



**EAST WEST UNIVERSITY**

**DISSERTATION  
On**

**The Right to Education and Employment for Person with  
Disabilities: Overview of Bangladesh Perspective**

**Course Title: Supervised Dissertation  
Course Code: LAW 406**

**Submitted To  
Shamshad Bashir  
Lecturer  
Department of Law  
East West University**

**Submitted By:  
Maria Khan Neety  
ID: 2017-3-66-017**

**Date of Submission: 17.01.2023**

## Consent Form

The dissertation titled “The Right to Education and Employment for Person with Disabilities: Overview of Bangladesh Perspective” prepared by Maria Khan Neety ID 2017-3-66-017 and submitted to Shamshad Bashir, Lecturer, Department of Law, East West University for the fulfillment of the requirements of Course 406 (Supervised Dissertation) for LL.B. (Hons.) degree offered by the Department of Law, East West University is approved for submission.

.....

Signature of the Supervisor

Date:

## **Acknowledgement**

First of all, I would like to thank my almighty for giving me the strength and patience to finish this research without any difficulties and trouble. Then I would like to express my sincere gratitude to my honorable Supervisor Ms. Shamshad Bashir Ma'am, Lecturer, Department of Law for her valuable guidance and help in choosing the thesis topic. Without her unwavering support and constant encouragement, I could not have completed this work; your patience and prompt feedback made it possible. It was a real pleasure to work with her and engage in research with her. I am quite grateful to my supervisor for giving me opportunity to learn. I wouldn't be able to complete this analysis without her support and finally, I want to express my gratitude to my parents for their constant support and assistance throughout my life.

## **Declaration**

I Maria Khan Neety, ID:2017-366-017 Declare that the work presents here, a research paper, is completely my own work and does not contain any instances of plagiarism. This research has been prepared by own efforts and finding.

Maria Khan Neety  
Date:17.01.2023

## Table of Contents

	<b>Page</b>
<b>Acknowledgement</b> .....	3
<b>Declaration</b> .....	4
<b>List of Abbreviations</b> .....	6
<b>Abstract</b> .....	8
<b>Chapter 1</b>	
Introduction.....	9
<b>Chapter 2</b>	
Discrimination Faced by Disabled People & Policies Adopted by Bangladesh.....	13
<b>Chapter 3</b>	
National Law and Polices of Right to Education and Employment for People with Disabilities.....	19
<b>Chapter 4</b>	
Right of Education and Employment for People with Disabilities in International Perspective.....	25
<b>Chapter 5</b>	
Recommendation and Conclusion.....	29
<b>Bibliography</b> .....	32

## **List of Abbreviations**

UNESCO- United Nations Educational, Scientific and Cultural Organization

PWD-Person with Disabilities

UNCRPD-United Nation Convention on the Rights of Person with Disabilities

WHO-World Health Organization

SWID-Society for the Welfare of Intellectually Disabled

PBF-Bangladesh Protibondhi Foundation

NGO-Non-Government Organization

NCSE-National Center for Special Education

NFU-Norwegian Association for the Intellectually Disabled

NAD- Norwegian Association for the deaf

NABP- Norwegian for the Blind and a Partially Sighted

SWAC-Society for the Welfare of Autistic of Children

BRAC-Bangladesh Advancement Committee

CBR-Community Based Rehabilitation

TVET-Technical Vocational Education and Training

IVET-Inclusive Vocational Education and Training

DTE-Directorate of Technical Education

ILO-International Labor Organization

DIAG-Disability Inclusion Advisory Group

DTR-Database to Track

B-SEP-Bangladesh Skill for Employment and Productivity

RPPDA-Rights and Protection of Person with Disabilities Act

BLAST-Bangladesh Legal and Services Trust

BCS-Bangladesh Civil Service

BGFCL-Bangladesh Gas Field Company Limited

UDHR-Universal Declaration of Human Rights

CRC-Convention on the Rights of the Child

ICESCR-Covenant on Economic, Social and Cultural Rights

CERD-International Convention on the Elimination of All Forms of Racial Discrimination

CEDAW-Convention on the Elimination of All Forms of Discrimination Against Women

## **Abstract**

Every single human being is born free and with an equal amount of dignity and rights. People with disabilities are subjected to human rights violations, social stigma, and discrimination in every region of the world. However, people with disabilities cannot be separated from other humans. A person needs to be educated and employed to have any hope of living a dignified life. This thesis paper draws from qualitative research using content analysis to determine the overview of the right to education and employment of disabled people in Bangladesh from an international human rights perspective. Using existing laws, evaluate the extent to which the rights granted to people with disabilities under the United Nations Convention on the Rights of Persons with Disabilities, 2006 (UNCPRD) In Bangladesh, the current legal system for PWD rights is inadequately organized, and they are not sufficiently protected by the law. This thesis paper will try to provide a comparative examination of the rights of PWD from the perspective of other countries. And provides a suggestion to protection the rights to education and employment of disabled people.

## **Chapter:1** **Introduction**

This chapter discusses the basic concept of disabled people's rights to education and employment. covers the major objectives & background, method, scope of study, and limitations of this research work, as well as national and international perspectives.

### **1.1Background of the study:**

Being human, we all have some equal rights. PWDs cannot be apart from other humans. Every person has the right to education. That includes people with disabilities. To live a dignified life, a person must be educated and employed. Education and employment are essential for PWDs. But in Bangladesh PWDs rights are universally neglected due to societal attitude about PWDs. PWDs mostly face major barriers to education and work sector.

Why education and employment are important for People with disabilities?

There are 47.42% lakh PWDs in Bangladesh.<sup>1</sup> There are 3.29% disable men and 2.34% disable woman in the country, only 44.55% of disabled students can attend regular school.<sup>2</sup>and only 27.21% of population is employed, for men the rate is 40.39% while women only see it at a rate of 7.30%.<sup>3</sup>

### **Education:**

Education is a fundamental right for every person. It is essential that every person's including PWDs, be granted the right to an education. This right should be extended to all people, people of all races, gender, religion's, caste, social status, and disabilities should have equal access to quality education. Education is very essential for PWDs. it will help to achieve the same level of intellectual development as everyone moreover, to gain skills and object's that will be necessary throughout for it would bring about a full transformation of personality and assist in developing a more pleasant perspective on life. To create one's identity and confidence, and it will help to acquire the knowledge necessary to overcome whatever challenges and limits they face and achieve the highest level of independence possible so that they can live a normal life. PWDs must learn an earning a living, gaining respect and surviving in today's competitive world all depend on having work that is well -respected and secure to make ends meet, to get opportunities for higher

---

<sup>1</sup> Jahidul Islam & Tawsia Tajmim 'Number of persons with disabilities twice than previously assessed' *The Business Standard*(Online,15 June 2022) < [https://www.tbsnews.net/bangladesh/health/number-persons-disabilities-twice-previously-assessed-440522?amp&fbclid=IwAR1x3EUGY5aCXkMKqiPwwse8sTz\\_2qcXsjrcuss5A8qqzPMuZqBog69HgQ](https://www.tbsnews.net/bangladesh/health/number-persons-disabilities-twice-previously-assessed-440522?amp&fbclid=IwAR1x3EUGY5aCXkMKqiPwwse8sTz_2qcXsjrcuss5A8qqzPMuZqBog69HgQ) > accessed 25 November 2022.

