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## Are we really committed to an Accessible Physical Environment in Bangladesh?

An overview of international instruments and the Bangladesh National Disability Policy and Legislation

Presented by AKM Momin

Director, CRP, at the National Workshop on Accessibility, June, 2002, Savar, Dhaka, Bangladesh

I will introduce here the international instruments and the Bangladesh National Disability Policy and Legislation which were adopted to establish equal and human rights for disabled people. Accessible physical environment covers access to the built environment and transport system. Access to services and information is a basic right like education and employment. Restriction of access to hospitals, education institutes and work places is a violation of human rights. Mobility restriction is a reflection of injustice towards disabled people. Thus, they are deprived from the use of state services. Ignorance, neglect, prejudice, superstition, fear and isolation are the major social factors that have created barriers throughout the history of disability compounded by disabling laws for exclusion of disabled people from full participation in mainstream societies.

Since its foundation in 1945, the United Nations (UN) works for peace, humanity and equal rights all over the world. The UN has issued many declarations and conventions for peace and humanity. Some of these are concerned with the equalisation of opportunities for disabled people in mainstream societies. Declarations are the expression of interest by the UN for issues that require minimum standards by the member states. However, there are no legal bindings for their implementation, whereas conventions are legally obligatory for the state to implement through its laws.

After the two World Wars, world leaders saw that human rights were being violated all over the

world. To bring peace and justice in society the Universal Declaration of Human Rights, adopted by the United Nations on 10th December 1948 (UN, 1948), was the first international document acknowledging universal human equality of dignity and rights. Although it does not specifically refer to disability, its 30 articles have been elaborated in successive declarations and conventions adopted for example, by the UN General Assembly and other UN and regional bodies. The International Covenant on Economic, Social and Cultural Rights (UN, 1966a) and the International Covenant on Civil and Political Rights (UN, 1966b) both reflect the rights provided for in the Universal Declaration.

Although the Declaration on Social Progress and Development (UN, 1969) makes reference to disability, a major instrument was the Declaration of the Rights of Mentally Retarded Persons, in 1971 (UN, 1971). This was the first time disability was recognised by the UN body as a mainstream issue.

In 1975 the General Assembly adopted the Declaration on the Rights of Disabled Persons, which proclaimed that disabled persons have the same civil and political rights as other human beings. The Declaration states that disabled persons should receive equal treatment and services which will enable them to develop their capabilities and skills to the maximum as well as hasten the process of their social integration or re-integration. The UN Declaration of 1975 followed the UN Declaration of 1971 which was specific to disability issues. Disability was defined as a typical medical problem as well as social problem. The new concept



*Eng. Mohiuddin Babul speaking in an accessibility workshop*

emerged from the close connection between the limitations experienced by disabled people and the result of socio-economic structure and the general attitudes of the mass population towards disabled people (UN, 1975).

In the following year, 1976, the General Assembly declared 1981 as the International Year for Disabled Persons (IYDP) with the theme of 'full participation' (UN, 1976). The resolution 31/123 states 'helping disabled persons in their physical and psychological adjustment to society' as one of the objectives of the year.

The International Year of Disabled Persons proved to be very successful in raising awareness and placing disability issues on national and international political agendas.

The success of IYDP led the international community, on 3rd December 1982, to proclaim the World Program of Action Concerning Disabled Persons (WPA, UN, 1982a) and the declaration of the United Nations Decade of Disabled Persons from 1983-1992 as the framework to implement the World Program of Action (UN, 1982, b). Both the International Year and its proclamation have been a driving force for progress in disability issues.

The World Program of Action has two specific objectives:

1. Full participation of disabled people in social life and development
2. Equality for all disabled people

This means that disability has emerged as a development issue where inclusion of disabled people at all stages of development programmes is emphasised.

However, member states of the developing countries saw that WPA could not overcome the mass of problems related to disability, being largely due to the prevailing socio-economic conditions and lack of political will. The UN Decade of Disabled Persons, 1983-1992, coincided with a period of economic dynamism throughout the mass of the Asia and the Pacific region. This change culminated in a Social Development Strategy for the Economic and Social Commission for Asia and the Pacific (ESCAP) region which was adopted in 1991.

