

## **The Rights of Women with Disabilities in Bangladesh, with Emphasis on Filling the Gaps in the Law**

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### **Abstract**

*Human rights ensure that everyone has the chance to meet their most fundamental needs. Women with disabilities have less physical strength. One of the most helpless demographics on the planet. They have rights as human beings. They are entitled to legal protections even when they are hidden from view. The Constitution of Bangladesh ensures that all citizens will be treated fairly, and additional regulations protect the rights of disabled women. Our laws protecting people with disabilities also have flaws. Legal protections for women with disabilities, however, are essential. Disabled women are the worst sufferers in our society. Nowadays, this class is one of the victims of sexual torture and other forms of cruelty. There must be immediate changes to these laws. No statute protects the rights of women with disabilities. This research is based on fundamental principles that apply universally. At first, this research elucidates standard constitutional Safeguards. We then compiled a list of the ways in which the rights of women with disabilities are being trampled upon. The topic to be discussed next is laws, encompassing both domestic and international legal frameworks. Bangladesh enacted the Mental Health Act, 2018, the Rehabilitation Council Act, 2018, the Neuro-Developmental Disability Protection Trust Act, 2013, and the Right and Protection of Persons with Disabilities Act, 2013. Disability rights are enshrined in these statutes. Some of them only denote official actions that do something to acknowledge the rights of people with disabilities. Several important provisions are omitted from these statutes since they are more reflective of administrative functions. As a result, this research report analyzes the shortcomings of various statutes. Reasonable suggestions to amend or reform the law have been presented to ensure that disabled women can use their rights.*

**Keywords:** Disabled women, Safeguards, Domestic and International Legal Frameworks.

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## **Introduction**

Disabled women make up approximately 8 percent of Bangladesh's population. The issue of disabled women's rights is consistently neglected in Bangladesh. They are excluded from essential amenities such as education, social engagement, and commerce due to negative attitudes towards them. They are enduring such mistreatment due to their own negligence. In our country, a far smaller number of women have access to educational and employment opportunities. They are deprived of the right to participate in the cognitive and verbal expression of their thoughts and emotions within their own families. However, there is a rationale behind their impairment. Excluding girls from essential medications leads to permanent disability. They are rendered disabled as a result of inadequate medical care. Furthermore, gender-based disparities and prejudice experienced during childhood result in long-lasting disabilities. They encounter the challenges of early marriage and discrimination in accessing sufficient nutrition, which leads to prolonged incapacity. They experience both physical and mental disabilities thereafter (Rahman, 2018). One widely recognised issue that they face is sexual assault and harassment in our nation. This is a frequent occurrence in everyday life, involving mistreatment from family members and partners. They are subjected to domestic violence perpetrated by their intimate partners within their own residences. Additionally, they are subjected to emotional abuse. Bangladesh is a signatory of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) (Jaman 2016). However, disabled women are not receiving adequate recognition of their rights. While Bangladesh has enacted various legislation, there is a lack of effective implementation of the regulations that are essential for upholding the rights of disabled women. The legislation pertaining to the rights of women with disabilities fails to guarantee their rights. Furthermore, our statute contains loopholes that prevent the complete guarantee of their rights and access to justice.

## **Statement of the Problem**

Disabled women endure the most severe hardships in our culture. Currently, this class is subjected to sexual torture and various other sorts of cruelty. Familiarity with one's rights holds significant significance. The legislation in Bangladesh extends its protection to encompass the rights of women with disabilities, in addition to the general population. The study paper discusses these statutes in order to ascertain the rights they confer. However, these regulations also possess restrictions that prevent them from fully meeting their requirements. Each individual possesses inherent entitlements known as fundamental rights or basic rights. They possess equal rights as well. However, in the present circumstances, their rights are not safeguarded by our fellow members of society. They are subjected to violence on a daily basis, constantly. Newspapers and media often report on instances of sexual assault against women with disabilities. However, the laws pertaining to the

handicapped population do not have a distinct chapter or part specifically addressing the rights and needs of handicapped women. The legislation pertaining to individuals with disabilities should explicitly include provisions for disabled women as well. However, they failed to acknowledge the presence of women in their own domains. Numerous entities have found inclusion within those statutes. The superfluous elements have been deliberated over in this research article. In the present era, the significance of provisions pertaining to women surpasses all other concerns. This is primarily due to the pressing need for robust legislation and regulations that safeguard women's rights, which are frequently infringed upon in many manners.

