

The Mentally Retarded in Bangladesh: Human Rights in Question

by Dr Gyasuddin Molla

In the absence of proper governmental measure, mentally retarded people will not only be deprived of their rights; they might be abused in many phases of their lives.

In a very simple way, not relying on intellectual jargons, human rights may be termed as those privileges which are inherent in human nature and without which a man cannot live a normal life. People inherit those rights with their birth and irrespective of one's status in the society he/she is supposed to enjoy those rights as human being. Apart from civil and political rights, social, economic and cultural rights form the ingredients of human rights too. Enjoyment of human rights enables people to develop as worthy citizens and contribute to the society. Hence universal human rights are constitutionally protected by the state. Now the question is: to what extent do people with mental retardation enjoy those rights? Mentally retarded persons in our society are being wrongly bracketed with the lunatics or the mentally ill. They are intellectually handicapped; their intellectual ability do not develop at par with their age

level. Their behaviour, therefore, seems not normal; as a result, people, out of ignorance, treat them as mad men and/or women.

People with mental retardation are slow learners; they can be made productive and self-sufficient by giving them practical training. Mentally retarded persons are neglected, humiliated and even oppressed in most of the houses and places. They are the silent sufferers since they cannot protest for lack of intellectual ability. They deserve full governmental protection to enjoy their inherent rights.

The mentally retarded persons, though intellectually handicapped, are the citizens of a country. Their rights as human beings, belonging to any intellectually and socially disadvantaged group, deserve to be protected by all means. The United Nations in its Declaration adopted in 1971 has called for protecting the rights of the mentally retarded.

The mentally retarded persons in the group of disabled, are the most disadvantaged. This is because, while the deaf, the dumb and other types of disabled persons are normal in so far as their intellectual faculties are concerned, the mentally retarded persons do not have the required intelligence to guide them; they can neither be on their own nor can they take care of themselves properly.

Therefore they are unable to assert their own rights. In such a context a civilised and conscious society cannot keep its eyes shut to the rights of people with mental retardation. But a general awareness in the cross section of people in the society about the rights of mentally retarded is most

and physically disabled can claim their own rights but people with mental retardation being unable to express themselves are fully dependent on others for upholding their rights.

From time immemorial parents and guardians have taken lead in protecting, safeguarding and promoting the rights of their mentally retarded children. Their efforts need to be strengthened by the effort of the conscious section of the society. The governmental effort, no doubt, might provide the legal sanction of the rights of the people with mental retardation. But a general awareness in the cross section of people in the society about the rights of mentally retarded is most

needed to improve the situation. Unless there is a common feeling of acceptance and tolerance of people in general for the mentally retarded persons, governmental, legal and constitutional protection will do a little to allow them to enjoy their basic rights. In this respect teachers, social workers, professional experts, lawyers etc. can contribute significantly to create public awareness for mentally retarded persons and thus make governmental protection of basic human rights of mentally retarded persons meaningful.

The UN "Declaration of General and Special Rights of the Mentally Handicapped" provides that the "mentally retarded person has the same rights as other human beings, rights to proper medical care and physical therapy and to such education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential. He has a right to economic security, a qualified guardian to protect his personal well-being and interests, protection from exploitation, abuse and degrading treatment and due process of law with full recognition to his degree of mental responsibility." In addition, the Convention of the Rights of the Child was adopted by the United Nations General Assembly on 20 November 1989. In January 1990 Bangladesh became one of the first signatories to this

Convention, and the Government of the People's Republic of Bangladesh ratified the Convention on August 3, 1990. Article 23 of the Convention on the Rights of the Child states that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community."

In Bangladesh there are over 25 special laws and ordinances to protect and improve the status of children apart from those provided for by the Constitution. But there are dearth of laws protecting specifically the rights of mentally retarded. The organisation, Society for the Care and Education of Mentally Retarded, Bangladesh (SCEMRB) which is carrying out, over the last 20 years, wide range of activities for the benefit of people with mental retardation including promoting their rights held its fifth National Congress in 1985 to elicit valuable opinions of legal experts and involved persons on this issue. SCEMRB in its National Conference in 1992 not only highlighted the Convention on the Rights of the Child but sought its implementation in Bangladesh for the mentally retarded. Now the onus lies with the policy planners in the government to come forward with appropriate legislative and constitutional measures to protect the rights of people with

mental retardation.