Following this strategy ESCAP declared 1993-2002 as the Asia and Pacific Decade of Disabled Persons. Its member states expressed their commitment to the full participation and equality of disabled people in societies. To achieve the objectives of the decade, an agenda for action was drawn up to translate the World Programs of Action. The agendas formulated by ESCAP resolution 48/3 were as follows (ESCAP, 1993):

1. National coordination, 2. Legislation, 3. Information, 4. Public awareness, 5. Accessibility and communication, 6. Education, 7. Training and employment, 8. Prevention of causes of disabilities, 9. Rehabilitation services, 10. Assistive devices, 11. Self-help organizations, 12. Regional cooperation

Agenda 5 was Accessibility and Communication which has the following areas of concern:

- i. Review the planned and existing built environment with a view to development of measures for improving accessibility.



*Inaccessibility at a bus terminal*

- ii. Development of barrier-free building codes to cover new construction as well as renovation and expansion.
- iii. Amendments of existing codes to include accessibility features at the same level of importance as fire safety features.
- iv. Introduction of accessibility issues training programmes for professionals involved in building construction and transport infrastructure.
- v. Development and encouragement of guidelines for electronic accessibility.
- vi. Encouragement of all citizens/organizations to incorporate accessibility issues in society such as hospitals and education institutes.
- vii. Selection, by national bodies, of appropriate approaches for improving accessibility.
- viii. Encouragement of training of personnel to improve the communication skills of those who work with visual and cognitive impairment.
- ix. Support for sign language development nationally.
- x. Expansion of telecommunication services (hearing and speech impairment).
- xi. Support for enhanced availability of information for vision impaired people
- xii. Encouragement of production of simplified information for aid users with cognitive disabilities

The Government of Bangladesh has supported the ESCAP initiative undertaken by resolution 48/3 on 23<sup>rd</sup> April, 1992. To enhance the implementation of ESCAP agendas the government recommends 14 points. Emphasis was given to medical intervention rather than equalization opportunities for disabled people in mainstream societies. The Accessibility and Communication agenda was totally omitted from the government's 14 point agenda which was planned to enhance implementation of ESCAP's 12 agendas (ESCAP, 1993).

At the same time, at the UN central level after three sessions of the working group which had met in 1991 and 1992, the Standard Rules were adopted by the General Assembly of UN on the 20<sup>th</sup> December 1993 (UN, 1993). Although standard rules are not binding, it is expected that 'they can

become international customary rules' and they 'imply a strong moral and political commitment on behalf of states to take action'. The Standard Rules clearly address social barriers in the prevention of disabled people from their rights and freedom. The document of the Standard Rules mentioned that '*it is the responsibility of states to take appropriate action to remove such obstacles*'. It also emphasises that disabled people and their organizations will play an active role as partners in this process. The structure of the Standard Rules is as follows (ibid.):

1. Preconditions for equal participation
  - Rule1. Awareness-raising
  - Rule2. Medical Care
  - Rule3. Rehabilitation
  - Rule4. Support Services
2. Target areas for equal participation
  - Rule5. Accessibility
  - Rule6. Education
  - Rule7. Employment
  - Rule8. Income maintenance and social security
  - Rule9. Family life and personal integrity
  - Rule10. Culture
  - Rule11. Recreation and sports
  - Rule12. Religion
3. Implementation measures
  - Rule13. Information and research
  - Rule14. Policy-making and planning
  - Rule15. Legislation
  - Rule16. Economic policies
  - Rule17. Coordination of work
  - Rule18. Organizations of persons with disabilities
  - Rule19. Personnel training



Disabled children have the right to study in a mainstream school

Rule20. National monitoring and evaluation of disability programmes in the implementation of the rules

Rule21. Technical and economic cooperation

Rule22. International cooperation

Equalisation of opportunities is defined as, 'the process through which the various systems of the society and the environment (...) are made available to all, particularly to 'persons with disabilities'. (para 24 of Introduction). It further states that 'the principle of equal rights implies that the needs of each and every individual are of equal importance, those needs must be made the basis for the planning for societies ....'(para 25 of Introduction).