<sup>2</sup>ibid

<sup>3</sup> ibid

prospective and achieve better potentials overall. However blind students are permitted to use the services of a writer, as the board exams they are used to taking are exceedingly time-consuming.<sup>4</sup>

### **Employment:**

Employment is very important for a disabled people. Every human, including PWDs, is granted the right to employment. Employment is very significant element of a man's life.<sup>5</sup> The work permits the fulfilment of essential requirements and provides a sense of safety.<sup>6</sup> Paying bills, passing up the time of the day, meeting new people and developing one's own potential are all benefits they might accrue from one's employment.<sup>7</sup> Working helps disable people to achieve financial, rehabilitative, and social goals.<sup>8</sup> Having work life balance is important because it helps people feel accepted and improves their identity, Apart from that job reduces social stigma.<sup>9</sup> UNESCO means United Nations Educational, Scientific and Cultural Organization.<sup>10</sup> It's promoting an approach to education that is based on human rights so that everyone has same chance to learn without discrimination and deprivation.<sup>11</sup> And also make sure that everyone has right to education. An international legal framework to protect the right to education and discrimination is provided by UNESCO's conviction and recommendation against discrimination in education from 1960.<sup>12</sup>UNECISO contributed of the development of article 24(CPRD) which is committed to education.<sup>13</sup> And Each and every PWD has the right to work just like others. The right of PWDs to get an education is guaranteed, as stated in Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD).<sup>14</sup>

The Convention requires that, to realize this right free from discrimination and based on equal opportunity, States Parties must guarantee the existence of an inclusive education system at all educational levels and continue their own training throughout their lives. This is to ensure that this right can be realized without discrimination and based on equal opportunity. according to United Nation Convention on the right of people

---

<sup>4</sup> Sadat S, Zaman P and Shamsuddin A (dissertation,2018) <[http://www.brac.net/program/wp-content/uploads/reports/Final%20Report\\_CPJ\\_ASC\\_Disability%205th%20August%202018.pdf?fbclid=IwAR11wpX63O0r6rc0cJDFSyunHEJ-uXhG7RedplJc6zHCieQNqMovNv7dsWs&gt](http://www.brac.net/program/wp-content/uploads/reports/Final%20Report_CPJ_ASC_Disability%205th%20August%202018.pdf?fbclid=IwAR11wpX63O0r6rc0cJDFSyunHEJ-uXhG7RedplJc6zHCieQNqMovNv7dsWs&gt)> accessed November 25, 2022

<sup>5</sup> Aleksandra Jasiak, Patrycja Królak, "The Importance of Work for People with Disabilities and Evaluation Imposed Obligations of Employers: Design for Accessibility," Ergonomics for people with disabilities (Sciendo 2018)

<sup>6</sup> ibid

<sup>7</sup> ibid

<sup>8</sup> ibid

<sup>9</sup> ibid

<sup>10</sup> UNESCO, 'The Right to Education for Persons with Disabilities: Overview of the Measures Supporting the Right to Education for Persons with Disabilities Reported by Member States' (2015) UN Doc ED-2015/WS/3

<sup>11</sup> ibid

<sup>12</sup> ibid

<sup>13</sup> Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3 (CRPD) art 24

<sup>14</sup> ibid

with disabilities (UNCPRD) Article 27 Should never ever they practice discrimination.<sup>15</sup> They must provide equitable opportunity. The Right to protection of person with disabilities Act 2013 was passed to accomplish Bangladesh provisions under United Nation Convention on the rights of person with disabilities, which was adopted in 2006. (CPRD) in this act make sure that every PWDs has rights to education and employment on an equal basis with other person. The sad reality is that PWDs continue to face discrimination and deprivation the right to education and employment. The PWDs They were not provided with the same opportunities in their education and in the workplace as everyone else. They are continuously faced with in an unwelcome manner in everywhere. To ensure the rights of disabled people our government should take necessary step to improve this situation. Regarding this issue, our government absolutely needs to show more concern. There are still some barriers to the implementation of providing them equitable education and employment. PWDs need to have educational opportunities as well as, Employment opportunities provided by our government.

### **1.2 Research Question:**

When it has come to the right to education and employment from both a national and international perspective. then there is a huge range of questions that can be asked regarding this subject matter. However, this research has been limited to following Questions to accomplish the research objective, the following questions will be addressed.

- whether Bangladesh's existing laws regarding people with disabilities protect their right to education and employment?
- whether the government of our country provides disabled people with adequate opportunities for education and employment?

### **1.3 Scopes of the study:**

The scope of this study is focused to an analysis of the relevant laws in Bangladesh and international context regarding the right to education and employment of PWDs. Protect their rights under law. The current Scenario of that currently exists for disabled people in education and the employment in Bangladesh. provide a comparative analysis of the rights of PWDs to education and employment from both a national and international perspective.

### **1.4 Objectives:**

1. To explain what disability means and what it means in medical terms.

2. To define the nature of disability

To describe the purpose of education and employment for the PWDs

---

<sup>15</sup> ibid art 27

To analyze the national and international laws on PWDs

To analyze the current condition of PWDs in Bangladesh

To compare the right to education and employment of PWDs of a national and international perspective.

Identify the major gaps in disabled people's right to education and employment and offer suggestions for how to improve the system in Bangladesh.

### **1.5 Methodology:**

This thesis can be classified as qualitative research that relies on content analysis and try to focus on the existing laws regarding the right to education and employment of PWDs in Bangladesh and international context. For this study descriptive method is utilized to analyze current scenario of disabled people's rights education and employment in Bangladesh and try to identify a solution .and protect their rights under law. This study primary and secondary both sources are applied. But this study mainly based on secondary sources. Here mix primary data also. Such as national status, case law, rules, and regulations. Secondary source such as blogs, various book, online Journals, newspaper articles, international article, websites, and other sources from internet.

### **1.6 Limitation:**

The limitation of This study has been completed within a short period of time. Due to my limited resources, I was unable to find enough information regarding the rights to education and employment of disabled people. No interviews with disabled people were conducted, this research is based on Online article, newspaper, websites, version book and source from internet etc. relevant to this topic.

## Chapter:2

### **Discrimination faced by disabled people & Policies adopted by Bangladesh**

#### **2.1 Introduction:**

This chapter defines the legal and medical definitions of disability, discrimination in the right to education and employment, the challenges that people with disabilities face in the employment and educational sectors. A person is considered to have disabilities when they are unable to participate in the same ways as other people, both mentally and physically. Because of their disabilities, they face huge amount of discrimination in both society and other places. It also has an impact on their education and employment. It is their human right to have access to adequate education and employment. These people are not treated with the same respect as the rest of society. Disabled people usually felt embarrassment, discomfort and depressed. PWDs face numerous challenges in the work place and in educational institutions.

#### **2.2 Definition and medical definition of disabilities:**

According to the Oxford dictionary, a disability is a physical or mental problem that keeps away from using all or part of their body normally or easily, or from learning new things quickly and easily.<sup>16</sup> According to UNCRPD, Persons with disabilities include those who have long-term physical, mental, intellectual, or physical disabilities that, in combination with various barriers, may hamper their full and effective participation in society on an equal basis with others. This disorder can be physical, mental, intellectual, or physical. PWDs include those who have these symptoms. According to Section 2(9) of the Rights and Protection of Persons with Disabilities Act, 2013 the term "disability" refers to a condition in which a person's physical, mental, intellectual, or sensual capabilities are impaired or destroyed permanently or for an extended period, and in which the attitude of others toward that person acts as a barrier to his full and equal participation in society.

Medical terminology has several different definitions of disability. According to WHO Being disabled is a natural part of being human. Nearly everyone will eventually become disabled.<sup>17</sup> Moreover 1 billion people, or 15% of the world's population, are disabled, and this figure is growing because of noncommunicable diseases and an aging population.<sup>18</sup> Negative attitudes, inaccessible public transportation and buildings, and a lack of social support are some examples of the human and environmental issues that affect people with

---

<sup>16</sup>Oxford Learner's Dictionary

<[https://www.oxfordlearnersdictionaries.com/definition/american\\_english/disability](https://www.oxfordlearnersdictionaries.com/definition/american_english/disability)> accessed 13 November 2022.

