

Political Rights of Persons with Disabilities: Analysing the Legal Framework of Bangladesh

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Abstract: *The politicization of the rights of persons with disability (PWD) is crucial for developing an inclusive state model in Bangladesh. Empowering PWD in the political landscape has great implications for the overall development narratives of the State. The representative political approach does require the inclusion of PWD in the power hierarchy. Thus, this article aims to scrutinize the status of political rights of PWD in Bangladesh for understanding the scope of relevant improvements. Additionally, it analyses the existing electoral laws aligned with international and national mandates for including PWD in the political process. It argues that non-inclusivity in the political process poses a significant threat to the social and economic realities of PWD in Bangladesh. By addressing the silence and contradictions in the legal regime, the article further formulates some pragmatic suggestions for policymakers to rethink the political rights of PWD for bolstering sustainable democratic practice in national life.*

Keywords: *Disability, inclusion, accessibility, participation, election, etc.*

Introduction

“Disability”, as a distinct identity, encompasses various dimensions that are interplayed in the social disability process.¹ It is more of a social construct like other identities. Cultural norms, enabling technological advancements, democratic practices, and complex social processes, are creating a nexus with how we can perceive “disability”. However, the gradually developed “social model” approach in the developed world does not address disability as a constant “medical phenomenon”. Rather, the social model addresses “disability” through an “anti-discriminatory” approach to combat various disabling barriers inherent in societies and to ensure access to protection.² As disability has a society-oriented basis, according to the rights-based approach, political inclusion has a great impact in protecting certain social, cultural, and economic interests of persons with disabilities (PWD). If PWD face discrimination in the state and public spheres of life, other

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¹ Barbara M Altman, ‘Definitions, Concepts, and Measures of Disability’ (2014) 24 *Annals of Epidemiology* 2 <<https://doi.org/10.1016/j.annepidem.2013.05.018>> accessed 25 April 2025.

² United Nations High Commissioner for Refugees, ‘Persons with Disabilities’ (*UNHCR*, 2024) <<https://emergency.unhcr.org/protection/persons-risk/persons-disabilities>> accessed 17 December 2024.

corresponding rights of such persons will be gradually impaired, leading to a dysfunctional existence within the state. As stated in a UNDP report in 2021:

*“Full inclusion in political processes is essential for the equality and human rights of all people in any society. Historically, women and people from ethnic minorities are among those who have had to fight for their right to vote, which has been an important step toward their equitable engagement in society. In most parts of the world, persons with disabilities also have faced significant obstacles to participation.”*³

In Bangladesh, the political rights of citizens are recognized in various laws subject to reasonable restrictions. However, PWD, as one of the most vulnerable groups of citizens, face numerous electoral challenges along with social and economic constraints. For democracy to thrive, the political rights of every citizen must be upheld and protected.⁴ Moreover, the constitutional language of democracy in Bangladesh advocates for the political rights of marginalized groups in society. In a republican democracy, the proper representation of vulnerable groups is the cornerstone for ensuring sustainable participation in state-making.

There is a dearth of empirical data regarding the status of the right to enfranchisement of PWD in Bangladesh, which indicates another narrow structural approach in establishing the political rights of PWD. In 2015, a survey conducted by the Bangladesh Legal Aid and Services Trust (BLAST), the National Grassroots Disabilities Organization (NGDO), and the National Council for Women with Disabilities (NCWD) included several barriers that hinder and discourage political participation of PWD.⁵ These barriers include voter list discrimination, inaccessible polling centres, non-participation in the election, absence of parliamentary reservations, inadequate information, and non-addressal of privacy issues.⁶

³ United Nations Development Program (UNDP), Political Participation of Persons with Intellectual or Psychosocial Disabilities (*UNDP*, 2021) <<https://www.undp.org/sites/g/files/zskgke326/files/2021-12/UNDP-II-UNPRPD-Political-Participation-of-Persons-with-Intellectual-or-Psychosocial-Disabilities-V2.pdf>> accessed 17 December 2024.

⁴ Yahya Muhammed Bah, ‘Democracy and Participation of Persons with Disabilities in Politics and Election: Challenges and Lessons for Human Rights Advocates’ (2022) 5(5) *International Journal of Latest Research in Humanities and Social Science* 66 <<http://www.ijlrhss.com/paper/volume-5-issue-5/8-HSS-1275.pdf>> accessed 14 April 2025.

⁵ NGDO, NCDW and BLAST, ‘Current Status of Rights of Persons with Disabilities in Bangladesh: Legal and Grassroots Perspectives’ (*BLAST*, 2015) <<https://www.blast.org.bd/content/publications/crpd-report.pdf>> accessed 25 April 2025.