In the UN 22 Standard Rules, rule 5 is accessibility, one of the target areas of equal participation. The first regional ESCAP Expert Group Meeting on the Promotion of Non-Handicapping Environments was held in Bangkok, Thailand on June, 1994. Twenty-eight participants from 15 countries attended the meeting. They reported that access legislation in some form had been implemented in their countries to improve access for disabled and elderly persons. In addition to that, some countries like India, China, Hong Kong, Japan, Malaysia, New Zealand, the Philippines, the Republic of Korea, Singapore and Vietnam had included minimum access requirements in public buildings (ESCAP, 1995a). There was no report presented from Bangladesh regarding progress in the areas of accessibility.

ESCAP's 12 agendas and the UN 22 Standard Rules are reflected by the 'National Policy for Disabled People in 1995 (GOB, 1995). Following this a National Action Plan was drawn up in 1996 to implement the provision made in the national policy. In the national policy special emphasis was placed on creation of accessible public places and transport systems. The Bangladesh Government took the initiative to build adequate ramps at the National Monument, in Savar, Dhaka. However, there were no laws, regulations or guidelines for ensuring accessibility to the build environment and the transport system.

Through continuous lobbying by organisations 'of' and 'for' disabled people, the Bangladesh Government passed the 'Disability Welfare Act, 2001(GOB, 2001). An excerpt from **Part G** about

accessibility is given below.

1. To set up appropriate facilities at all buildings and establishments and transport belonging to the Government, Statutory Bodies and private organizations to facilitate easy movement and communication for PWDs.
2. To take measures to adapt toilets at rail compartments, water-vessels, bus-terminals and waiting rooms so that persons with disabilities can also use them like others.
3. To install auditory signals at all main road-crossings in the cities.
4. To devise suitable signs and symbols to facilitate safe and hazard-free movements of persons with disabilities.
5. To facilitate easy access to and movement of wheel chair users making appropriate curb cuts and slopes and ramps at public buildings. Toilets are also to be adapted for them.
6. The persons with disabilities carrying duly issued identity cards are to have the right to travel by train, bus, water-vessel, airway along with an escort at a concessional fare and also to make arrangements for carrying luggage alongside.

The 'Disability Welfare Act', 2001 demonstrated the importance of accessibility for disabled people. Following this Act, the Government issued a circular for free and concessional fares on public transport for disabled people.

Although recently the Government has taken some initiative for concessional fares for disabled people, access to building facilities and transport systems still remains a major barrier. There was little or no initiative taken to implement the 12 areas of concern identified as a part of the ESCAP agendas. This lack of access for disabled people to health services, education institutes and work places is a basic right of every citizen of Bangladesh. In 1999, ESCAP carried out a mid-point review of the Asia and Pacific Decade of Disabled Persons. However, there was no mention of any progress in the area of accessibility (ESCAP, 1999).

These UN declarations are used as tools by states and other agencies for facilitating the full participation and equality of disabled people in

society. As a result, many countries of the world recognise disability as a development issue and legislation has been put in place to ensure equalisation of opportunities for disabled people in mainstream society. The development of disability policies in support of the full participation and equality of disabled people has emerged through different stages. Understanding about disability has changed over the period from charity to entitlement to entitlement.