<sup>17</sup> "Disability" (World Health Organization) <[https://www.who.int/health-topics/disability?fbclid=IwAR0I2CDkJcZaaOfewwCGfjrwuy5rHC3NraxHgFvDGvC2Q2tLsjZb52wbLv0#tab=tab\\_1](https://www.who.int/health-topics/disability?fbclid=IwAR0I2CDkJcZaaOfewwCGfjrwuy5rHC3NraxHgFvDGvC2Q2tLsjZb52wbLv0#tab=tab_1)> accessed November 13, 2022

<sup>18</sup> ibid

medical conditions like cerebral palsy, Down syndrome, and depression.<sup>19</sup> Environment affects the experience and severity of disabilities.<sup>20</sup> The equal involvement of disabled people in society is hampered by inaccessible situations.<sup>21</sup> Social involvement can be encouraged by removing these barriers and helping those with disabilities.

<sup>22</sup>Another medical term said the definition of disability is discussed. Experts define it as the incapacity to execute socially defined roles or activities in specific social circumstances.<sup>23</sup> A disability is any limitation or incapacity to execute duties or roles in a regular manner.<sup>24</sup> Modern disability concepts realize that environmental factors interact with a person's talents to influence functional performance.<sup>25</sup> Disability is not primarily based on biological activity or disability, according to this concept.<sup>26</sup>

### **2.3 Classification of disabled people:**

Disabilities either physically or mentally. Disability affects a person's such as Vision, Thinking, Hearing, Learning, movement, mental health, remembering, communicating Sociability. People with the same disability can be affected differently.<sup>27</sup> Hidden or difficult-to-see disabilities exist.<sup>28</sup>

Section 3 the Rights and Protection of persons with Disabilities Act,2013 says the primary 12 categories of disability include:

- I. Autism
- II. physical disability
- III. mental disability
- IV. Visual disability
- V. Speech disability
- VI. Intellectual disability
- VII. blind
- VIII. Deaf
- IX. Cerebral Palsy
- X. Down Syndrome
- XI. Multiple Disability
- XII. Other Disability

---

<sup>19</sup> ibid

<sup>20</sup> ibid

<sup>21</sup> ibid

<sup>22</sup> ibid

<sup>23</sup>. F.A. Davis Company, 'Taber's Medical Dictionary'

<[https://www.tabers.com/tabersonline/view/Tabers-Dictionary/751845/all/disability?fbclid=IwAR0F7-ezLClvyCMnAxDMIbojtqu\\_HC8VqiIpg3wUvwpQ0kRVRyiBFdcmZ9c](https://www.tabers.com/tabersonline/view/Tabers-Dictionary/751845/all/disability?fbclid=IwAR0F7-ezLClvyCMnAxDMIbojtqu_HC8VqiIpg3wUvwpQ0kRVRyiBFdcmZ9c)> accessed 13 November 2022.

<sup>24</sup> ibid

<sup>25</sup> ibid

<sup>26</sup> ibid

<sup>27</sup> Disabled World, "Health and Disability News, Medical Conditions, New Discoveries - Document List" (Disabled World, January 1, 2014) <<https://www.disabled-world.com/health-2/>> accessed November 13, 2022.

<sup>28</sup> ibid

## **2.4 Discrimination and challenges faced by disabled people in the educational sector:**

Everyone with a disability has the right to an education. It is a fundamental right of theirs. The academic performance of disabled individuals will decide their future opportunities. PWDs experience different barriers; therefore, they require a higher education that fulfills their requirements. It will increase their chances of leading independent, satisfying life. Additionally, PWDs have a hard trouble getting good employment.

Access to education is included in the concept of human rights. PWD like everyone else, have the right to access educational opportunities that are appropriate for them. Nevertheless, they are subjected to discrimination in every environment. Disabled people face discrimination at every stage of the educational process in public and private higher education institutions. The educational opportunities that are available to them vary depending on the institution. However, when they are given the opportunity to study it, they find that there are a great numerous challenges. They are getting weird looks from the people around them. They were met with indifference and negativity from the people around them. Because of this, people who have disabilities often experience feelings of discomfort, embarrassment, and depression. Their words are not given the same level of importance in educational institutions. Teachers and other staff members failed to provide them with the help and support they need.

Discrimination can happen in many ways, both direct and indirect. The term "direct discrimination" refers to situations in which a person is treated unfavorably only because of their disability, for as when a school refuses to admit disable students.<sup>29</sup> The term "indirect discrimination" When a school's policy or practice is applied in the same way to all students, but puts students with disabilities at a disadvantage, the school is engaging in indirect disability discrimination.<sup>30</sup> For example-a school might provide application forms in a manner that is not entirely accessible to disable students, like those who are visually impaired.<sup>31</sup> At educational institutions, disabled people have faced bullying, harassment, and discrimination.<sup>32</sup>

## **2.5 Discrimination and challenges faced by disabled people in the workplace:**

Employment opportunities for PWDs are just half as likely as those for people without disabilities. They have a hard time finding work due to the many challenges they face. PWDs are just half as likely to be employed as people without disabilities. They face numerous barriers in the job market and find it difficult to find employment. To live a dignified and independent life, they also require proper employment.

A disabled People regularly experience discrimination in their place of employment. There are some places of employment that do not give them the opportunities to work. They will experience a great deal of discrimination in the workplace if they are given the opportunity to work then they face lots of discrimination there. they are frequently disregarded for promotions and are usually deemed to be unfit of more senior

---

<sup>29</sup> UNESCO (n 10)

<sup>30</sup> *ibid*

<sup>31</sup> *ibid*

<sup>32</sup> *ibid*

positions, that they face bullying and harassment in the workplace, and that their wage rates are unjust.<sup>33</sup> People with disabilities have the option to go into business for themselves, but they run the risk of facing discrimination from customers who buy their products or services.<sup>34</sup> They are consistently ignored in the workplace, as well as in other places. As a result, they had to stop working and depend on others.<sup>35</sup>

## 2.6 Government initiatives and policies:

Bangladesh is a developing country. The government of Bangladesh has taken necessary initiatives and policies to ensure the freedom and rights of PWDs. There are government Organizations as well as non-government Organizations that work for PWDs.

### Education:

The government of Bangladesh take several initiatives and policies to ensure the education for PWDs. To educational initiatives of SWID, BPF and others non-government Organizations are getting financial support from the government of Bangladesh.<sup>36</sup> However, non-government Organizations (NGOs) are trying to improve educational opportunities for PWDs.<sup>37</sup> The Ministry of Social Welfare has also developed its programs in the same spirit as the successful integrated education initiative performed by the non-profit, the National center for special Education (NCSE) was established in 1991 and help of three Norwegian-

Norwegian association for the intellectually disabled (NFU)

Norwegian association for the Deaf (NAD)

Norwegian for the Blind and partially sighted (NABP)<sup>38</sup>.

It's a multipurpose institution made up of, Teachers Training institution for special education, which offers graduation and courses in special education for Teachers, who work with intellectually disabled hearing, impaired and visually impaired.<sup>39</sup> For children with disabilities for them three residential laboratory schools and the resource center provides audio visual, mechanical, and material services.<sup>40</sup> Bangladesh has 320 NGOs voluntary Organizations and

---

<sup>33</sup>Md Asadul Islam and Tafriha Kamrul Neha, 'Increasing Employment of People with Disabilities' *The Daily Star* (Online, 11 September 2022) < <https://www.thedailystar.net/opinion/views/news/places-work-and-education-must-be-made-more-accessible>

3116186?amp&fbclid=IwAR05t9wYCGjEbWdDhK1yzLlLg0qgLGfF7Q34ztL5sCwjBfe8C1Q6BCYZIak> accessed 13 November 2022.