### **Background of the Study**

This study examines the fundamental human rights of disabled women in Bangladesh and explores the various factors that impact the realization of these rights. Disabled women encounter gender-based violence as a result of societal obstacles, unfavorable attitudes, disparaging perceptions towards them, inadequate legal protections, insufficient support services, and a lack of concern for their well-being, among other factors. Disabled women are deprived of adequate education, healthcare services, employment prospects, and other essential chances. I have outlined the legislation pertaining to individuals' rights and have also explored the means by which people can secure their rights in their entirety through the reformation of legal regulations. Furthermore, while perusing newspapers and media broadcasts, we can come across reports detailing acts of cruelty perpetrated against women with disabilities. Currently, disabled women in Bangladesh are experiencing severe violence. This study explores the pervasive occurrence of violence against disabled women in our culture. I have outlined the legislation enacted to safeguard the rights of those with disabilities. Disabled women are subject to the same rules as non-disabled individuals, as there is no specific legislation that applies only to them. However, in our country, there is now no enforcement of those laws.

### **Objectives**

- a) To outline the legislation safeguarding the rights of women with disabilities in Bangladesh
- b) To ascertain the challenges of the legal framework pertaining to women with disabilities in Bangladesh.
- c) To elucidate potential reforms for legislation pertaining to women with disabilities.

### **Methodology**

The study is grounded in qualitative methodologies. I have employed a descriptive research methodology in my study. The research will involve a systematic analysis of the subject area, based on established principles and rules. The effort would involve a debate centered on the existing legal sources

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associated with the topic area. The research would rely on a combination of primary and secondary sources. The major sources include diverse data obtained from government sectors. The secondary sources include literary works, scholarly articles, and analyses of legal precedents pertaining to this particular topic matter. In addition, we shall investigate and employ journals and digital sources for this aim.

### **Research Questions**

The research questions are given below:

- a) What are the limitations of the current legislation in safeguarding the rights of women with disabilities?
- b) b) In what manner should the laws protecting the rights of disabled women be modified?

### **Importance of the Study**

In Bangladesh, violence against handicapped women is rising, and rural women are the biggest victims. Furthermore, in our rural community, they lack the rights and claims of a natural and normal human person. Villagers are increasingly unaware of their rights and demands. Even non-disabled women are discriminated against in their families. Impaired women are the worst victims of inhumane acts, such as not being fed or given basic facilities because of their disability. They are abused everywhere. Even these injustices and tortures appear acceptable. They keep going because it's natural. Many in our society don't believe they can succeed with opportunities and help.

If impaired persons can be helped by technology, organization, and the community, their strength can be revealed as outstanding advantages not only for themselves but also for the whole country. Experts have said that impaired people are more obedient, passionate, and vigilant. They have acute intention, exertion, and motivation to come into the mainstream of normal people who do not have impairments (Alam 2012).

Since our society is so vulnerable, policymakers must prioritize enshrining their rights in law. Bangladesh has no dedicated law for disabled women. Bangladesh's handicapped communities have one statute protecting their rights. Furthermore, other disability laws do not specifically address impaired women. I highlighted their rights under the statutes for all impaired communities as there is no specific law for them. I've also explored the laws' downsides. It was unnecessary to describe legal limitations if there were separate laws or chapters on their rights (Al Faruque, A. 2012).

### **Literature Review**

In their research article focusing on handicapped women in rural Bangladesh, Saidur Rahman and SK Tauhidul Islam observed that females with physical disabilities experience feelings of humiliation and insecurity from a young age, primarily due to the prevailing negative attitudes towards them. Some

individuals have a desire to not continue their existence. They experience a decline in strength due to neglect in the workplace, family, and education. Superior social status is necessary for the assertion of their rights. If individuals possess rights and authorities bestowed upon them by the government, they are protected from harm within the community and are able to move about without restriction. Women who have disabilities will not be considered disabled in that case. This necessitates the establishment of rights by the government and other organisations (Rahman and Islam 2014).

Marlee Elizabeth Quinn and her colleagues discovered in their research report that hospitals and clinics frequently marginalise disabled women. The majority of individuals do not have access to educational privileges and resources. Discrimination may be employed to elucidate their circumstances. Some individuals perceive the use of their rights as a means of evading or escaping certain obligations or responsibilities. They go unnoticed. Additionally, they possess a lower level of consciousness regarding their impairment. Disabled women are subjected to torment by their husbands or relatives-in-law. They endure regular acts of violence that infringe upon their rights. Being a disabled woman sometimes excludes them from society. They face greater challenges than other women in accessing facilities. Gender disparities are prevalent in our society (Quinn and others 2016).

