in 7 districts of Bangladesh (Gaibandha, Dinajpur, Jessore, Satkhira, Dhaka, Maulavibazar, Cox's bazar). A total of 13 FGDs were conducted among different minority groups of Bangladesh, including Dalit, Indigenous peoples, Transgender persons, persons belonging to linguistic minorities, Rohingya refugees and the Tea labourer community (who are marginalized and treated as untouchable). 156 male and female of different ages and disabilities attended in the FGDs. Individual one-on-one interviews were also conducted. A national level consultation has been organized on February 4, 2019 at Dhaka, Bangladesh, participated by 27 organizations and individuals working for persons with disabilities.

FINDINGS AND RECOMMENDATION

2.1 Article 5- Equality and non-discrimination

Key Issue: The Anti-Discrimination Act has not yet been passed although the state committed to enact it during the UPR 2nd (2013) and 3rd (2018) cycle. The Act has provision to address discrimination on the basis of caste and untouchability¹

Key Findings:

- The Ministry of Social Welfare (MoSW) has been conducting a Disability Detection Survey (DDS) since 2013². However, minority persons we consulted reported that many of them have not been covered by the survey. The Urdu speaking people reported that many of their camps were not targeted in the survey.
- With a view to prevent minority groups from discrimination on the basis of their identity, civil society groups and human rights organizations have long been advocating for the state to formulate Anti-discrimination legislation. In 2013, the government responded positively and drafted an Act which was later returned to the National Human Rights Commission for further review in 2016. Since then no further progress has been made. Moreover, the issue of minority persons with disabilities has not been addressed in the draft act.
- The Directorate of Social Services (DSS) under Ministry of Social Welfare issues identity cards for persons with disabilities. Yet very few minority people with disabilities avail this card. The majority of the minorities that we consulted are not aware of this card. For example, among the 77 persons with disabilities living in the Mohmmadpur Geneva camp for Urdu speaking people, only 35 have been issued this card; 6 out of 68 persons with disabilities in Mirpur camp have been issued this card. The process to obtain this card is very complex and the

¹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/211/03/PDF/G1821103.pdf?OpenElement>

² <https://www.dis.gov.bd/en/>, access date 1 February 2019

card recipient has to appear before the civil surgeon to prove his/her disability.

Recommendations:

- Enact the Anti-Discrimination Act after incorporating specific provisions on the issues of persons with disabilities belonging to vulnerable groups, including provisions for affirmative action and measures in line with the CRPD, in consultation with minority rights and disability organizations.
- Include persons with disabilities belonging to minority groups in the DDS so that they can access to basic services provided by the government.

2.2 Article 6 – 7: Women and children with Disability

Key Issue: Status of women and children with disabilities in the minority communities.

Key Finding

- Women with disabilities among minorities are particularly vulnerable to violence and injustice, due to lack of knowledge of their rights and negative societal attitudes. They have to face triple jeopardies that is tied to their experience of discrimination in society: firstly for belonging to minorities, secondly for being women and thirdly for having disability. According to the FGD participants, males from majority communities as well as minorities often exploit the vulnerability of minority women and girls with disabilities emotionally, physically and sexually, including at home, school and in the neighborhood.
- The FGD participant shared that disabled women are seen as burden to their families and can deprive them of their inheritance rights. Among Dalit and some Indigenous communities, Panchayet and village headmen (community governance body) often suggested that women with disabilities should not be given any property.
- The National Children Policy 2011 and the Children Act 2013 include special provision for children with disabilities. It refers to underprivileged children, but children with disabilities from minority communities are not mentioned.³

³ See Bangladesh State Report on CRPD, para 174, 175 https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRPD%2fC%2fBGD%2f1&Lang=en

- In the Rohingya camps only one organization has a targeted program for persons with disabilities that also include children. They have limited resources and mainly provide assistance devices to children and adult with disabilities. There are few NGOs providing health and nutritional services or taking care of children with disabilities.

Recommendations

- The Government should revise the 2013 Disability Act to include provisions for women with disabilities belonging to marginalized groups.
- The National Women Development Policy 2011 should be revised to address the concerns of women with disabilities belonging to minorities; relevant ministries (MoSW, MoWCA) should develop inclusive programmes to protect the rights of the minority women with disabilities.
- The Government should undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities from minority marginalized communities i.e. Dalits, Transgender, Indigenous peoples, linguistics minorities, tea plantation workers and Rohingya and promote a positive image about these communities.

2.3 Article 8: Awareness Raising

Key Issue: Persons with disabilities belonging to minority communities are not widely familiar with government awareness raising campaigns targeting the rights of persons with disabilities.

Key Findings:

- The Government has various awareness raising campaigns regarding the rights of persons with disabilities. However, FGD participants reported that such awareness raising programs are limited to urban areas and hardly reach minority groups. Urdu speaking camp dwellers in Dhaka city was not aware of any such program targeting persons with disabilities. Dalit and Indigenous peoples of remote areas were equally unfamiliar with the campaigns.