<sup>34</sup>ibid

<sup>35</sup>ibid

<sup>36</sup> "Disability Situation" (SWID Bangladesh, November 11, 2011)

<<https://swidbd.wordpress.com/about/disability-situation/>> accessed November 25, 2022

<sup>37</sup> ibid

<sup>38</sup> ibid

<sup>39</sup> ibid

<sup>40</sup> ibid

employment agencies working for people with disabilities.<sup>41</sup> Society for the welfare of the intellectually disabled (SWID) Bangladesh.<sup>42</sup> 10,000 intellectually disabled children are enrolled in the school community-based Rehabilitation programs that the Organization manages. Government takes initiatives to ensure the education for PWDs.<sup>43</sup> National center for science Education (NCSE) operates a special education for disabled child and the government runs one school in Roufabad, Chittagong institution as, the society for the welfare of Autistic children (SWAC)<sup>44</sup> In the absence of comprehensive disabilities programs in public school, BRAC is trying to improve access to education for PWDs in Bangladesh.<sup>45</sup>

Thus, Government and non-government Organizations including, BRAC but the government should take more necessary step to ensure the education for PWDs, it will make easier their life.

### **Employment:**

PWDs with face several types of discrimination and barriers in the job market and their workplace. The Bangladesh government take initiatives and policies for PWDs to get employment opportunities.

The government has set up enough categories 3 and 4 government sector job for PWDs.<sup>46</sup> NGOs in rural Bangladesh utilize community-based Rehabilitation (CBR) to help PWDs to find work.<sup>47</sup> The government ensure for PWDs can get vocational education and training.<sup>48</sup> Under the National skills development policy and Technical vocational education and training (TVET) and Ministry education, activities are now being planned to promote awareness about inclusive vocational education and training (IVET).<sup>49</sup> The ministry of Education is leading the initiative and coordinating with the ministries of women and children affairs, youth and sports and Labor and employment.<sup>50</sup>

Directorate of Technical Education (DTE) of Bangladesh adopted the four ILO initiative's toward establishing a diverse workforce.<sup>51</sup>

---

<sup>41</sup> ibid

<sup>42</sup> ibid

<sup>43</sup> ibid

<sup>44</sup> ibid

<sup>45</sup> Sara Olk, ' EDUCATION FOR CHILDREN WITH DISABILITIES IN BANGLADESH' (The Borgen Project, 19 May 2021) <<https://borgenproject.org/education-for-children-with-disabilities-in-bangladesh/?fbclid=IwAR3qkGPFyRgIc0wGDxNFUKiiJfwBjhg1b-X-s9IMZmcsgYAvKt-CocGESTI>> accessed November 25, 2022

<sup>46</sup> ibid

<sup>47</sup> ibid

<sup>48</sup> ibid

<sup>49</sup> ibid

<sup>50</sup> ibid

<sup>51</sup> Aksa Bilal, 'Disability and social protection employment initiatives in Bangladesh' (Social Protection.org, 17 December 2018) <[https://socialprotection.org/discover/blog/disability-and-social-protection-employment-initiatives-bangladesh?fbclid=IwAR3XBOoy2u4gK9K0UjOQcbiFaRIU3pWBmDAvsZ7N4pBhAg\\_cfXMTSF-7S8A](https://socialprotection.org/discover/blog/disability-and-social-protection-employment-initiatives-bangladesh?fbclid=IwAR3XBOoy2u4gK9K0UjOQcbiFaRIU3pWBmDAvsZ7N4pBhAg_cfXMTSF-7S8A)> accessed November 25, 2022

1.The National skill development policy set a 5% quota for disabled people in TVET programs in 2011, disability Inclusion Advisory Group (DIAG) with 35 member works on disability-friendly policies, budgets, and initiative's (ILO,2017 report).<sup>52</sup>

2.DTEs TVET programs train administrator and PWDs to improve institutions, All TVET facilities must sign an agreement with DPOs (ILO,2017).<sup>53</sup>

3.Department of technical Education and international Labor Organization refurbished 118 TVET centers to make training programs accessible to all (ILO,2017).<sup>54</sup>

4.DTR created a database to track 400 students with disabilities record how many are employed after their training (ILO,2017).<sup>55</sup>

The Bangladesh skill for employment and productivity(B-SEP) project aims to improve the country's TVET system (ILO,2017).<sup>56</sup> The international Labor organization (ILO) is in the front of this movement in Bangladesh.<sup>57</sup> It is declared goal is to help its audience find better job by increasing opportunities for cross-sector cooperation in the economy.<sup>58</sup>

## **2.7Conclusion:**

It is important to protect the rights to education and employment of disabled people. Because they are also humans and have the right to live a normal, dignified life. Moreover, they must be educated and independent. to ensure that they don't burden anyone. So, it is essential to look at the national framework to see how their rights are protected by national law. This will also help find out the gap in national law.

---

<sup>52</sup> *ibid*

<sup>53</sup> *ibid*

<sup>54</sup> *ibid*

<sup>55</sup> *ibid*

<sup>56</sup> *ibid*

<sup>57</sup> *ibid*

<sup>58</sup> *ibid*

## Chapter:3

# **National Law and Polices of Right to Education and Employment for people with Disabilities**

### **3.1 Introduction:**

In general, the previous chapter discussed some basic information of PWDs. In this chapter discussed about the importance of education and employment for disabled people. Because Education and employment make them independent and turning them into manpower. In our nation, there is legal protection for disabled people's rights in the areas of education and employment. The government Although the government has implemented several policies and initiatives with the intention for betterment of disabled people. But there are still many gaps in laws that prevent Disable people right to education and employment in Bangladesh.

### **3.2 Law and policy for disabled people in Bangladesh:**

PWDs in Bangladesh are granted the same legal protections and human rights as every other citizen of the country. Everyone has the equal status before law and should receive the same protection and benefits laws and without any discrimination. In Bangladesh there are several laws that address the rights and protection of PWDs. The law ensures that the rights of education and employment for PWDs and try to be improving but there are still a huge number of gaps in laws. The following laws are discussed further below:

#### **The Constitution of the People's Republic of Bangladesh:**

The constitution of Bangladesh ensures the fundamental rights of human for all citizens. All citizens must treat equally without any discrimination including disabilities. The constitution of Bangladesh provides the right to education and employment for PWDs.