Rahman Anika stated that a woman who is physically disabled is lacking in financial resources and lacks formal education. Typically, women who are not exceptional in any way are subjected to mistreatment by their partners and coerced into marriage at a very young age, usually around six or seven years old. Disabled women in our country face more severe challenges compared to non-disabled women. If girls who are not affected by any disabilities do not give birth to a male child, their family subject them to physical violence. Disabled women can face challenging circumstances from both family members and other individuals (Rahman & others, 2020)

Nilima Jahan's media report reveals that disabled teenage girls endure a higher degree of violence compared to non-disabled girls. These females are particularly susceptible to such assault due to societal exclusion and limitations on their mobility. Certain women endure psychological and physical assault. Disabled women are subjected to ongoing mistreatment. They are primarily subjected to torture because to their disability. Police and courts are unable to address their grievances due to a lack of authorities proficient in sign language. Women with disabilities, particularly those who are physically impaired, are unable to access court facilities. Therefore, they are unable to pursue justice in the same manner as others. The manager of an organisation advocating for women with disabilities asserted that the legislation protecting the rights of the disabled population does not specifically address issues such as rape and sexual oppression (Jahan 2021)

Afsana Rahman stated that women with disabilities are more vulnerable than men. They are experiencing social exclusion. Disability is considered a

taboo in our community. They are required to provide their husbands with a significant amount of money over the duration of their marriage. Impaired girls receive higher compensation than non-impaired girls. In order to get married, they must possess wealth or property. The majority experience bodily, physical, and various forms of suffering. These actions are not considered criminal offences in our nation. These incidents occur on a daily basis (Rahman 2020).

Shuchi Karim said society ignores disabled women. If women and disabled people are brutalised or assaulted, their concerns are ignored, disrupting our community. Disabled women are denied education, political participation, and other opportunities by those who disregard them and create barriers to their success. Their worth is often low. Unlike disabled women, typical women cannot report violence. Their conduct severity is unknown. Our nation also needs legal aid for these people. Sexual assault is violent and impulsive. These brutal acts may result from intimidation, fraud, extortion, and other techniques. Their acquaintances target them since they are reliable movers. Dependability can sometimes make someone a victim. Their judicial testimony is unreliable. Modern culture views disabled women as infantile due of their narrow worldview. Therefore, they know nothing about sexual persecution and torture. Therefore, disabled women are targets of sexual assault because they are unaware. Their case filing and testimony are useless (Karim 2021).

### **Scope of the Study**

This research aims to provide a comprehensive understanding of the rights of disabled women in Bangladesh, with a specific focus on analysing their rights in relation to international legislation. I have labelled all of them. Moreover, this study will address the curiosity surrounding a subject that frequently affects the rights of women with disabilities. I engaged in a conversation over the rights of women with disabilities in Bangladesh. Additionally, the text highlights deficiencies in legislation concerning their entitlements and provides recommendations for enhancing them. These strategies will effectively eradicate human rights violations against disabled women in Bangladesh, enabling them to lead fulfilling lives free from abuse and prejudice. I provided instructions on how to modify their legislation about rights. When faced with violence, they are not treated equitably by the laws. Legislative changes are necessary to safeguard their rights.

### **Limitations of the Study**

Every paper has inherent defects and limitations. This particular item is also subject to specific restrictions. There was a time management policy that limited my capacity to gather further information and news expressly pertaining to women with disabilities. There was a lack of adequate sources. I encountered difficulties in acquiring adequate and precise information pertaining to this particular paper. I have solely employed primary and secondary data for the aim of performing my research.

## **Legal Framework for Disabled Women in Bangladesh**

### **Domestic Laws for the Protection of Disabled Women**

In order to improve the well-being of the citizens of Bangladesh, the government has implemented the Rights and Protection of Persons with Disabilities Act 2013 (RPPDA), Neuro-Developmental Disability Protection Trust Act 2013, and Bangladesh Rehabilitation Council Act 2018. These Acts are implemented to protect the rights of the disabled community. The Constitution also upholds and protects these rights. Given that gender equality is upheld, laws are designed to apply to both men and women.

