



# ENSURING RIGHTS OF *the women with disability*

**KHANDAKAR KOHINUR AKTER**  
**T**HE rights of women with disabilities (WWD) are one of most ignored issues in Bangladesh. Women with disabilities are deprived of rights and privileges because of the existing social attitude towards them. Approximately 15 million people suffer from various disabilities, but still it is regrettable that such huge population is suffering each and every day due to improper care and treatment. In

appropriate health services are absent, persons' impairments lead to permanent disability. Further, discrimination is often compounded for women on the grounds of gender, age and minority status. Gender related violence is a cause and consequence of disability. Gender related practices such as son preference, abandonment of the girl child, discriminatory feeding practices, child marriage, dowry are all gender related acts

passed. Later in 2007, Bangladesh ratified the UN convention on the rights of persons with disability (UNCPRD). Considering it, state parties are under obligation to incorporate affirmative actions in their disability policies so that through some positive interventions equal participation and opportunity can be ensured. So in 2013 Protection of the Rights of the Persons with Disabilities Act has been passed and enforced. But there are some major lacunas

women with disabilities in situations of risk, including situation of armed conflicts, humanitarian emergencies and the occurrence of natural disasters are not addressed by the Act.

- The Act does not protect WWD from all forms of exploitation, violence and abuse, including their gender-based aspect which is another imperative under the Convention. Provisions protecting the rights of women with disabilities must be included in the Dowry Prohibition Act 1980, the Domestic Violence (Prevention and Protection) Act 2010, the Family Court Ordinance 1984, draft Victim Witness Protections Laws and other pending law reform initiatives. Moreover in cases of violence, exploitation and torture on disabled women, 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 the Code of Criminal Procedure should be strictly complied with).
- There are certain government policies regulated by the ministry of women and children along with ministry of social welfare. In the Act, it was expected that some directory provisions will be there that can be used as guidelines while making relevant public laws.

It is noteworthy that those shortcomings are affecting the enforcement of disability rights of WWD because it is not only the aim of a law to recognise substantive rights but to provide full process of effective execution and implementation. Moreover, considering the three basic doctrines of disability rights (empowerment, participation and legal protection) it is found that the Act has admitted those but in a limited capacity which needs further reform.

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Bangladesh a large number of disabled populations including women with disability have limited access to education and employment. In the families, they do not participate in the decision making process even in social gatherings.

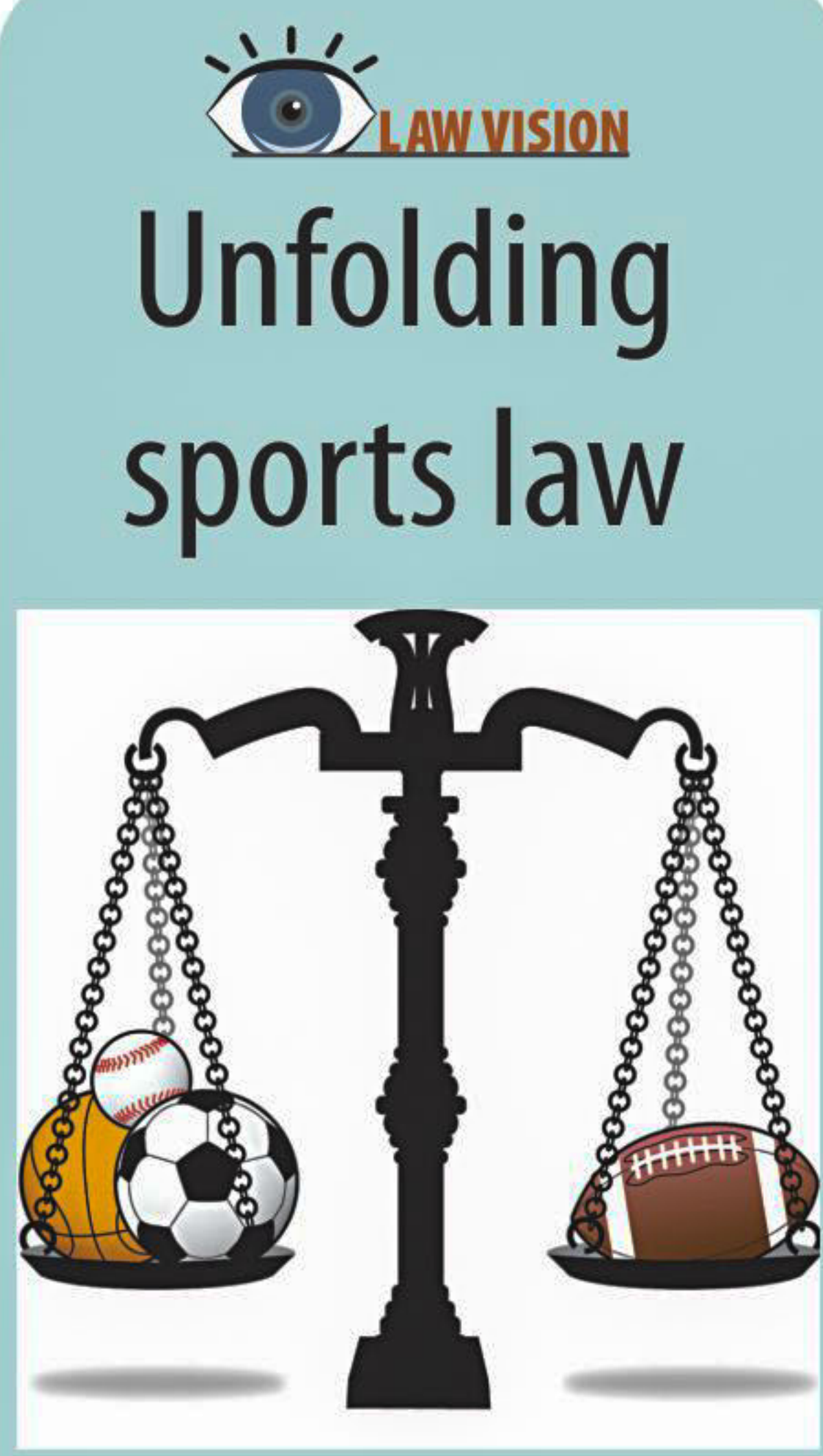
There are some co-relating elements we find while studying disability issue. Lack of health care during childhood of a girl child is one of the main reasons for permanent disability. The 2010 report of the UNICEF indicates that the main causes of disability are low access to health and disability services. When