Article-15 of the constitution of Bangladesh said about the necessities of life and there are including education.<sup>59</sup> Article-17 of the constitution of Bangladesh said about the free and compulsory education, establishing a uniform, broadly applicable and universal system of education and providing free required education to all children, connecting education to society needs and producing citizens who are appropriately trained and motivated to meet of those need and remove illiteracy within whatever time the law may determine.<sup>60</sup> Article-28 of the constitution of Bangladesh said about that, no citizen should be denied access to any public place of entertainment or recreation or any educational institution just because of their religion, caste, race, gender or any subjected to any disabilities, lability, limitation, and condition.<sup>61</sup> Article-27 of the constitution provided that every person has right to be treated equally before law.<sup>62</sup> The constitution ensure the equal right for citizen. for Article-29 constitution of Bangladesh provides that no citizen shall be denied or discriminated against in any employment or office in the service

---

<sup>59</sup> The Constitution of the people's Republic of Bangladesh, Art 15

<sup>60</sup> *ibid*, Art 17

<sup>61</sup> *Ibid*, Art 28

<sup>62</sup>*Ibid*, Art 27

of the republic because of their religion, race, sex, caste, or birthplace.<sup>63</sup> Article-31 of the constitution of Bangladesh ensure every citizen, wherever he may be and every other person in Bangladesh has the fundamental right to legal protection and treatment.<sup>64</sup> No activity that harms a person's life, liberty, body, reputation or property is lawful.<sup>65</sup>

### **Education:**

#### **The Right and Protection of person with disabilities Act 2013:**

The Rights and Protection of Persons with Disabilities Act, 2013 passed by on 9 October 2013 (RPPDA)<sup>66</sup> in parliament of Bangladesh under UNCRPD. Before this act Bangladesh followed the National Policy on Disability (1995)<sup>67</sup>, the Disability Welfare Act (2001)<sup>68</sup> and the National Action Plan on Disability (2006)<sup>69</sup> the RPPDA act has repealed by the Disability Welfare Act 2001 under: Section 44(1).<sup>70</sup> after that the government of Bangladesh drafted the Rights and Protection of Persons with Disabilities Rules 2015 and had them published in the official gazette within two years.<sup>71</sup>

The RPPDA ensure that the protection the right to education for disabled people by law. According to section 16(h) RPPDA mentioned that the right to education for PWDs.<sup>72</sup> Also ensure a suitable environment and access all necessities during the disabled people's studies 16(m).<sup>73</sup> According to Section 33(1) of RPPDA said that the head or authorities of an educational institution can't refuse a person's application for admission just because of they have a disability.<sup>74</sup> According to section 36 of RPPDA, if any disabled people face any discrimination in their institution, in that case can file a complaint against the institution committee or the district committee.<sup>75</sup> The schedule 9 of PPPDA addresses reducing the bar for entry into school system it does not address lowering the passing grade, It's essential to finish the required degree and following work option.

#### **The National Education Policy 2010:**

The act ensures that for disabled people all schools are accessible to them and have the facilities they need as, separate washroom and toilets (clause 21).<sup>76</sup> Requiring that the need a concern of a

---

<sup>63</sup> The Constitution of the People's Republic of Bangladesh, Art 29

<sup>64</sup> *ibid*, Art 31

<sup>65</sup> *ibid*

<sup>66</sup> The Rights and Protection of Persons with Disabilities Act, 2013, s 44(1)

<sup>67</sup> National Policy on Disabilities, 1995

<sup>68</sup> The Disabilities Welfare Act, 2001

<sup>69</sup> National Action Plan on Disabilities, 2006

<sup>70</sup> The Rights and Protection of Persons with Disabilities Act, 2013, s 44(1)

<sup>71</sup> The Rights and Protection of Persons with Disabilities Rules, 2015

<sup>72</sup> The Rights and Protection of Persons with Disabilities Act, 2013, s 16(h)

<sup>73</sup> *ibid*, s 16(m)

<sup>74</sup> *ibid*, s 33

<sup>75</sup> *ibid*, s 36

<sup>76</sup> The National Education Policy 2010, clause 21

disabled child be resolved first (clause 22).<sup>77</sup> Every school should have at least one teacher who is trained to communicate effectively with student's who have special needs. (Clause 23).<sup>78</sup>

### **The National Children Policy 2011:**

Education is important for all children. Children with disabilities need to education for variety reason. Education develops their strength and knowledge. Its help them to lead an independent and dignified life. The national children policy applicable for all children in Bangladesh. The national children policy 2011 (clause 6.8.3) said children who are unable to participate in mainstream school for clear reason will only have special education arrangement taken into consideration.<sup>79</sup> (clause 6.8.4) ensure that no child with disabilities is denied access to the right and services guaranteed by this clause that all infrastructures facilities and services must be accessible to all.<sup>80</sup> Special program for child with autism (clause 6.9).<sup>81</sup>this policy provided extensive facilities for children with disabilities.

### **The National ICT 2009:**

Access to ICT for all, including people with disabilities and special needs. Would help ensure social equality, equal opportunity, gender, and equitable involvement in nation-building (D.1), utilize ICT tools to provide that education and research for people with disabilities and special needs.<sup>82</sup>

### **Loopholes in laws and policy:**

#### **The primary Education Act 1990:**

Section 3(a) of the primary education act 1990 provided that a child's admission in primary school to be denied because of sickness or unavoidable reason or if admission was impossibility.<sup>83</sup>in this act there are generally no approach to education program for children with disabilities. And it's a huge discrimination issue.

---

<sup>77</sup> *ibid*, c 22

<sup>78</sup> *ibid*, c 23

<sup>79</sup> The National Children Policy 2011, c 6.8.3

<sup>80</sup> *ibid*, c 6.8.4

<sup>81</sup> *ibid*, c 6.9

<sup>82</sup> The National ICT 2009, D.1

<sup>83</sup> The Primary Education Act 1990, sec,3(a)

## **I. Case: Shankar Chakraborty and others vs. Govt. of Bangladesh and others**

### **Writ Petition No: 1576 of 2012**

Newspapers reported on 11.12.2010 that medical student Modhusudon Chakraborty the son of the petitioner Shankar Chakraborty and a student of the Shaheed Ziaur Rahman Medical College, Bogra. had committed suicide because he felt bullied by his professors because of his speech impairment. BLAST and others filed a writ petition against the respondents, accusing them of failing to prevent the repeated harassment of a student because of his physical disability, Petitioners requested a Rule Nisi be issued.

in government and non-government educational institutions involving harsh, humiliating, and demeaning punishments; take action against those found responsible; and provide redress to those affected. in violation of Articles 27, 31, 32, and 35 of the Constitution of Bangladesh and the Bangladesh Protibondhi Kallyan Ain (Bangladesh Disability Welfare Act) of 2001.

The petitioners claimed that the relevant respondents had violated their legal and constitutional obligations by failing to take necessary steps to prevent bullying and harassment of students with disabilities in schools. This case is still pending for hearing.

### **Employment:**

#### **The right and protection of person with disabilities Act 2013:**

According to section 16(I) of RPPDA ensure the rights of disabled people in public and private institutions.<sup>84</sup> Also said, employment of disabled people in workplace, if in the absence of this appropriate rehabilitation or compensation 16(j).<sup>85</sup> and ensure the suitable environment and access all necessities during the disabled people's workplace 16(m).<sup>86</sup> According to section-35(1) of RPPDA provide, no matter how qualified they are, a person with disabilities should not be denied for employment because of disabilities.<sup>87</sup>

Schedule 10 of the RPPDA provide that, public and private institution find job that are acceptable for people with disabilities. Give them opportunities for own business access to banking, commercial services and give them small loans for make it easier, also ensure the suitable environment and give them enough facilities.<sup>88</sup>

---

<sup>84</sup> The Rights and Protection of Persons with Disabilities Act, 2013, sec 16(I)

<sup>85</sup> *ibid*, s 16(j)

<sup>86</sup> *Ibid*, s 16(m)

<sup>87</sup> *ibid*, s 35(1)

<sup>88</sup> *ibid*

## **Loopholes in laws and policy:**

### **Schedule III of the Bangladesh civil service rules 1982(BCS Rules):**

The act provides that, no one can be appointed to carder post unless a medical board say's that they are medically fit for the performing the duties.<sup>89</sup> This rule establishes the discrimination against disabled people and conflict the act that was specifically set up to to protect the right of disabilities.