Recommendations:

- The Government should utilize local government bodies to increase awareness regarding the rights and available services for persons with disabilities belonging to minorities. Setting up billboards, using print and digital media can be used for creating greater awareness
- The government should ensure that discrimination against persons with disabilities belonging to minority communities is addressed at the primary and secondary school level to foster greater understanding of the issues.

2.4 Article 11: Situations of risk and humanitarian emergencies

Key Issue: Persons with disability from minority communities face discrimination during humanitarian emergencies

Key Findings:

- Natural calamities like floods in the norther region and cyclones in the coastal areas of Bangladesh are increasingly common. During humanitarian emergencies, minority people often discriminated against in the process of getting shelter and relief, particularly on the basis of caste. Among Dalit persons affected by humanitarian disaster, persons with disabilities remained the worst deprived⁴.

Recommendation:

- Ensure discrimination free, equal access to humanitarian services of minority persons with disabilities during emergencies.

⁴ Natural Disaster and Humanitarian Assistance: Situation of Dalit, Issues based Briefing Notes, series -2, Page-5, 2014 Published by Nagorik Uddyog and BDERM. See https://bderm-bd.org/wp-content/uploads/2019/01/Briefing_Note_2.pdf

2.5x Article 24 – Education

Key Issue: Status of education of disable children of minority communities.

Key Findings:

- The Dalit children have to study in a hostile environment because of discrimination stemming from their parents' caste and professions that are considered untouchable. Disability comes as an aggravating factor, as Dalit children with disabilities regularly face abusive words, teasing and taunting on the basis of their caste identity. This experience can have a significant negative impact on the Dalit children's mental health and well-being, leading to drop outs from the primary level of education⁵. Moreover, they are often discouraged to be enrolled even in government primary school⁶.
- In most cases transgender children are not accepted in school and according to the respondents of FGDs, they do not in most cases even consider sending their children with disabilities to school.
- Among minorities, children with disabilities are also subject to bullying, harassment and physical abuse both in the school and also on the way to school. This incites parents to keep their children with disabilities at home and not to send them to school.
- There are no educational facilities available for hearing impaired and blind children in the schools in tea plantations, Dalit communities, Indigenous communities or Rohingya camps. According to the respondents, such services are

⁵ Equity Watch 2914, Challenges and Prospects for Dalits Securing their Right to Education in Bangladesh, published by Nagorik Uddyog and BDERM, <https://bderm-bd.org/wp-content/uploads/2019/01/Equity-Watch-Education.pdf>

⁶ *Provash Torofdar from Satkhira Tala upazila belongs to a Dalit community. He is now 19 years old and was born with talipes (club foot). When Provash was a child of 6 years his parents sent him to the primary school. He continued to studies in to grade two until one day he came home and told his parents that he will not go to school anymore. Due to having club foot Provash was not able to wear shoes and children used to call him "lengra muchir pola (Disable son of a shoe maker)". According to him he was physically abused by Bengali children and the teacher never took any initiative to stop others bullying him.*

available in the urban areas and accessible for rich people's children. The respondents could not mention any school for special needs children in their locality.

- A few adults with disabilities participated in the discussion and said that they received vocational training from NGOs like Rishilpi or Bache Shikha. But the rest of the participants were not aware of any vocational training for adults with disabilities.

Recommendations:

- The Government needs to take initiative to ensure that inclusive education is accessible for everybody, including for persons belonging to minority communities, Dalits, Transgender, Indigenous peoples, linguistics minorities and tea plantation labourers.
- Provide educational materials in accessible formats for persons with disabilities belonging to minorities.
- Take initiative to create awareness against caste-based discrimination against minority persons with disabilities, including positive images of minorities belonging to minorities in text books regarding and training teachers on how to ensure the rights of the minority persons with disabilities.
- The Education Stipends (Protibandhi Shikha Upobritti) program needs to be revised in order to ensure allocation of a portion of the total budget to children with disabilities from minority and indigenous communities, as they belong to the poorest of the poor strata of the society.

2.5 Article 25: Health

Key issue: Access to health of persons with disabilities belonging to minorities.

Key Findings:

- During the group discussions, tea plantation labourers, Dalits, plains land indigenous peoples and transgender people reported that doctors and staff of public hospitals at the sub-district level often do not give proper attention to the persons with disabilities belonging to minorities.
- There is no statistics of transgender sex workers, but organizations working with them said that a large number

of transgender young population are working as sex workers and many of them are suffering from STDs. In severe cases transgender sex workers with STDs are facing mental health issues. They do not get help from any counselling services and get limited health service from NGOs.

Recommendations:

- The Government should focus on access to quality health services for persons with disabilities belonging to minorities as per the provision and compliance of Rights and Protection of Persons with Disability Act 2013.
- Provide training and awareness among doctors and staff to provide better service to the persons with disabilities belonging to minorities.