### **Rights Ensured by the Constitution of the People's Republic of Bangladesh 1972**

The statement calls for the elimination of legislation that are not in accordance with the Constitution. It guarantees equal status for all citizens of the country and ensures that everyone receives the same benefits under the law. It guarantees the freedom of religion and belief, allowing individuals of all castes to freely practise their chosen religion. It ensures equitable possibilities for employment in all government sectors of the country. It ensures legal protection for every individual. Additionally, it guarantees several crucial entitlements of an individual as a member of society.

### **Rights Ensured by the Rights and Protection of Persons with Disabilities Act 2013**

This Act defines 12 types of impairments. This Act describes the rights of disabled people. These rights are:

- a. The right to live, to live in society with parents or legal guardians or family or children and the right to get an inheritance.
- b. The right to get information, advantages in employment, whether it is government or non-governmental institution, rehabilitation and compensation, protection from oppression and gaining a secure and healthy environment to receive the best quality of health care protection and management as well as medical management when needed.
- c. To take part in social, economic, and political activities.
- d. To take part in all stages of education or inclusive education by getting advantages.
- e. To do jobs and get rehabilitation and compensation.
- f. Protection from oppression and gaining a secure and healthy environment.
- g. To get the best quality of health care protection and services as well as medical management by necessity.
- h. To ensure physical, oral, and vocational competence of them to mix with every stage of life.

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- i. Persons detached from parents and family should be provided with rehabilitation and maintenance.
- j. To take part in cultural activities for amusement.
- k. To adopt sign language in Bengali for the hearing and speaking of the disabled. and security of personal information.
- l. Constituting organizations for the welfare of them.
- m. Gaining a National ID Card and taking part in voting and any other right mentioned in the national gazette by notification.

Nobody can discriminate against disabled people's rights. The National Coordination Committee, National Executive Committee, District Committee, Upazila Committee, Town Committee, Sub-committees, etc. are also recommended by this Act. It specifies these committees' duties and members. This Act also covers characteristics, incompetence, and member dismissal. It gives members reasons to leave. The National Coordination Committee holds at least two sessions each year, the National Executive Committee three, the District Committee four, and the Upazila Committee six. National ID Cards, automobile seat conservation, educational institution discriminatory eradication, and employment and public institution accessibility are included. Building Construction Act 1952 should be followed to assure accessibility of disabled persons. But the Act does not tell about autonomy, security, and service coordination, etc.

### **Mental Health Act 2018**

The Mental Health Act 2018 has substituted the Lunacy Act 1912. People with psychiatric sickness do not get appropriate medication in Bangladesh. Sometimes, it causes suicide also. Psychic illness is believed as an evil spirit in our country and the sufferers face shamans in rural areas. The claims as well as authority of sufferers with psychic sickness are to be established and protected by this law. Bangladeshi mental health patients are protected by this Act. This Act creates a mental health reconsideration and observation committee. The government can build any hospital for them. It can be formed in any medical college or district hospital unit. However, addicts, convicts, and minors should be separated from other patients. Place minors differently. Mental illness patients have the right to learning, dignity, health, and property under Section 6.

This Act governs mental health care, hospital closures, judicial evaluations, and guardianship of patients and their property. Mental disorder means mental incapacity, drug addiction, etc. Mental illness goes beyond psychological disorders. Medication compliance is defined here. This law classifies patients as willing, reluctant, or non-protesting. This Act specifies patient assessment. Minors need parental consent. If they are not under involuntary medical service and their admission status changes, willingly admitted patients can leave clinics. Doctors can admit and treat unwanted



individuals without a guardian if they diagnose psychic sickness. Patients who cannot notify doctors about their ailments are non-protecting. With guardian consent and checkups, they can seek treatment. This Act also mandates a psychological health review council to oversee patient care. Every district will have this committee. This statute does not list all sufferers' rights. This is only guaranteed by the 2013 Act. This Act protects mental health and disability rights. Again, physician training is not mentioned.

### **Neuro-Developmental Disability Protection Trust Act 2013**

This legislation is specifically designed to cater to individuals who have been diagnosed with conditions such as Cerebral palsy, Down syndrome, autism, and intellectual problems (Protection of Persons with Neuro-Developmental Disability Trust Act 2013).