Sub-rule 4 under 5 amendment of the Bangladesh judicial service (composition appointments in service post and suspension, dismissal, and removal) Rules,2007 forbid from being employed for judicial services jobs.<sup>90</sup>

### **The Bangladesh Labor Act 2006:**

Section 22(1) of the Labor Act 2006 provide that an employee may be removed from his/her job for become disable during work time.<sup>91</sup> Provide them some compensation section 22(2).<sup>92</sup>This law and policy conflict the RPPDA. Section 151(c) provide permanent disablement the worker required to pay 60% of the disabled worker earning multiplied by ratio.<sup>93</sup>

## **II. Case: BLAST, ASK and others vs. Bangladesh and others**

### **(Writ Petition No. 2652 of 2008)**

Md. Nurur Rahman, a disabled engineer who was denied a job at the Bangladesh Gas Field Company Limited (BGFCL), after that filed a writ petition with ASK and BLAST. Mr. Rahman earned First Divisions in his S.S.C. and H.S.C, (1994 and 1996) In 1999, medical errors disabled him. He studied naval architecture and marine engineering in Dhaka. His duties as an Upazilla Rural Development Officer at Bangladesh Rural Development Board involved monthly field visits, and the Civil Surgeon said his physical ailment wouldn't impede him. He applied to BGFCL, met the Daily Ittefaq ad's eligibility standards, and was allowed to take written, viva voce, and medical tests. After a medical checkup, the BGFCL's internal doctor determined the petitioner was disabled. Because to disabilities they didn't appoint him. The petitioners claimed justice from Power, Energy, and Mineral Resources, Social Welfare, and Bangladesh Oil, Gas, and Mineral Corporation. Social

---

<sup>89</sup> Schedule 3 of the Bangladesh civil service rules 1982(BCS Rules)

<sup>90</sup> Md Rejaul Karim Siddiquee, 'Let people with disabilities into our judicial service' Disabilities' *The Daily Star* (Online, 03 December 2021) < [https://www.thedailystar.net/views/opinion/news/let-people-disabilities-our-judicial-service-2908366?amp&fbclid=IwAR2eofNNffYNjJtlY2CWCokoTwSvJvIDfYS49GwxNj2IHUp-H\\_Ys4NfGp-I](https://www.thedailystar.net/views/opinion/news/let-people-disabilities-our-judicial-service-2908366?amp&fbclid=IwAR2eofNNffYNjJtlY2CWCokoTwSvJvIDfYS49GwxNj2IHUp-H_Ys4NfGp-I) > accessed 25 November 2022

<sup>91</sup> THE BANGLADESH LABOUR ACT,2006, sec 22(1)

<sup>92</sup>ibid,22(2)

<sup>93</sup> ibid,151(c)

Welfare Ministry (Disability Section) wrote to Power, Energy, and Mineral Resources regarding petitioner's disability and Act quotas, but nothing was done.

On April 9, 2008, the High Court issued a Rule Nisi, directing the respondents to explain why BGFCL should not be ordered to appoint Mr. Rahman and declaring the respondents' denial to appoint him to be without lawful authority and without legal effect. The hearing date has not yet been set.

### **3.3 Conclusion:**

In Bangladesh, there are many laws and policies to protection the education and employment rights of PWDs. The government of Bangladesh take several initiatives for PWDs to their betterment and lead a dignified life. but there are still many loopholes and gaps in laws and policy. PWDs still they are face deprived from proper education and employment. therefore, it is essential to look at the concept of international framework to determine how international law protect their right to education and employment.

## Chapter: 4

### **Right of education and employment for people with disabilities in international perspective**

#### **4.1 Introduction:**

Both on a national and an international scale, the issue of disabled people is becoming an increasingly pressing one. This chapter explores the right to education and employment for PWDs from an international view. How international law protects the rights of PWDs and what policies are in place to ensure the rights to education and employment for disabled people. Due to specific needs of PWDs, international law has established a set of necessary protections.

#### **4.2 law and policy for disabled people in international perspective:**

International law ensures the right to education and employment for PWDs without any discrimination. For ensure to protect their rights and equality, they established UNCRPD which ensure the rights of people with disabilities.<sup>94</sup> not only the UNCRPD also the other many international conventions to ensure the rights to education and employment for PWDs without any discrimination. The following laws are elaborate below:

#### **United Nations Educational, Scientific and Cultural Organization (UNESCO):**

United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1960 It's promoting an approach to education that is based on human rights so that everyone has same chance of right to education without any discrimination also ensure that everyone has right to education including PWDs.<sup>95</sup> Article 1(a) of convention against discrimination mentioned that it's unlawful to deny anybody or group from getting an education of any kind or at any level.<sup>96</sup> This article's definition of discrimination does not include disabilities discrimination, but the list isn't complete, and the convention reflects UNESCO constitutional duty to ensure equal opportunity for education for all.to guarantee everyone's right to education including for disabled people and vulnerable and marginalized group.<sup>97</sup>

#### **The United Nation Convention on the Rights of Persons with Disabilities (UNCRPD):**

The United Nation Convention on the Rights of Persons with Disabilities (UNCRPD) was the first international human rights instrument to be ratified in the 21 centuries.<sup>98</sup> The purpose of the

---

<sup>94</sup> Convention on the Rights of Persons with Disabilities, (adopted 13 December 2006, entered into force 3 May 2008) 3 UNTS 2515 (CRPD) Art 1

<sup>95</sup>UNESCO (n 10)

<sup>96</sup> UNESCO, The right to education for persons with disabilities by UNESCO Res 64753, (2019) UN Doc ED/PLS/EDP/2019/04

<sup>97</sup> *ibid*

<sup>98</sup> Convention on the Rights of Persons with Disabilities, (adopted 13 December 2006, entered into force 3 May 2008) 3 UNTS 2515 (CRPD) Art 1

Convention is to promote and safeguard the inherent dignity of PWDs and to guarantee their full and equal enjoyment of all human rights and basic freedoms.<sup>99</sup>

Article 24 of the convention on the right of People with disabilities (CRPD) to exercise the right without any discrimination and equal opportunity basis, the convention requires that the Convention requires that States Parties ensure an inclusive education system at all educational levels and maintain their own training throughout their life.<sup>100</sup>The State has responsibilities in this area, including ensuring that children with disabilities are not excluded from primary school, secondary, and higher education education, providing reasonable accommodations, ensuring that instruction is adapted to each student's needs, hiring qualified instructors in sign language and/or Braille, and training educators at all levels.<sup>101</sup>Article-27 of the UNCRPD the rights of employment of PWDs, to equal opportunities to work, including the right to work freely and be accepted in a labor market and work environment that is open, inclusive, and accessible to P PWDs.<sup>102</sup> Create a work environment that is open, inclusive, and accessible to PWDs.<sup>103</sup> Protect and advance the achievement of the right to employment especially, for people who become disabled while on the job Allow PWDs to join trade unions and get full participation in general technical and vocational guidance programmes, placement services, career progression opportunities, vocational and continuous training, and the possibility of self-employment and entrepreneurship.<sup>104</sup>UNCRPD ensure proper education system and employment opportunities for PWDs for their necessities and equality and also, they can live a dignified life.