2.6 Article 26: Habilitation and rehabilitation

Key Issue: Rehabilitation of persons with disability belonging to minorities.

Key Findings:

- Many children with disabilities belonging to Dalit, linguistic minorities, tea plantation labourers or Rohingya communities participated in group discussions with their parents or guardians. They reported that they are not aware of the existence of government or NGO rehabilitation centres.
- There is a lack of accessibility and awareness on behalf of caregivers that continues to be a major barrier to full realization of the rights of children and adolescents with disabilities from minority and indigenous communities. In Rohingya camps many parents are unable to send their children with disabilities to schools or child friendly spaces because of the difficulty for children with disabilities to move in the hills and for parents to carry their children.

Recommendations:

- The Government should take initiatives to make child development centres and other medical services accessible for children with disabilities from minority and indigenous communities.

2.7 Article 27 - Work and Employment

Key issue: Poor work conditions and scarce employment opportunities for people with disabilities belonging to minority communities.

Key Findings:

- According to a Dalit person with physical disabilities including blindness and hearing impairment, they are not getting access to any kind of vocational training and do not have access to micro credit programmes⁷.
- In the FGDs, Dalit and linguistic minorities said that physically disabled persons can do some work within their ability but are discriminated against in the labour market due to their caste or minority identity⁸.
- Persons with disabilities of the tea plantations face difficulties in securing loans for small business initiatives as they are not able to provide collateral against loan.
- Due to negative stereotypes and beliefs of the wider society, transgender persons are largely excluded from the job market, despite their capacity and qualifications. Transgender persons with disabilities are usually not working and members of their community take care of them.
- The law provided that a quota of 1% of civil servants should be persons with disabilities. However, on October 4th 2018, the government declared to abolish the quota system, including quotas for minorities and persons with disabilities⁹.

⁷ In Satkhira, one physically disabled Rabidas woman said that she can work at peoples home as a house maid but rich people of the majority society do not employ them as housemaid. This woman is a single mother with two little girls and she is living with her uncle, where she works for them for shelter and food.

⁸ Liton Robidas is blind man from Satkhira Tala upazila. He earns a living by working as a singer. He is associated with the local Shilpakola academy but he is not employed by the academy. According to the 2013 Disability Act Liton is qualified to undertake jobs in the Shilpakola academy as the act has made special provision for persons with disabilities. Linton said that he is not getting a job because he is a man from Dalit community.

⁹ <https://www.thedailystar.net/country/quota-system-in-bangaldesh-scrapped-officially-1642534>; access date 5 January 2019

Recommendations:

- The Government needs to take initiatives in consultation with civil society organizations in order to arrange tailored courses of vocational trainings for PWDs belonging to the marginalized minority and indigenous communities.
- The Government should reserve employment quotas for person with disabilities of minority and indigenous communities in government jobs. As they experience multiple discrimination as both a person with disability and as a person belonging to a marginalized minority.

2.8 Article 31: Statistics and Data collection

Key issue: No disaggregated data for persons with disability belonging to minorities

Key Findings:

- There is no disaggregated data on persons with disability belonging to minorities. The Ministry of Social Welfare (MoSW) has been conducting the Disability Detection Survey (DDS) since 2013 but statistics on minority people with disability are yet to be shown separately¹⁰. The Bangladesh Bureau of Statistics in its 5th Bangladesh Population and Housing Census 2011 also did not cover the persons with disability belong to minority persons¹¹.

Recommendation:

- The government should undertake to collect appropriate information, including statistical and research data, to on persons with disabilities belonging to minority communities to enable them to accurately formulate and implement policies. DDS 2013 should produce disaggregated data on persons with disability belonging to minority peoples.

¹⁰ <https://www.dis.gov.bd/en/>, access date 1 February 2019

¹¹ BBS and Statistics and Informatics Division (SID), Ministry of Planning, 'Population and Housing Census 2011: Socio-Economic and Demographic Report', National Series, Volume 4 (December 2012). http://bbs.dhaka.gov.bd/sites/default/files/files/bbs.dhaka.gov.bd/law_policy/6ed6b42c_2015_11e7_8f57_286ed488c766/Socio-Economic%20and%20demographic%20Report%202012.pdf

LIST OF ACRONYMS

BBS	Bangladesh Bureau of Statistics
BDERM	Bangladesh Dalit and Excluded Rights Movement
CRPD	Convention on the Rights of Persons with Disabilities
CWD	Children with Disability
DDS	Disability Detection Survey
DSS	Directorate of Social Services
DPO	Disabled Persons' Organization
FGD	Focus Group Discussion
MoSW	Ministry of Social Welfare
MoWCA	Ministry of Women and Children Affairs
MRG	Minority Rights Group
NGO	Non-Government Organizations
NU	Nagorik Uddyog
PWD	Person with Disabilities
STD	Sexually Terminated Diseases
UPR	Universal Periodic Review
VSC	Victim Support Centre
WWD	Woman with Disabilities