However, the present legislation considers disabled people 'as recipients of medical rehabilitation and welfare benefits'. To ensure equal opportunities and establish rights for disabled people in society there is a need for 'rights-based' legislation (UN, 1995). The Biwako Millennium Framework for Action towards Inclusive and Rights-Based Societies 'Free from Barriers for Persons with Disabilities' directs towards a rights-based approach. The Bangladesh Government has supported the preparation of the draft Biwako Millennium Framework. The draft Biwako Millennium Framework made the following targets:

1. 'By the year 2005, Governments should have adopted and enforced accessibility standards for public facilities and transportation, including those in rural/agricultural areas.
2. All new and renovated public transport systems including mass railway systems should be made fully accessible for persons with disabilities as well as the elderly. Moreover, all existing public transport systems should be made usable by 2012'. (ESCAP, 2002)

Reviewing the international instruments and Bangladesh National Policy and Legislation, it is evident that there are efforts for equal and human rights for disabled people at macro level. However, the progress is very slow. We should use these instruments to raise awareness in the wider community, including disabled people. We should build effective collaboration between disabled people and local and national government and development agencies to make the physical environment accessible for everyone and to create a fairer society.

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## NATIONAL WORKSHOP ON ACCESSIBILITY

On Saturday the 29th June 2002, a half-day National Workshop on Accessibility was held at the Reddaway Hall of the Centre for the Rehabilitation of the Paralysed (CRP) in Savar, Dhaka.

The inaugural session of the workshop was chaired by Ms Valerie A. Taylor, Coordinator of CRP. The Honorable Secretary of the Ministry of Housing and Public Works, Mr. Syed Tanvir Hossain was the chief guest. Mr. Ashraf Uddin Khan Emu, Chairman of Savar Pourashava, was present at the workshop as the special guest. Mr. A.K.M. Momin, Director of CRP and Prof. Samsul Wareh, Architect, BUET, also spoke. Mr. Mohiuddin Babul, a wheelchair user, spoke of his experiences of inaccessible public facilities for physically disabled people.

In his message, the chief guest Mr. Syed Tanvir Hossain said, "Disability is not a curse. Disabled people are not responsible for their disability. These people are our brothers and sisters. They are integral members of the society. According to WHO, about 10 percent of people are disabled in South Asian developing countries, so approximately 13 million people in our country are disabled. Disabled people have merits and



*Group discussion in the National Workshop on Accessibility*

capabilities. However, due to inaccessibility these people are having problems proving their worth. Due to many limitations we have not yet been able to make any significant improvement in the lives of disabled people. As a result, disabled people are still experiencing inaccessibility to buildings, transport, markets, offices and businesses, roads and walkways, parks and stadiums. The present government has given significant stress upon developing facilities for disabled people so they can participate in daily activities like others. The implementation of the Disability Welfare Act of 2001 encourages barrier free movement upon open space and maneuvering in confined spaces throughout the country."

Mr. Syed Tanvir Hossain also said that he would try his best to implement the recommendations about ensuring accessibility for disabled people made at the workshop.

In the second part of the workshop a group discussion was held on accessibility issues. The workshop identified problems and outlined suggestions to overcome them. The workshop was attended by engineers, architects, representatives working with disabled people, disabled people themselves and people from other professions.



*Secretary, Ministry of Housing & Public Works, Syed Tanvir Hossain at an accessibility workshop at CRP (second from the left)*

# ACCESSIBILITY

States should recognize the overall importance of accessibility in the process of the equalization of opportunities in all spheres of society. For persons with disabilities of any kind, states should:

(a) introduce programmes of action to make the physical environment accessible; and (b) undertake measures to provide access to information and communication.

(a) Access to the physical environment

1. States should initiate measures to remove the obstacles to participation in the physical environment. Such measures should be to develop standards and guidelines and to consider enacting legislation to ensure accessibility to various areas in society such as housing, buildings, public transport services and other means of transportation, streets and other outdoor environments.

2. States should ensure that architects, construction engineers and others who are professionally involved in the design and construction of the physical environment have access to adequate information on disability policy and measures to achieve accessibility.

3. Accessibility requirements should be included in the design and construction of the physical environment from the beginning of the designing process.

4. Organizations of persons with disabilities should be consulted when standards and norms for accessibility are being developed. They should also be involved locally from the initial planning stage when public construction projects are being designed, thus ensuring maximum accessibility.

(b) Access to information and communication

5. Persons with disabilities and, where appropriate, their families and advocates should have access to full information on

diagnosis, rights and available services and programmes, at all stages. Such information should be presented in forms accessible to persons with disabilities.

