

Bangladesh Legal Aid & Services Trust (BLAST)
**Making Justice Accessible: Women with Disabilities and the Right of Access to
Justice in Bangladesh**

NGDO, NCDW and BLAST have jointly prepared a *Status Report on Implementation in Bangladesh of the Convention on the Rights of People with Disabilities* (forthcoming March 2015).

The report is based on analysis of the relevant laws, surveys with people with disabilities (PWDs), and focus group discussions with disabled people's organizations (DPOs) in seven districts, as well as consultations with experts.

Key study findings suggest that women with disabilities (WWDs) face particular vulnerabilities to violence and injustice, due to financial incapacity and lack of a safe and secure environment. Low levels of knowledge regarding legal rights and remedies among WWDs, together with discriminatory societal attitudes and negligent and insensitive attitudes of the police and justice sector actors exacerbate their vulnerabilities.

Our best practices have shown that removing existing barriers to access to justice through ensuring access to legal aid and pro-bono legal services, appointment of sign language interpreters (especially for women with speech and hearing difficulties), sensitization of duty bearers within the justice system on disability rights and related issues, referral to counseling services, ensuring physical accessibility to police stations, Courts, One Stop Crisis Centers, Victim Support Centers, etc. and prioritizing cases involving WWDs for quick disposal improves the ability of WWDs to avail legal remedies and access justice.

The *Good Practice Report on Access to Justice for People with Disabilities in Bangladesh*, drafted by BLAST and HI, documents the case of a rape survivor with multiple disabilities (including speech and hearing impairment) who met local resistance when trying to seek justice. Efforts put in by her lawyer (a well-known lawyer with visual impairments) and a Police Officer in Charge (who was sensitized on disability issues) led to reasonable accommodations being made in court proceedings including the presence of a sign language interpreter. All of these factors resulted in the consequent conviction of the perpetrator.

Lastly, it is essential to strengthen social security mechanisms for WWDs by increasing the budgetary allocation for the Government's Social Safety Net Programme (SSNP) to adequately enable WWDs to seek legal remedies.

In light of the above, we make the following recommendations to the Government:

- To immediately publish a gazette notification to bring into force sections 31 and 36 of the Rights of Persons with Disabilities Act, 2013, so that women and men with disabilities can access their rights.
- To increase opportunities for WWDs for overcoming financial insecurity by allowing them access to credit, including micro-credit, technical and vocational training/education.
- To monitor the benefits and facilities provided under the National Women Development Policy 2011 and ensure that these reach WWD at the community level.
- To increase the budgetary allocation for benefits to WWDs under the Ministry of Social Welfare's Social Safety Net Programme.

- To address lack of knowledge among WWDs about preventive laws on violence against women (*Nari O Shishu Nirjaton Domon Ain, 2000, Paribarik Shohingshota (Protirodh O Shurokkha) Ain 2010, Child Marriage Restraint Act, 1929* among others).
- To implement Schedule 15 (ka) of the Rights of Persons with Disabilities Act, 2013 which requires the State to raise awareness on issues that will enable PWDs to be more self-sufficient.
- To build capacity of justice sector actors by incorporating disability issues in the training module for the police, court and prison officials and in the Bar Council's 'Canons of Professional Conduct and Etiquette' for practicing lawyers.
- To implement the rules and guidelines set out in the Bench Book for Judges and Magistrates to facilitate the proper treatment of WWDs in court.
- To provide legal aid and increase the annual average income threshold of the National Legal Aid Services Organization (NLASO) to allow WWDs, regardless of their legal capacity, to exercise the right to legal representation and to appoint a lawyer/representative of their choice and to free legal aid.
- To enable women with intellectual disabilities to give evidence, by amending Section 118 of the Evidence Act, 1872 as it currently prevents such PWDs from providing their Evidence.
- To implement Schedule 12 of the Rights of Persons with Disabilities Act, 2013 related to reasonable accommodation for disabled women who have faced violence enabling them to present their evidence in a more disabled friendly environment.
- To fast-track cases of violence, exploitation and torture involving disabled women through strict compliance of legal provisions related to summons of persons, trial in absentia, adjournment and appeals (Sections in Chapter VI, Section 339 B, Section 344 and Sections contained in Part VII respectively) of the Code of Criminal Procedure (Cr.P.C.).
- To use Case Coordination Committees (CCC) to ensure quick disposal by prioritizing such cases.