



Equal Bangladesh



Somotar (Equal) Bangladesh Campaign Policy Brief

April 2023



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Workshop participants are seen doing a group-work exercise to determine key asks for the campaign.

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Somotar Bangladesh

The Somotar Bangladesh Campaign is a coalition campaign that sets out to promote disability rights and inclusive policies in Bangladesh. This campaign seeks to influence policymakers to adopt measures that protect and enhance the rights of persons with disabilities, ensuring that they have equal opportunities and access to resources, employment, and public services through the effective implementation of the National Action Plan on Disability.

The Somotar Bangladesh Campaign is a coalition of over twenty organisations of people with disabilities (OPDs) from across the country, as well as a number of civil society organisations (CSOs). It is led by a steering committee of elected OPD members with Sightsavers Bangladesh forming the campaign secretariat. As the secretariat, Sightsavers is responsible for the administration of the campaign and for the coordination of the campaign activities

engaging all the coalition partners.

This policy brief has emerged from a series of consultations and interviews with relevant government and disability sector stakeholders. It outlines the key gaps and identifies policy recommendations to strengthen the implementation of the Rights and Protection of Persons with Disability Act, 2013 and the corresponding National Action Plan on Disability, 2019.

Introduction

The Government of Bangladesh has signed and ratified almost all human rights treaties, including the Convention on the Rights of Persons with Disabilities (CRPD). It has also taken steps to domesticate its international obligations with laws having either been newly enacted or modified.

Domestication of the CRPD has taken place through the introduction of new legal and policy frameworks: The Rights and Protection of Persons with Disabilities Act (Disability Act), 2013, The Rules of the Law, 2015 (which further clarifies the 2013 Act), and a National Action Plan (NAP) on Disability, 2019. The NAP sets out a detailed implementation plan of the law.

Responsibility for disability inclusion, including coordinating and monitoring implementation of the instruments, sits with the Ministry of Social Welfare (MoSW). However, both the law and the NAP require implementation by a multitude of ministries and departments of the government.

Although the MoSW has taken steps to implement the law, significant gaps still exist, especially in the context of the COVID-19 recovery. Full implementation of the law and the NAP are critical if the rights of persons with disabilities are to be realised in Bangladesh in line with the government’s commitments and ambition.

This policy brief includes key recommendations developed from a series of consultations with organisations of people with disabilities (OPDs) and disability stakeholders, including the Disability Alliance on SDGs Bangladesh, meetings and interviews with a range of government stakeholders across ministries and focused interviews with development partners.



Elected members of the Somotar Bangladesh campaign Steering Committee share a moment with the campaign partners during the campaign study validation workshop held on 01 March 2023 in Dhaka, Bangladesh.

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The Act and Action Plan

The Act was enacted after significant advocacy efforts from civil society, OPDs and human rights activists, in the context of Bangladesh ratifying the CRPD.

The Disability Act repealed the previous Disability Welfare Act, 2001. The Act and Rules shifted the approach on disability from one based on charity and welfare towards a rights-based approach. It not only establishes the rights of persons with disabilities but also contains important implementation mechanisms and measures to protect the rights of persons with disabilities, some of which are outlined below.

Disability committees

The Ministry of Social Welfare is mandated as the government agency responsible for coordinating and implementing the Act. In addition, there are five committees on the Rights and Protection of Persons with Disabilities in the coordination and implementation of the Act.

These committees are:

The National Coordination Committee is chaired by the Minister of Social Welfare and is responsible for coordinating all disability initiatives by the government. The committee also provides advice to the government relating to harmonising national laws with the CRPD.

The National Executive Committee is headed by the Secretary of the Ministry of Social Welfare. This committee is responsible for implementing the decisions adopted by the Coordination Committee.

The district committees are chaired by the Deputy Commissioners and are responsible for implementing initiatives from the National Coordination and Executive Committees. These committees are also responsible for coordinating and monitoring the activities of the upazilla (sub-district) and town committees. There are three different committees related to disability issues in each district, the district committee constituted under the RPPD Act, the district committee constituted under the NDD Protection Trust Act, and the district steering committee of the JPUF operated Sheba o Shahajjyo Kendra (welfare and service centres). There are some members that are common to all three committees.

The upazilla committees are directed by Upazilla Nirbahi Officers, and are responsible for implementing and monitoring government disability programmes throughout the upazillas.



Morjina Ahmed, executive director of Disabled Welfare Society and Abu Hanif Muhammad Forhad, director at Turning Point Foundation are seen presenting recommendations in the first workshop.