This Act provides a detailed description of the process of establishing a trust. This trust will offer information, guidance, and monetary support. Additionally, it will provide them with both physical and mental upkeep. This trust will be comprised of an advisory council and a trustee board. The advisory council is responsible for providing crucial instructions in accordance with the authorised regulations. The trustee board will oversee the management of the trust. The composition of the group will be determined by the individuals specified in the Act. They will be selected based on certain requirements. The Board will organise a quarterly meeting. The responsibilities of the Board and the trust are thoroughly described in the Act. The Board will form a committee of multiple members in each district. Additionally, individuals with neurodevelopmental disorders will receive advantages from the establishment of organisations mandated by this Act. Guardianship for individuals with neuro-developmental disabilities will likewise be established according to this Act. However, it is necessary for the organisations to be officially registered under this Act. Non-registration will result in exclusion from acting under this Act. An individual with autism does not pose a challenge, as they can become valuable via appropriate education, instruction, and motivation. However, it is imperative that we determine the appropriate work environment for those with autism.

### **Bangladesh Rehabilitation Council Act 2018**

Rehabilitation is an activity aimed at reducing disability and improving the functionality of individuals with impairments. It may also encompass health conditions such as pregnancy, disease, and so forth. Individuals may require enhancement and rehabilitation services at any stage of their lives, as they are accessible to individuals of all ages. This legislation establishes a council dedicated to rehabilitation, with members appointed for a term of three years (Bangladesh Rehabilitation Council Act 2018).

### **International Laws Protecting the Rights of Disabled Women**

The Universal Declaration of Human Rights (UDHR) delineates and guarantees the entitlement to freedom and reverence for every individual

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(Faruque 2012). The chart includes those who possess equal rights as others, and it specifically acknowledges the disabled population under the category of 'other status'. In Article 23, The Convention on the Right of the Child 1989 (CRC) also mentions handicapped children who have psychological and bodily impairments. UDHR in its Preamble states about the equivalence of rights and claims for each person of the world (Shahnaz Huda 2013). These rights are immutable and they provide everyone a sense of self-worth and honour. These rights have been established in response to the incidence of inhumane behaviours. Each state has established rules and regulations to protect human rights. The purpose of these laws is to establish and implement this declaration of the rights of all individuals.

The reports on Bangladesh's compliance with the rights of its citizens are unfavourable. The prevalence of aggression towards women has been a growing concern in our nation for several years. The prevalence of sexual offences has reached concerning levels. In order to effectively safeguard the rights of its citizens, Bangladesh must fulfil certain conditions and adhere to all agreements pertaining to the claims of individuals. This includes improving the working conditions of non-governmental organisations and submitting reports within the specified timeframe (Arif 2018).

There is also the Declaration on the Rights of Mentally Retarded Persons 1971. The International Covenant on Civil and Political Rights (ICCPR), 1966 ensures non-discrimination for females and specifies rights that will equally exist between male and female members. The statement emphasises the need of acknowledging fundamental rights regardless of any factors such as position or gender. Any status can encompass impairment as well (Borhan 1998).

### **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**

The Convention was received on December 13, 2006 and it came into effect on May 3, 2008. The advocacy for the rights of disabled individuals emerged when it was embraced. This treaty is the primary and most important document that presents the demands and power of disabled populations in a comprehensive and extensive way. The document delineates their economic, non-military, and collective entitlements. The text not only grants rights but also outlines the obligations of state parties to guarantee the implementation of these rights (Kapoor 2015).

Article 6 of Convention on the Rights of Persons with Disabilities (adopted on 13 December 2006 and entered into force on 3 May 2008) 2515 UNTS 3 (CRPD) is about the handicapped female. The preamble of this Convention talks about their weakness and it declares that impaired women become victims of repression, maltreatment, misbehaviour, etc. Article 6 mentions impaired female members and it says that they face various types of avoidance and differences. It declares that the countries which are its members have to assure their rights and claims. They must be given liberty

and all the rights which they need. They should be empowered and given all progress and prosperity. The countries which are part of this conference have to confirm it.

Furthermore, this Convention reaffirms that all individuals are equal in the eyes of the law and have the ability to access the protection and benefits afforded by the law. This treaty mandates that member countries must ensure the elimination of any kind of discrimination against disabled communities. They are ensured legal protections regardless of their ability or infirmity. The objective is to ensure that the member countries' rights are protected and upheld.

### **Convention on the Elimination of all forms of Discrimination against Women (CEDAW)**

This treaty prohibits the practice of gender segregation and mandates member governments to implement measures aimed at eliminating gender disparities. It also advocates for the elimination of policies in countries that promote evasion and disparities. The text discusses women's marriage and family life, as well as the concept of equal rights for women in marriage, in comparison to men. To address the issue of gender-based discrimination against women in rural areas, it is necessary to actively eliminate all forms of avoidance and promote comprehensive involvement. This convention specifically addresses the equal rights of women in matters like as inheritance, housing, access to reproductive healthcare services, obtaining loans, and work. It enables them to establish agreements similar to those made by others.