#### **Universal Declaration of Human Rights 1948 (UDHR):**

Article 2 of UDHR regardless matter race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, everyone possesses the Declaration's rights and freedoms.<sup>105</sup> No distinction shall be made based on a person's country or territory's political, jurisdictional, or international status, independent, trust, non-self-governing, or other sovereignty limitations.<sup>106</sup> Also mentioned about equal education and employment for everyone including disabilities. Article 26 of UDHR Everyone deserves a free education and primary school is essential, emphasized universal technical and professional education.<sup>107</sup> Education should promote human development, rights, and liberties. It facilitates understanding, tolerance, and fraternity and supports UN peacekeeping also Parents choose their children' schools.<sup>108</sup>Article 24 of UDHR, all have the right to work, free employment choice, reasonable working conditions, and unemployment protection.<sup>109</sup> Everyone wants fair pay, and Every worker has the right to a just wage that ensures him and his family a decent existence supplemented if needed by social

---

<sup>99</sup> *ibid*

<sup>100</sup> Convention on the Rights of Persons with Disabilities,2006, Art 24

<sup>101</sup> *ibid*

<sup>102</sup> *Ibid*, Art 27

<sup>103</sup> *ibid*

<sup>104</sup> *ibid*

<sup>105</sup> Universal Declaration of Human Rights,1948, Art 2

<sup>106</sup> *ibid*

<sup>107</sup>*ibid*, Art26

<sup>108</sup> *ibid*

<sup>109</sup> *ibid*, Art 24

security.<sup>110</sup> All can form and join unions to protect their interests.<sup>111</sup> UDHR ensure the fundamental rights to education and employment for all people including PWDs.

### **Convention on the Rights of the Child 1988:**

It is the conviction of the United Nations Committee on the Rights of the Child article 28 mentioned that all children and young people, regardless of their ethnicity, gender, or disability, and whether or not they are in custody or a refugee, have the right to an education also Children and young have the right to primary and secondary educational both.<sup>112</sup> Children and young should be permitted to choose multiple subjects in secondary school and This should include technical and vocational training, so they don't have to focus on academics.<sup>113</sup> According to article 23 of CRC mentioned that All children, including those with disabilities, have the right to receive the individual care, special education, and appropriate training they need to live as independently and as fully as possible in society.<sup>114</sup> According to Article 32 of CRC If a child's health, education, or development are at threat because of their profession, the children have the right to be protected from that work and The State is responsible for establishing legal employment eligibility ages and establishing standards for the workplace.<sup>115</sup>

### **International Covenant on Economic, Social and Cultural Rights (ICESCR):**

Article 13 of covers right to education, It recognizes the universal right to education without discrimination and promotes free compulsory primary education, widely available and accessible secondary education, and capacity-based equitable access to higher education.<sup>116</sup> This article gives parents the freedom to choose their children's education and to establish and direct education institutions based on state standards.<sup>117</sup> Article 14 requires the state to make primary school free and mandatory.<sup>118</sup> according to Article 6 of ICESCR Everyone has the right to work, which includes the right to choose and accept work that helps them make a living.<sup>119</sup>

### **International Convention on the the Elimination of All Forms of Racial Discrimination 1965(CERD):**

Article 5 of CERD mentioned A person has the right to receive a quality education and training.<sup>120</sup> The rights to work, to freely choose one's occupation, to be employed under fair and favorable

---

<sup>110</sup> *ibid*

<sup>111</sup> *ibid*

<sup>112</sup> Convention on the Rights of the Child,1988, Art 28

<sup>113</sup> *ibid*

<sup>114</sup> *ibid*, Art 23

<sup>115</sup> *ibid*, Art 32

<sup>116</sup> International Covenant on Economic, Social and Cultural Rights,1998, Art 13

<sup>117</sup> *ibid*

<sup>118</sup> *ibid*, Art 14

<sup>119</sup> *ibid*, Art 6

<sup>120</sup> International Convention on the Elimination of All Form of Racial Discrimination,1965, Art 5

conditions, to be safeguarded against unemployment, to be compensated fairly for one's efforts, and so on.<sup>121</sup> Equal right to education and employment for everyone also mentioned in CERD.

### **United Nations Convention on the Elimination of All Forms of Discrimination Against Woman (CEDAW):**

According to article 10 mentioned that States Parties shall take all relevant steps to eliminate discrimination against women to provide equal rights with men in education, and to ensure equality for men and women.<sup>122</sup> Article 11 mentioned that Parties must take all relevant measures to prevent discrimination against women in the workplace to guarantee men and women have equal rights, same employment opportunities, same remuneration and social security.<sup>123</sup>

### **4.3 Conclusion:**

earlier discussed about National law how they protect the rights to education and employment of PWDs. The UNCRPD convention protecting and ensuring their full equality and freedom for PWDs. The development of international law is improving disabled people's rights to education and employment daily. Also, UNCRD trying to improve their educational system and employment. Disabled people's rights are protected by national law, but there are still many legal gaps; on the other hand, international law protects their rights more effectively than national law. Regarding that, we will emphasize on the findings and recommendations of national and international law.

---

<sup>121</sup> *ibid*

<sup>122</sup> Convention on the Elimination of All Forms of Discrimination Against Women, 1979, Art 10

<sup>123</sup> *ibid*, Art 11

## **Chapter: 5** **Recommendation And Conclusion**

### **5.1 Recommendation:**

People with disabilities' rights are constantly neglected due to the attitude of society towards PWD. Most PWDs experience significant challenges in education and the workplace. PWDs Everyone should have the same legal protections and benefits without discrimination. Due to Bangladesh's status as a developing country the laws and regulations governing disabled people's access to appropriate education and employment must be amended and properly implemented. Some recommendations are provided below to make sure the right to education and employment for PWDs:

#### **Education:**

a) amend Section 3(a) of the primary education act 1990 child's admission in primary school cannot be denied because of sickness or unavoidable reason or if admission was impossibility.

b) All educational institutions, especially those developed under the Local Government's Primary Educational Development are required to provide wheelchair ramps at all entries and lifts, among other accessibility measures, to make them fully accessible to students with physical disabilities. If a lift cannot be provided, the appropriate authorities are responsible for placing the disabled student in a classroom on the ground floor. When students have questions or need help, there should be someone there to answer them. Students with disabilities need access to their own toilets.

c)all educational institutions must make sure that the teachers and other staff members working in education institutions receive training on the needs of disabled student's signs, gestures and on empathetic behavior so that they can be able to deal with disabled students. All teachers must be aware of and able to utilize the various handwriting and reading material required by students with disabilities and must be trained and able to communicate with students with disabilities. Educational institutions need to hire more sign language therapist.

d)All educational institutions have responsibilities to protect the safety of students with disabilities and take steps to stop the bullying and sexual harassment. The government must look at how schools treat their disabled student's.

e) Establish institutions for specialized education for disabled students and training institutes to provide vocational training for disabled people, with all institutes being accessible and reasonably priced and situated in each district.

f) They should keep records of how many disabled children go to school and how many drop out.

### **Employment:**

g) Amend Section 22 of the Labor Act 2006 provide that an employee may be removed from his/her job for become disable during work time to make sure that disabled people don't get paid less because of their disability.

h) Amend Schedule III of the BCS and JSC rules so that people with disabilities can work in the public sector and the judiciary without facing discrimination.

i) Disability issues should be covered in any company's orientation and training programs to ensure that colleagues of a disabled person behave in a kind and understanding way. For PWDs to be able to express their concerns in the event of discrimination, harassment, or other issues. there must be trade unions and other mechanisms in the workplace. Make their workplace accessible to disabled employees and prevent misbehavior and bullying.

j) Make sure that people with disabilities, especially disabled women, can find jobs, both in the government and in the private sector.

k) Schedule 5 of the 2013 Disability Act must be established so all public transport is wheelchair accessible. Public transport drivers and conductors must help disabled passengers, and failure to do so must be punished. Disabled people must have 5% of all public transport seats reserved. All public transport must include wheelchair-accessible seating.

l) focus on Implement Schedule 5 of the 2013 Disabilities Act to improve employer awareness and provide disabled workers with the necessary environment and facilities. Train all employees how to be sympathetic at work to prevent disability discrimination.

m) Provide support and encouragement to private firms in their efforts to hire people with disabilities.