The town committees are chaired by the Chief Executive Officers of city corporations or municipalities, and are responsible for overseeing government disability related programmes in their respective area.

The law specifies how many times each of the committees should convene each year. Accordingly, the National Coordination Committee (NCC) should meet at least twice every year, the National Executive Committee (NEC) at least three times each year, the district committees at least

four times, and the upazilla and urban committees at least six times every year.

The committees play a critical accountability role; if people with disabilities feel their rights have been infringed, they can contact the district committee. The law describes a detailed process and time frame by which the committee must respond to the complaint. Where the person is not satisfied with the outcome of the complaint at the district level, s/he can then reach out to the National Executive Committee.

Inter-ministerial coordination and monitoring

In addition to the committees at different levels, each ministry is required to appoint a 'disability focal point' who will ensure disability inclusion within respective ministry planning and implementation and will also contribute to inter-ministerial coordination. Ideally, the disability focal points should be part of the National Executive Committee.

National Committee for Monitoring the Implementation of the CRPD

Soon after the CRPD entered into force, in line with Article 33, the Government of Bangladesh launched a National Committee for Monitoring the Implementation of the CRPD, chaired by the Secretary, Ministry of Social Welfare. 46 disability focal points were set up within as many ministries and departments from among Deputy Secretary level officials. The focal points were chosen from Joint Secretary level officials instead. Besides the focal points, the monitoring committee comprised a selection of human rights activists, lawyers, journalists, academicians and representatives of OPDs and NGOs working in the field of disability and development. The committee was assigned to meet on a quarterly basis. The greatest advantage of this committee is that it does not have a cap on its total number. As such, the committee can include any number of relevant participants, either as regular members, or on any short-term basis, as required. Under the purview of this committee, the CRPD initiation report and first periodic report of Bangladesh was compiled and submitted to

the United Nations. While this committee is assigned to monitor the progress of the implementation of the CRPD, the RPPD Act is the legal instrument containing all the legal, policy and programmatic framework of the CRPD in the context of Bangladesh, and the National Action Plan is the direct implementation plan of the RPPD Act. Therefore, monitoring the progress of the NAP is very much within the purview of this committee. Unfortunately, the committee has remained dormant since 2017.

Budget allocation

The content of the Act does not clearly outline the budget allocation mechanism to support the implementation of the Act.

Current allocation of budget for disability comes under the Social Safety Net Programmes for different purposes, including; (a) Allowances for the Financially Insolvent Disabled - monthly cash transfer, (b) Stipend for Disabled Students, (c) Grant for Schools for the Disabled, (d) Trust for the protection of the persons with neurodevelopmental disabilities, (e) Service and Assistance Centre for Disabled, and (f) developmental projects (**Ministry of Social Welfare, 2019**).



Md. Antaj Ali is the director of Manikganj Disabled People's Organization to Development, a district-level OPD and is seen exchanging ideas in a campaign workshop.

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BANGLADESH NATIONAL CAMPAIGN WORKSHOP

Date : 16-17 May 2022

Time : 9.00 AM to 5.00 PM

Venue : Doel Hall, Hotel Amari
Gulshan 2, Dhaka, Bangladesh

Organised by : Sightsavers



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Campaigns



Key gaps and barriers to implementation

While there are many positive policy changes and implementation mechanisms exist, there are key gaps and barriers to fully implementing the Disability Act and Action Plan.

Challenges with the functioning of disability committees at all levels

- The stakeholders have realised that the National Executive Committee has met only a few times, while it was supposed to meet on a regular basis. Similarly, the National Coordinating Committee has had fewer meetings than expected.
- The district committees face challenges with participation as the members are similar across the committees and they are supposed to convene at similar times, so participation and attendance are weakened.
- Follow-up on obligations is weak, for example, the NEC should receive an annual report from the 64 district committees but there is no effective follow-up mechanism in place to ensure collection of the reports.
- There is a lack of staff capacity to deliver the work of the committees and the issue of ensuring additional capacity is yet to be addressed.
- The Deputy Commissioner (DC) in every district, is the chairperson of the district level committee and heads over fifty (50) different committees. As a result, disability committees are often de-prioritised.

Lack of knowledge and capacity

- There is no mechanism to build the capacity of newly appointed officials on disability inclusion and legislation, leading to a significant knowledge gap. The technical and soft skills training curriculum implemented by the Ministry of Public Administration for policy implementers and public officials has very limited information on disability issues.
- The MoSW does not have sufficient information about what other ministries are doing, due to the lack of functioning of the committees and lack of coordination.
- Disability focal points are not always aware of their expected role and functions, have insufficient knowledge of disability legislation and are frequently transferred to different roles, leading to a lack of continuity.