### **CRPD and the Rights of Women**

The CRPD mandates the protection of the rights of women with disabilities. It states that female members are more victims of differences. Their fundamental liberty should be addressed and the state parties have to assure their enjoyment on the same basis. The progress and empowerment of disabled females should be recognized and they shall be provided with equal rights as determined in this Convention. Moreover, according to CEDAW, women are mainly deprived of participating like men in activities because of inequality and differences. They are unable to derive pleasure from political, social, economic, and cultural aspects of life due to this. Impoverished women lack access to education, healthcare, and employment opportunities. This treaty recommends that the state parties establish laws and Constitutions that will impose penalties and forbid any form of discrimination against them (Akter, K. 2019).

### **Limitations of Legal Framework of Disabled Women in Bangladesh and Recommendations**

#### **Gaps in the Right and Protection of Persons with Disabilities Act 2013**

##### **No Provision regarding female**

Throughout the entire Act, I was unable to locate any particular provision pertaining to women with disabilities. The entire legislation was enacted to

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apply to all individuals. This is applicable to individuals of both genders. However, women are the most susceptible individuals in our culture. They require certain safeguards and attention because of their susceptibility. In order to address this, it is necessary to have a specific section dedicated to women. The law does not explicitly address female members as a distinct group when it refers to the rights of the disabled community. While the legislation applies to both males and females, it is necessary to explicitly specify the terms 'women' or 'she' in the relevant parts. The act of describing the experiences of handicapped women is crucial for guaranteeing and establishing their rights. The situation of disabled women in our country is tolerable and filled with suffering. They are regarded as one of the susceptible demographics in our nation. Therefore, it is appropriate to allocate distinct chapters or sections specifically addressing their entitlements. This separate chapter should include the following matters:

- a. Their privileges
- b. Legal rights relating to safety regulations
- c. Procedure for initiating suits on behalf of women with disabilities
- d. Trial procedure for cases involving women with disabilities
- e. Violations committed against women with disabilities and the corresponding legal remedies

### **Further elaboration about Committees**

This Act extensively details the functions of the committees. The text not only provides descriptions of the committee members but also offers detailed explanations of the committees' roles and responsibilities in multiple sections. However, it lacks certain portions pertaining to women and their safeguarding. This Act has provided a comprehensive depiction of the authorities and their functions. Furthermore, it was unnecessary to include these parts that provide a description of the chart illustrating the individuals and their affiliations with the committees' authorities. The government has the option to enact a new legislation to regulate the operations of the authorities, or alternatively, it can delegate these functions to other entities. However, I believe that these superfluous portions have squandered the space that could have been used for other crucial provisions, the significance of which is indescribable.

### **No Provision Regarding Sexual Torture and repression**

There is no provision regarding handicapped female members in the Right and Protection of Persons with Disabilities Act 2013. The Act does not include any provision for the sexual repression of women. However, they encounter it to a greater extent than other members of our society. They are deprived of justice. If this Act included a specific provision addressing sexual harassment, or if it included a section outlining methods to address sexual harassment or prevent it, it would facilitate the process for victims to pursue

legal recourse. This legislation need additional revisions and reformation. Currently, women with disabilities are the primary targets of rape and sexual abuse. Furthermore, they have a notable lack of physical strength and are highly susceptible due to their outward look. They merit distinct legislation to safeguard their rights. Given the perilous situation faced by disabled women in our country, it is inconceivable that we still lack any legislation specifically addressing their needs. Due to the absence of legislation, it is necessary to establish distinct sections or rules specifically addressing these matters. However, there is no distinct section dedicated to them. This law also does not address any provisions about sexual assault against them. A section or sub-part describing sexual suppression and fury is necessary. Their solutions should be incorporated inside this section. Disabled women are entitled to more redress, and the penalties for any wrongdoing against them should be more severe and stringent. Their trial method should prioritize user-friendliness and effectiveness over other systems. The trial method should incorporate both 'sign language' and 'sign language explainers'. In the absence of these, they are unable to provide evidence in a court of law. The magistrates are unable to comprehend their words. Occasionally, these individuals are excluded from trial proceedings and their charges are subsequently dismissed. Police personnel are reluctant to initiate legal proceedings due to the issues surrounding trial procedures. The women with disabilities are unable to provide verbal testimony and are unable to engage in conversation with others. In addition, they engage in discussions with police officers in the event of initiating legal proceedings. Police stations require the presence of 'sign language interpreters' in order to effectively interact with victims.