With the passage of time 'The Lunacy Act 1912' enacted by the British has become redundant and needs to be replaced by an appropriate legislative measure to ventilate the causes of the mentally retarded. The present law of inheritance does not secure the property rights of the people with mental retardation. Constitutional words are not at par with the words of United Nations Declaration (1971) and with the Convention of the Rights of the Child (1989) to protect basic human rights of the mentally retarded.

People with mental retardation are not usually educable; they need special type of education to be made productive through appropriate training. They need special courses under the intensive care of specially trained teachers. The education system of Bangladesh has little room for this type of special education. Even in the primary system too, mentally retarded people do not have any access.

Governmental effort is very limited to ensure mentally retarded people their right to education. Health-care facilities in Bangladesh are not enough to meet the requirements of the mentally retarded persons.

Medical practitioners in hospitals, health centres and elsewhere do not have the expertise to deal with the complex problems of the mentally retarded persons. In the absence of required facilities people with mental retardation are denied of their basic right to health-care.

Mentally retarded persons are also human beings and like others they also grow up as adult and need work for their

survival as well as pursuit. Unfortunately, employment opportunities in our country are very limited even for normal adult boys and girls. Therefore, job opportunities for the mentally retarded whose productivity is poor will definitely be too limited, if at all. Moreover, employment policy of the government also does not provide scope for the mentally retarded person to enjoy his right to employment. To reiterate, the Lunacy Act does not fully protect the property rights of the mentally retarded relations, in most of the cases, are prompted to grab their properties. Out of sheer lack of intelligence as well as absence of adequate legal safeguard people with mental retardation are deprived of protection from all kinds of exploitation.

People with mental retardation are sure to be deprived of their rights to education, health, rightful guardianship, rehabilitation etc. if those are not protected by law. In the absence of proper governmental measure, mentally retarded people will not only be deprived of their rights; they might be abused in many phases of their lives. The recognition of basic human rights of people with mental retardation in consistent with the Declaration of the United Nations is need of the time. A mentally retarded person must have the right to be protected from exploitation and degrading treatment even from his closest relatives. Let the government of Bangladesh come forward to meet the need of the time.

The writer is a Professor, Department of Political Science, University of Dhaka.

Women's Role in Family Size

by Dr Sabrina Rashid

BANGLADESH is bursting at its seams with the 'baby boom' and consecutive population explosion. If we don't try to contain it timely and effectively, it will hamper all our development works and projects for the country's prosperity.

An important factor that contributes tremendously to family planning is the women — their education, enlightenment and employment. A woman must not only be educated but confident and with modern views, and only then will she keep her family small. Only education is not enough, employment of the women is also an absolute necessity for her to plan her family. Because even uneducated employed women keep their families small whereas educated unemployed women many times go for a big family as she has ample time to spare. It is because she feels important when she is pregnant as her husband and mother-in-law take special care of her at that time!

But when she is employed, her importance in her husband's and in-law's eyes in-

crease manifold and so she need not be pregnant to draw their attention! Added to that, when a mother-in-law sees her daughter-in-law free at home, she keeps pressurising and nagging her to have more babies.

So women must be employed in whatever profession, it is not important — garments, mills, factories, business — wherever they can use their time and energy. Rather than spending it in 'baby-making'! For strangely enough, Bangladeshis love big families. They may not have enough money or food for everybody but still they like to have a house full of children! To keep the family name, they need sons — not one but a few. They are obsessed by the fear that if there is no son in the

family, the family name is doomed to die out. Why does family name matter to them so much, it is difficult to understand. Because when one himself is not in this world what does it matter whether his family name stays or not! For, more important is, if one does good deeds for his country and his countrymen his name will be remembered forever — whether he had sons or not is not important. We remember a person by his own deeds. Also, nowadays, sons can even give a bad name to the family rather than a good one!

A decade ago it was possible for a fixed income family to have many children and raise them properly. Now it is simply impossible to do so with more than two children, unless the

bread-earner can make some extra money rightly or wrongly. So it seems that if the family size is not limited then the head of the family is compelled to indulge in corruption, just to support his big family. Strange, that they never think of this before, when having child after child. But, when three or four children start going to school and college, only then they realise how difficult it is to make ends meet. But now there is no way out except corruption!