Lack of clarity around budgetary provisions for implementation of the NAP

- The NAP has no specific budget allocated to support implementation.
- There is a lack of clarity on budgetary allocations for disability inclusion.
- There is no process for ensuring that disability inclusion is budgeted for effectively.

Lack of meaningful CSO engagement and monitoring mechanism

- Meaningful and effective participation of people with disabilities in decision-making process is limited, in part due to the absence of a robust and functioning CSO engagement mechanism, like the National Coordination Committee or the National Monitoring Committee for the implementation of CRPD.



Khandaker Jahurul Alam, executive director at Centre for Services and Information on Disability (CSID) and Salma Mahbub, general secretary at B-SCAN, are seen making reflections on the campaign policy paper.

Recommendations and ways forward

While national disability legislation exists along with a comprehensive National Action Plan on Disability, in order to fully support the implementation of these policy commitments, it is important to ensure functional disability committees, clarify and allocate for an adequate Disability Budget, put mechanisms in place to monitor the progress of the Act, strengthen inter-ministerial coordination and develop a strong CSO engagement mechanism.

Effective institutionalisation and strengthened Inter-ministerial coordination

Functionality of the disability committees is crucial. This requires immediate re-activation of the NEC and the NCC to ensure regular meetings in line with Act. While the MoSW remains the custodian and nodal agency for the implementation of the National Action Plan on Disability, 2019, its implementation requires stronger inter-ministerial coordination given the cross-cutting nature of disability inclusion. Disability focal points need to be appointed by each ministry and their names and contact details made available. Inter-ministerial coordination on implementation on the NAP will be strengthened through active participation of the disability focal points from each ministry in the NEC.

Build a robust monitoring framework and CSO engagement mechanism

The effective implementation of the NAP, 2019 requires a robust, participatory monitoring framework to measure progress and ensure accountability for the implementation of the NAP. At the district level, it is important to build the monitoring capacity of OPDs to ensure district level committee meetings and disability inclusion annual reports are submitted to the NCC. Disability annual reports from district level

should be made available in the public domain under the Right to Information Act. Annual reports on disability inclusion also need to be made available by the disability focal points in each ministry. The National Committee for Monitoring the Implementation of the CRPD, chaired by the Secretary of the Ministry of Social Welfare needs to be reactivated.

At national level, the SDG National Tracker with the National Priority Indicators (NPIs) should be disaggregated by disability to measure progress in disability inclusive development. MoSW should work together with OPDs to implement the NAP, including the review and modification in the aftermath of the COVID-19 pandemic.

Build knowledge and awareness especially of relevant government stakeholders

Strengthen the orientation on the RPPD, 2013 and the NAP for the top officials of different ministries and relevant government offices, including the disability focal points within each ministry.

The Ministry of Public Administration should include separate mandatory training modules on disability inclusion and disability legislation which can be integrated into the existing technical and soft skills training curriculum they provide for government officials at all levels.

The Ministry of Public Administration should ensure that disability focal points are appointed by each ministry, to be transferred only after a period of three years to ensure continuity and consistency.

Clarify and allocate an appropriate budget for implementation of the NAP, 2019

An annual Disability Budget should be developed by each ministry based on the NAP, 2019, using a similar process as the Gender Budget, Child Budget and Climate Budget.

Ministry-wide disability budgets should be available on each ministry website, as well as reflected on the MoSW website. Adequate financial and human resources need to be allocated for the effective implementation of the NAP, including the functioning of the disability committees at various levels.

An Equal Bangladesh

The Government of Bangladesh has adopted its national strategic plan, 'Vision 2041', which sets the objective of eradicating extreme poverty and working towards becoming a high-income country by 2041. The high ambition of Vision 2041 will not be achieved without the full participation and inclusion of people with disabilities. The Government of Bangladesh has made crucial steps in the right direction and now has the opportunity to truly embed the rights of people with disabilities and create an Equal Bangladesh.



Campaign workshop participants are seen posing for a photo wearing campaign t-shirts after the second workshop held in July 2022.

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Equal Bangladesh

Don't wait for change to happen—be the change!

Join our Somotar Bangladesh campaign and let your voice be heard in support of implementing the Rights and Protection of Persons with Disability Act.

www.equalbangladesh.org



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