### **5.2 Conclusion:**

PWDs are among the most vulnerable and marginalized people in society. Being human, we all have some equal rights. PWDs cannot be apart from other humans. To live a dignified life, a person must be educated and employed. They face huge amount of discrimination in both society and other places because of disabilities it also has an impact on their education and employment. In Bangladesh, PWDs receive the same legal protections and human rights as all other citizens. Everyone has equal standing before the law and should get the same protection and advantages, without of discrimination, and in accordance with the law. In Bangladesh there are several laws that address the rights and protection of PWDs. The constitution of Bangladesh ensures the fundamental rights of human for all citizens. PWDs must be treated equally before law without discrimination. The RPDA ensures the protection of the right to education and employment for disabled people by law. There are several laws and regulations in Bangladesh that contain provisions for PWDs. The government has established provisions and initiatives intended to improve the lives of disabled people there are still several legal loopholes that prevent disabled people from receiving access to education and employment. International law ensures to protect their rights and equality, they established UNCRPD which ensure the rights of PWDs. The purpose

of the Convention is to promote and safeguard the inherent dignity of PWDs and to guarantee their full and equal enjoyment of all human rights and basic freedoms, also ensure the rights to education and employment for PWDs. UNCRD is trying to improve their educational system and employment. Disabled people's rights are protected by national law, but there are still many legal gaps; on the other hand, international law protects their rights more effectively than national law.

## Bibliography

### Case References

- Shankar Chakraborty and others vs. Govt. of Bangladesh and others (2012) WP 1576
- BLAST, ASK and others vs. Bangladesh and other (2008) WP 2652

### Legislations and policies

- The Constitution of the people's Republic of Bangladesh
- The Rights and Protection of Persons with Disabilities Act,2013
- The Rights and Protection of Persons with Disabilities Rules,2015
- The Disabilities Welfare Act,2001
- The Primary Education Act 1990
- The Bangladesh Labour Act,2006
- National Policy on Disabilities,1995
- The National Education Policy 2010
- The National Children Policy 2011
- The National ICT 2009
- Schedule 3 of the Bangladesh civil service rules 1982(BCS Rule)
- 

### International Frameworks

- Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3 (CRPD)
- Universal Declaration of Human Rights,1948
- Convention on the Rights of the Child,1898
- International Covenant on Economic, Social and Cultural Rights,1998
- International Convention on the Elimination of All Form of Racial Discrimination,1965
- Convention on the Elimination of All Forms of Discrimination Against Women,1979

### Newspaper Articles:

- Islam J & Tajmim T, 'Number of persons with disabilities twice than previously assessed' *The Business Standard*(Online,15 June 2022) < [https://www.tbsnews.net/bangladesh/health/number-persons-disabilities-twice-previously-assessed-440522?amp&fbclid=IwAR1x3EUGY5aCXkMKqiPwvse8sTz\\_2qcXsjrcuss5A8qqzPMuZqBog69HgQ](https://www.tbsnews.net/bangladesh/health/number-persons-disabilities-twice-previously-assessed-440522?amp&fbclid=IwAR1x3EUGY5aCXkMKqiPwvse8sTz_2qcXsjrcuss5A8qqzPMuZqBog69HgQ)> accessed 25 November 2022.
- Islam A and Neha T K, 'Increasing Employment of People with Disabilities' *The Daily Star*(Online,11 September 2022) < <https://www.thedailystar.net/opinion/views/news/places-work-and-education-must-be-made-more-accessible-3116186?amp&fbclid=IwAR05t9wYCGjEbWDDhK1yzLILg0qgLGfF7Q34ztL5sCwjBfe8C1Q6BCYZIak>> accessed 13 November 2022.

## **Journal Articles**

- Jasiak A, Królak P, “The Importance of Work for People with Disabilities and Evaluation Imposed Obligations of Employers: Design for Accessibility,” Ergonomics for people with disabilities (Sciendo 2018)
- UNESCO, ‘The Right to Education for Persons with Disabilities: Overview of the Measures Supporting the Right to Education for Persons with Disabilities Reported by Member States’ (2015) UN Doc ED-2015/WS/3

## **Thesis**

- Sadat S, Zaman P and Shamsuddin A (dissertation,2018) <[http://www.brac.net/program/wp-content/uploads/reports/Final%20Report\\_CPJ\\_ASC\\_Disability%205th%20August%202018.pdf?fbclid=IwAR11wpX63O0r6rc0cJDFSyunHEJ-uXhG7RedplJc6zHCieQNqMovNv7dsWs&gt](http://www.brac.net/program/wp-content/uploads/reports/Final%20Report_CPJ_ASC_Disability%205th%20August%202018.pdf?fbclid=IwAR11wpX63O0r6rc0cJDFSyunHEJ-uXhG7RedplJc6zHCieQNqMovNv7dsWs&gt)> accessed November 25, 2022

## **UN Document**

- UNESCO, The right to education for persons with disabilities by UNESCO Res 64753, (2019)UN Doc ED/PLS/EDP/2019/04

## **Blogs**

- Oik S, ‘ EDUCATION FOR CHILDREN WITH DISABILITIES IN BANGLADESH’ (The Borgen Project, 19 May 2021) <<https://borgenproject.org/education-for-children-with-disabilities-in-bangladesh/?fbclid=IwAR3qkGPFyRgIc0wGDxNFUKiiJfwBjhq1b-X-s9IMZmcsgYAvKt-CocGESTl>> accessed November 25, 2022
- Bilal A, ‘Disability and social protection employment initiatives in Bangladesh’ (Social Protection.org, 17 December 2018) <[https://socialprotection.org/discover/blog/disability-and-social-protection-employment-initiatives-bangladesh?fbclid=IwAR3XBOoy2u4gK9K0UjOQcbiFaRIU3pWBmDAvsZ7N4pBhAg\\_cfXMTSF-7S8A](https://socialprotection.org/discover/blog/disability-and-social-protection-employment-initiatives-bangladesh?fbclid=IwAR3XBOoy2u4gK9K0UjOQcbiFaRIU3pWBmDAvsZ7N4pBhAg_cfXMTSF-7S8A)> accessed November 25, 2022
- 

## **Website**

- Oxford Learner's Dictionary <[https://www.oxfordlearnersdictionaries.com/definition/american\\_english/disability](https://www.oxfordlearnersdictionaries.com/definition/american_english/disability)> accessed 13 November 2022.
- WHO, ‘Disability’ (World Health Organization) <[https://www.who.int/health-topics/disability?fbclid=IwAR0I2CDkJcZaaOfewwCGfjrwy5rHC3NraxHgFvDGvC2Q2tLsjZb52wbLv0#tab=tab\\_1](https://www.who.int/health-topics/disability?fbclid=IwAR0I2CDkJcZaaOfewwCGfjrwy5rHC3NraxHgFvDGvC2Q2tLsjZb52wbLv0#tab=tab_1)> accessed November 13, 2022
- F.A. Davis Company, ‘Taber's Medical Dictionary’ <<https://www.tabers.com/tabersonline/view/Tabers-Dictionary/751845/all/disability?fbclid=IwAR0F7->

[ezLClvyCMnAxDMLbojtqu\\_HC8VqiIpg3wUvwpQ0kRVRyiBFdcmZ9c](https://www.disabled-world.com/health-2/)> accessed 13 November 2022.

- Disabled World, “Health and Disability News, Medical Conditions, New Discoveries - Document List” (Disabled World, January 1, 2014) <<https://www.disabled-world.com/health-2/>> accessed November 13, 2022.
- “Disability Situation” (SWID Bangladesh, November 11, 2011) <<https://swidbd.wordpress.com/about/disability-situation/>> accessed November 25, 2022