of violence that lead to mental, physical and psycho social disability.

Moreover, Rape or sexual harassments are probably the most common forms of violence against disabled women in Bangladesh. To add, physical assault by family members or violence by intimate partner is often not considered as a crime rather a day-to-day incident. Among the women interviewed in a survey, about 84% reported ever having experienced at least one act of emotional abuse, physical, or sexual violence from their partner during their lifetime. In 2001, the Disability Welfare Act was

found in connection of ensuring rights of disabled women:

- Under the Act, certain committee's i.e. national co-ordination committees, city committees have been formed which are responsible to ensure disability rights but it is major mistake that no position for representative (from disabled women) is found.
- Moreover, assessments of risk situation and humanitarian emergencies have been absent in the Act which is surely a major gap. All necessary measures to ensure the protection and safety of



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**I**N 2003, the United Nations General Assembly in its resolution 58/5 acknowledged sport as a way to encourage learning, fitness progress and peace. Sports is now leading profit making businesses in the globe, with the proliferation of different sorts of media; the sports sector is set to develop even at a more rapid pace in the hope. This has consequence in the expansion and improvement of sports law as a discrete rule in its own. In several countries, i.e. Bangladesh, sports bodies, clubs, associations or societies are generally set up under the control of the National Sports Council of Bangladesh (NSCB).

The Bangladesh Cricket Board (BCB) and the Bangladesh Football Federation (BFF) are allied with the NSCB which is an independent government association under the Ministry of Youth and Sports, founded by the National Sports Council Act 1974. However, this Act of 1974 does not prescribe comprehensive rules and regulations for the players and lack of any dispute settlement mechanism. Nevertheless, it is an apex organisation, authorised to develop and control sports. The BCB and BFF are managed by its own constitution that has dispute settlement procedure, but its legal categorisation is vague. It is neither a corporate body nor a statutory body or a 'registered society'. On the other hand, these provisions are consistent with the instructions of the ICC and the FIFA.

Sports law is a well developed model of rules that partly covers labor law, contract law, criminal law, public law, administrative law, antitrust law, competition law, intellectual property rights law, tort law, media law, company law, human rights law, etc. These rules cover sporting framework concerning public order, drugs, security, punitive actions, manner and larger questions, linking to control or command in a trade, anti competitive trade, denigration and confidentiality rights, match fixing and the business exploitation of sports.

Sports in Bangladesh are huge vicinity of legal issues because of its rapid expansion and commercialisation. Several scams took place in the areas of sports particularly in cricket during the last few years and still no solemn endeavour on the enactment of sports law is being commenced. There is no precise law addressing corruption and gratification in sports in Bangladesh. Even, the Penal Code of 1860 and the Anti-Corruption Commission Act of 2004 does not embrace any exact provision against dishonest behaviour and corruption in sports. The laws associated with sports are still not under any policy or national concern.

Thus, it necessitates the prospect to put strong and coherent approach in relation to all legal matters connected to sports. The purpose of coherent rules would be essential: (a) to identify surrounding areas of accountability of the different societies concerned in progress and encouragement of sports; (b) to recognise nationwide sports associations suitable for contact under these guiding principle, to lay down precedences, and to detail the measures to be pursued by the associations, to gain funding and support from government; to shape the requirement or standard for performance which the regime will insist upon while discharging donation to sports associations.

An autonomous, stable Office of Ombudsman for Sports should be put in place and should be given the authority to inspect and prosecute contentions of corruption and misdeed in the sport. In addition to that, there should be a sports tribunal to deal with the legal issues and disputes related to sports. Moreover, our law schools should introduce special courses on sports law in advance level of higher study. We need to produce more sports law specialists to meet the increasing demands of the changing scenario as the field is expanding day by day. Therefore, there is a requirement for moderate legislation that manages sports and carries the different establishment into a single roof.