Therefore, men should also take part actively in family planning rather than putting the whole responsibility on their wives which most men in our country do. This is really unfair. The responsibility should be shared equally by both the partners. Only this can bring happiness and harmony in the family.

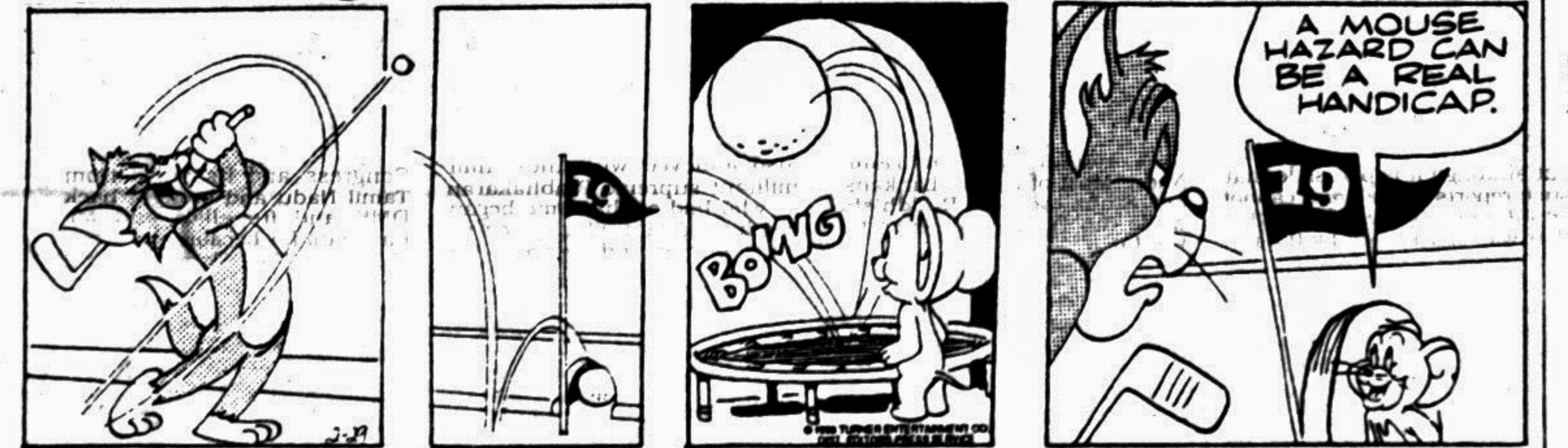
We should also think patriotically. Since our country is one of the world's most densely populated but poorest, by taking too many children we are putting a burden on our society as well as our country, not to mention on our own selves.

By Hanna-Barbera



DRAWN BY JOHN MCCLUSKY

Tom and Jerry



James Bond



IAN FLEMING'S James Bond

Metropolitan

'Maulana Bhasani was a leader of working class'

Participants at a discussion yesterday termed Maulana Abdul Hamid Khan Bhasani 'a leader of the working class,' who always fought to establish a society free from oppression of the ruling class, fundamentalism and social injustice, reports BSS.

"Shaheed Asad Parishad" and "Garib Mukti Andolok" jointly organised the discussion on 'Secularism in running the state' at the floor of the 'Swapanjita Shadhinata' of Dhaka University yesterday evening to mark the 21st death anniversary of Maulana Bhasani.

Presided over by president of the Asad Parishad Prof. Sakhawat Ali Khan, the discussion was addressed, among others, by Faiz Ahmed, Tipu Biswas, Hazeri Sultanara, Dr. Jasimuddin, Dr. Mesbah Kamal, Shamsuzzaman Milon, Mohammad Haque, Birpratik and Hamidul Haque.

Prof. Sakhawat Ali Khan said the political thinkers as well as the people have now appreciated the necessity of running the state on the basis of secularism. "There must be no relation between the state and religion," he stressed.

Faiz Ahmed said Maulana Bhasani in his life long political struggle didn't compromise with fundamentalism, though he was a religious personality. The speakers urged all to fight against fundamentalism.

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According to a Bangladesh Betar press release issued here, the competition was held on November 14 where Nepal won the first place.

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