### **No Detailed Method of Identifying Disability**

The Schedule only gives little information about the identification of disability. Identifying a disability is one of the major activities in order to provide them with a 'disability card' or 'Golden Citizen Card' and this card helps them to receive any government assistance, or any kind of facilitation, whether it is provided by the government, or any organization. The life of a handicapped woman is dependent on the aid and support of others. Without other assistance, their life cannot be imagined. Though handicapped men are in few cases able to rescue them or do some work, women are weaker than others. 'Handicapped women' are one of the vulnerable groups in our society. So they need more assistance from others. Identifying the impairments of women is more significant than for men. In this case, this law should have a section that will give a description of the process and method of disability. The Schedule of this Act describes a few ideas about their identification, whereas they need a long vast idea of the process of identifying. This law should describe where and at which time of year the identification should be held, the whole process of detecting disability, etc. By this, government officials will follow these rules and make it easy. Moreover, corruption in the case of identification of disability should be determined as a crime as it causes serious harm to them. They cannot get their 'Golden Citizen Card' without the detection of disability.

### **Additional Clarification on the Many Categories of Disabilities**

Disability kinds are defined in this Act. It begins with an overview of disability. This could concisely summaries these points. This legislation covers this issue, although it doesn't mention women. Some crucial provisions are missing from this law. However, additional minor occurrences have occurred. It details the specific traits of different disabilities. The information provided was a list of categories without property descriptions. This law addresses disability rights and needs. The current law doesn't meet the needs of 50% of the world's women. Furthermore, it has ignored other difficulties. By specifically addressing women's emergency needs, the Act could be strengthened. Since everyone in our state has rights, it is not essential to describe the different disabilities and their characteristics. Everyone has human rights. By classifying disabilities, it appears that only people who fit those categories have specific rights. Other disability groupings may exist beyond the 12 listed. This Act's main goal is to protect disabled people from discrimination, inequities, and exclusion, hence defining disability classifications is unnecessary. This project seeks legal rights for disabled people. These paragraphs seem to show bias towards other disabled populations not addressed here.

### **Restricted Violations**

This act only prosecutes six specific offences. The responsibilities of the committee members are outlined in this document. Here, their faults and misdeeds are omitted. Committee members who fail to fulfil their obligations or are unable to safeguard disability rights are not subject to any penalties. Members who violate their obligations and liabilities face no repercussions. At times, they fail to fulfil their duty to defend rights. Committee meetings are sporadic. Reports pertaining to individuals with disabilities are also delayed and not presented to the district committee.

### **No Provision Regarding Hazardous Circumstances**

Since this law pertains to both men and women, its instructions and regulations are relevant to everyone. When it comes to addressing humanitarian issues, priority should be given to women. Due to their vulnerability, disabled women in our culture are disproportionately subjected to human attacks, torture, repression, violence, and assault compared to males in our country. Given their conditions, it is crucial to prioritise the provision of protection in emergency situations over other described matters. The Constitution recognises the human rights of the right to life and the right to legal protection. Every citizen have the legal entitlement. The Constitution mandates the enactment of further legislation to ensure the safety of all citizens of the country. The UNCRPD also stipulates the need to provide protective measures for communities with disabilities. However, this Act does not provide a detailed description of it. The text merely mentions the creation of protective measures without providing any details on the

government's response to individuals facing hazardous situations, the specific actions taken to ensure their safety, or how secure dwellings contribute to their successful rescue. Furthermore, this document fails to address the specific tasks and responsibilities that women or individuals may need to do in situations of risk or dread.

### **Social Security**

This law does not specifically address any measures or provisions that are intended to ensure the protection and safety of women. There is a specific portion in the Schedule that pertains to social security and protection. However, it fails to explicitly state the term 'women' and distinguish them from others. An additional measure is required to reduce the susceptibility of women with disabilities. By creating distinct categories or subdivisions dedicated to their social security, individuals can receive protection from organisations that advocate for them and are responsible for ensuring the well-being of disabled populations. Due to the lack of provisions addressing women's safety, organisations may not be sufficiently informed about this issue. They may also fail to complete their obligations as required. There is a requirement for a provision that will provide information regarding the management and precautions for women with disabilities.