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**LAW LETTER**

## Women under threat

Khadiza Begum Nargis, a second year student of Sylhet Government Women's College, was stabbed gruesomely by Badrul Islam, whose studentship was cancelled from Shahjalal University of Science and Technology (SUST) upon committing such an act that leads to grievous physical injury to the girl.

Badrul delivered a confessional statement before the Sylhet Additional Metropolitan Magistrate, Umme Saraban Tahura whereupon he was found guilty for the attempt of murder. While on her way home from college, Khadiza, daughter of Mashuk Miah, a resident of Hausa village in Sadar upazila, was hit on the head with a machete which ruptured her brain tissues and damaged the cortex of her skull causing severe harm to the brain.

Article 36 which falls under part three of the Constitution of the People's Republic of Bangladesh ensures the right to free movement of all of its citizens that is among one of the several fundamental rights guaranteed by the state. Thus Badrul's behavior to disrupt her movement and causing injury with an attempt to murder is without doubt unconstitutional and an evident infringement of her fundamental rights.

The use of a machete to cause bodily harm is considered as a "grievous hurt" under the sixth ground of section 320 of the Penal Code of 1860, which is distinguishable from normal bodily harm termed specifically as "hurt" in the previous section of the Code. According to section 326 of the aforementioned Code, whoever voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment for life or with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

For a country that is acknowledged on a global scale for its emerging women leadership roles in almost every sector that helps run Bangladesh, it is indeed essential to ensure safety of women both inside and outside their homes. A human chain was held in protest of the hacking by her friends and family immediately after the incident took place.

It was reported by family sources that Khadiza was previously approached with proposals from Badrul. But he was rejected by her. It is to be noted that there is still inadequacy in the provisions of the 'Nari o Shishu Nirjatan Daman Ain, 2000' which contains no mention of any provision that deals with situations involving intricacies such as this aforesaid incident.

Badrul was serving as a lodging tutor at the victim's family house but failed to meet an average person's expected level of decency, who not only tried to exercise his authority over the twenty three year old but in order to get back at her took up contemptible means so as to prove it. In the current status quo this is a recurring scenario, especially in the outskirts of cities where there is a prevailing male dominance in society and a deeply rooted patriarchal mindset instilled its population. Badrul was no exception to this, but the extent of his actions portrays the dire need for a social and legal reform in combating the helplessness of women in our society.

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**PEOPLE'S VOICE**

## Online abuse

**ZEENIA HOSSAIN**  
**I**N this technology-mediated world, it is our children who are being mostly attached to all the distractions the social media has to offer. It is rapidly increasing their vulnerability towards online sexual abuse in Bangladesh. It is a concept to be developed if not new, that our children do require enhanced protection and guidance creating a shield for them against online sexual abuse they might have been offended with.

Bangladeshi school students are more likely to adhere to peer pressure in using internet and hence getting exploited online. A survey was conducted by Telenor Group which revealed that among 1510 children, 49% of the children have been subject to cyber bullying. The concern of cyber security has been raised due to the increase in the internet use by the children between 12-18 years of age that led to addiction to most of them.

Further, the age permitted for using social media by the children in most of the cases is 13 years and above; however, this does not reduce their vulnerability from online sexual abuse of children who are defined to be any

also strengthen their focus on providing protection to the children from online sexual abuse in social media.

It may be either as child pornography, sexual exploitation or cyber bullying that had been long addressed and discussed in our society after the perpetrators have been highly influenced by the advancement of technology. But there had been so minimal research on how today's children are being more readily vulnerable via using social media through which the perpetrators have gained greater access towards the children. The limitation for such research may be lack of records of data and reports of such online sexual abuse and fear of the child victims form the perpetrators.

The reasons of online child sexual abuse could be either from the unwarranted or insecure use of internet or as any form of distraction or entertainment out of peer pressure. However, the prevention and combat of online child sexual abuse in social media has to begin from home ensuring the children being guaranteed with proper guidance and enhanced supervision by their guardian.

Thus the basic duty of protecting children



PHOTO: AFP

person under the age of eighteen.

The laws governing child rights has not yet dealt with online sexual abuse of children. However, Section 89 (1) (f) of the Children Act, 2013, passed in consistent with the United Nations Convention for the Rights of the Child (CRC) 1989 laid down the matters concerning child sexual abuse and harassment which could be extended towards online abuse and can be given legal effect to the raised concern. Hence issues are raised regarding the applicability of the laws or requirement of amending the existing laws. Apart from the national legal framework, the national human rights organisations could

against sexual abuse remains with the parents and trustworthy guardians of the children who would have to establish and create an amiable relationship with their children and teach them how to protect themselves and act towards their safeguard. The current legal framework regarding protection to our children could see light towards success only if such consciousness could be raised in the families of our society who would be the first to be acquainted with such victimisation of their children.

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