6. States should develop strategies to make information services and documentation accessible for different groups of persons with disabilities. Braille, tape services, large print and other appropriate technologies should be used to provide access to written information and documentation for persons with visual impairments. Similarly, appropriate technologies should be used to provide access to spoken information for persons with auditory impairments or comprehension difficulties.

7. Consideration should be given to the use of sign language in the education of deaf children, their families and communities. Sign language interpretation services should also be provided to facilitate the communication between deaf persons and others.

8. Consideration should also be given to the needs of people with other communication disabilities.

9. States should encourage the media, especially television, radio and newspapers, to make their services accessible.

10. States should ensure that new computerized information and service systems offered to the general public are either made initially accessible or are adapted to be made accessible to persons with disabilities.

11. Organizations of persons with disabilities should be consulted when measures to make information services accessible are being developed.

*(This is taken from the UN Standard Rules)*

## EDITORIAL

Accessibility for disabled people is a glaring need in our country. CRP is working very seriously on this issue. On 29<sup>th</sup> June 2002, CRP arranged a national workshop on accessibility, during which several papers were distributed. Many comments and suggestions were made regarding the lack of accessibility for disabled people.

Through *Accessibility Newsletter*, accessibility issues will be highlighted in order to fully inform our readers about what was discussed at the above mentioned workshop. Related matters have been published in this issue too. Suggestions arising from the workshop will be published in the near future.

### ACCESSIBILITY FOR DISABLED PEOPLE IN BANGLADESH

Md. Kabir Hossain

Since its establishment in 1979, CRP has been working to improve accessibility for disabled people. To carry out its aims and encourage a greater awareness of accessibility problems for disabled people, CRP spreads its message in different ways. To start with, CRP, supported by both Government and non-Government Organisations, arranges regular rallies to promote general awareness on this issue. CRP also has two publications: *Accessibility Newsletter* which has been running for the last four years, highlighting and meeting the needs of disabled people regarding accessibility; and an *Accessibility Manual*. In addition, CRP organises meetings and workshops regarding accessibility for disabled people.

However, it is regretful that although Bangladesh has been independent for more than 31 years, disabled people today are still facing accessibility problems.

What is even worse is the fact that these people are often considered an inferior race and may be living in inhuman conditions. Disabled people may not be able to take part in daily life like the rest of us. Inaccessibility prevents them from going to schools and colleges or getting to their work places - should they be lucky enough to still be working! They cannot go to the shops or enjoy a social life and public entertainment. Yet, being members of society, disabled people have the right to take part in everyday life and it is both the Government and able-bodied civilians' responsibility to create an accessible environment for them.

Bangladesh is a developing country and to turn it into a developed one we need the help of those disabled people in our community. There are many disabled people in today's world who have been very successful. We could mention here many great men and women who, despite being disabled, are famous worldwide: Stephen Hawkins, Homer, Helen Keller, Sir John Wilson. All of them are/were disabled but their disability did not prevent them from doing many great things for their own country and for the whole world. By creating an accessible environment for disabled people, they will be able to attend school, then go to college and university; they will be able to get jobs in offices and will have the chance to get into the world of business, leisure, sports and culture... They will contribute to their families and their society. They will not be treated as burdens and it will only be then that the real development of society will be possible.

Although ten percent of the Bangladeshi population are disabled (i.e. nearly 13 million people), it is very hard to find any kind of access to places for disabled people. It is for this reason that many disabled people are forced to stay in their homes and, thus, miss the chance to take part in development programmes. We need to go forward to find solutions to this problem and put them into practice. With these new ideas we would enable a large number of disabled people to do something for society and their families. In this way, disabled people may cease to be neglected.

**Editor: Md. Kabir Hossain**

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P.O. CRP-Chapain, Savar, Dhaka-1343, Phone: 88 02 7710464/65

Fax: 88 02 7710069, E-mail: [info@crp-bangladesh.com](mailto:info@crp-bangladesh.com) Web site: [www.crp-bangladesh.com](http://www.crp-bangladesh.com)

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