### **Drawbacks in other Laws**

This Act does not provide a list of rights of mental health patients. Patients with psychic disabilities lead a hard life full of sorrows. They do not even get their rights properly. But this law was adopted to protect their rights. The Rights and Protection of Person with Disability Act 2013 provides rights of them. It includes patients with mental health problems in its list of types of disability. It also gives the same rights which other handicapped people possess. But the Mental Health Act 2018 does not have such a long chart of rights. The Women and Child Repression Prevention Act 2000 does not have any separate provision regarding disabled women. It deals with all women, whether they are handicapped or not. But handicapped women need different sections for getting a remedy in case of being raped or the victim of sexual outrage, or torture.

### **Recommendations**

Possible reforms for the Right and Protection of Persons with Disability Act 2013:

- a. A distinct provision must be established specifically for disabled women in order to ensure the realisation of their rights.
- b. A dedicated section addressing the safety of women with disabilities from sexual violence and assault should be established.
- c. This Act should provide provisions for the inclusion of special employment opportunities or work facilities specifically designed for women.

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- d. Extraordinary facilities for the safety of women in our society should be addressed in this law. Women face more repression and assault in our society. So they are entitled to special needs in case of getting rid of torture and repression. In the section on freedom from torture of this Act, sub-sections for women should be made so that their demands can be fulfilled.
- e. Sections for risk circumstances should be made. In this section, it must be included where they can find shelter and safety during these times.
- f. Special awareness should be made for women in this Act.
- g. The liability of the members of committees should be included here so that the deception of their activities comes before all.
- h. Special provisions for the shelter of women should be made. Their rehabilitation and accommodation should be secluded from men under the law. By this, the significance of their rehabilitation and residence will be established. The organizations working for them will be bound to manage it for them and their safety.
- i. Excessive provision for kinds of disabilities and duties and responsibilities of committees should be excluded from this Act.
- j. An elaborated method of detecting disability should be introduced in this law for the identification of ‘impairments’ in order to get the help and assistance of government and other primary needs.

### **How Other Laws should be Reformed**

The ways of reforming other laws are given below-

- a. All the rights of a patient with a psychic disease should be enumerated in the Mental Health Act 2018. The rights which a normal human being deserves should be mentioned here.
- b. The Women and Child Repression Prevention Act 2000 should be amended and a section for handicapped women should be included in it. Through this, handicapped women would get a remedy. They can file their cases easily if there is a special provision for them.
- c. A different law for ‘handicapped women’ should be enacted which will consist of all important matters and terms regarding women and also their impairments. A law that will include the procedure of trial of handicapped women, their detention, method of filing cases for them, etc.
- d. A new law for sexual torture of handicapped women should be enacted. This may include handicapped children also. But separate legislation for ‘sexual violence’ in handicapped communities is absolutely necessary. This law should include rape, sexual harassment, sexual torture, and repression, etc.



## Conclusion

Approximately 20% of women are believed to have a disability. Women who have disabilities may have a range of impairments, such as physical, psychological, intellectual, and sensory disorders, which may or may not affect their ability to operate. Furthermore, the range of women with disabilities encompasses those who possess multiple and overlapping identities in various settings, including their ethnic, religious, and racial backgrounds. This also includes their status as refugee, migrant, asylum-seeking, and internally displaced women, as well as their LGBTIQ identity, age, marital status, and their experience of living with or being affected by HIV.

Due to significant differences in life experiences resulting from these circumstances, women and girls with disabilities frequently face severe marginalisation and encounter substantial instances of discrimination. These circumstances can result in decreased economic and social standing, heightened vulnerability to violence and mistreatment, particularly sexual violence, gender-based discrimination, and restricted opportunities for education, healthcare (including sexual and reproductive health), information, services, justice, and civic and political engagement.

Women with disabilities face more problems than other female members of society because they are deprived of their necessities. In Bangladesh, the rights of disabled women are the most disregarded matter. Disabled women are facing violence and ferocity almost every day and we find it in newspapers and televisions after opening them. But they do not get the proper justice in our country.

The laws protecting their rights are only those which apply to all people in the country. But the laws are also made for women. No law deprives women of its shadow. But these laws also have some lacunas which should be early amended.

Education, employment, health care facilities, right to property, etc. are the most important rights of an individual. Disabled women also need these opportunities in their daily life and to lead a normal life like others. The laws protect their rights but they are not strict. There are also irregularities in exercising their rights and the government officials are not serious about implementing the laws. Moreover, this research depicts the rights which are provided by our legal system as well as some lacunas of these laws. If they are reformed and remade, disabled women can access their lives more easily and can lead a happy life as they are the most vulnerable part of our society.

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