⁶ *ibid.*

A 2019 survey conducted on persons with disabilities by the Bangladesh Bureau of Statistics (BBS) found that 2.80% of the total population has different kinds of disabilities, with the highest rate of disabilities in rural areas.⁷ In 2022, BRAC surveyed on the PWD and social stigmatisation,⁸ but it did not include the status of PWD in the political process. However, the report of BRAC revealed that the sense of “incapability” is higher in women with disabilities.⁹ This opens a new area of investigation to rethink inclusive policies for PWD based on gender stereotypes.

Historical Evolution of the Political Rights of PWD

Disability is primarily viewed in India and most of South Asia as the result of structural barriers in addition to cultural barriers like beliefs and stereotypes.¹⁰ In India, Disabled People's Organizations (DPOs) and activists at the federal as well as local levels have been fighting against the state-sponsored medical and rehabilitation establishment since the 2000s.¹¹ However, these organisations had to demonstrate the greater medicalised discourse surrounding disability to obtain assistance from the government.¹² Post-independent Bangladesh had not witnessed any legislative development on the social and economic rights of PWD for 30 years. The long legislative absence until 2001 indicates the lack of political will to integrate PWD into the mainstream social life of citizens. The journey towards self-reliance and independence of PWD started after World War II, with increasing pressure on governments to rehabilitate veterans who were suffering from disability because of war.¹³ As armed

⁷ Bangladesh Bureau of Statistics, 'National Survey on Persons with Disabilities (NSPD) 2021' (*Ministry of Planning*, 2021) <https://bbs.portal.gov.bd/sites/default/files/files/bbs.portal.gov.bd/page/b343a8b4_956b_45ca_872f_4cf9b2f1a6e0/2022-06-13-15-24-ca6f018ab83c88a4db8ff51386439794.pdf> accessed 25 April 2025.

⁸ BRAC, 'Disability Stigma Report' (*BRAC*, 2023) <<https://www.brac.net/program/wp-content/uploads/2023/05/Disability-Stigma-Report.pdf>> accessed 17 December 2024.

⁹ *ibid.*

¹⁰ Nilika Mehrotra, 'Disability Rights Movements in India: Politics and Practice' (2011) 46(6) *Economic and Political Weekly* 65 <<http://www.jstor.org/stable/27918121>> accessed 17 December 2024.

¹¹ Nandini Ghosh, 'Citizenship, Rights and Persons with Disabilities in India' (2022) 24 *South Asian Multidisciplinary Academic Journal* <<https://journals.openedition.org/samaj/7924>> accessed 14 April 2025.

¹² *ibid.*

¹³ Anti-Defamation League, 'A Brief History of the Disability Rights Movement' (*ADL*, 2024) <<https://www.adl.org/resources/backgrounder/brief-history-disability-rights-movement>> accessed 17 December 2024.

conflict has vital effects on essential infrastructures, it may lead to various negative effects on the rights of PWD.¹⁴

Besides armed conflicts, internal political turmoil or movements may also result in various temporary and permanent disabilities. For example, the July uprising of 2024 in Bangladesh left many youths with injuries and disabilities due to the use of disproportionate force by the law enforcement agencies. It was reported that 525 people suffered physical disabilities as a consequence of their injuries.¹⁵ In addition, it was also reported by the United Nations that metal pellets were fired to repel the protesters.¹⁶ Therefore, the laws related to disabilities need to be reformed, keeping in mind the people who cannot lead normal lives anymore due to the sacrifices made for upholding national interests.

The political will of the state to address the concerns of PWD first became evident when various social and economic protections were introduced to ensure their welfare. The welfare approach was reflected in the provisions of the Disability Welfare Act 2001.¹⁷ The welfare mechanism under the Act included accessibility rights of PWD in public buildings and public transport; reservation of quota in government services; cultural and recreational rights of PWD and relevant remedial processes, etc.¹⁸ By guaranteeing participation in the national and social programs, this law seeks to defend and preserve the rights and dignity of the PWD. Despite such legal guarantees, PWD continued to fight for basic “accessibility” rights, such as securing their entrance and position in government services. For example, in 2010, Ain o Salish Kendra (ASK), BLAST, and Action for Disability and Development (ADD) jointly challenged a decision of the Public Service Commission (PSC) by Writ in the High Court Division on

¹⁴ United Nations Office of the High Commissioner for Human Rights, ‘Armed Conflict Puts Human Rights of People with Disabilities and All Civilians in Peril – UN’ (OHCHR, 2023) <<https://www.ohchr.org/en/statements/2023/12/armed-conflict-puts-human-rights-people-disabilities-and-all-civilians-peril-un>> accessed 17 December 2024.

¹⁵ Sajjad Hossain, ‘July-August Movement: 631 Lives Lost, 19,200 Injured’ *The Daily Star* (Dhaka, 09 September 2024) <<https://www.thedailystar.net/news/bangladesh/news/july-august-movement-631-lives-lost-19200-injured-3697901>> accessed 25 April 2025.

¹⁶ Office of the United Nations High Commissioner for Human Rights, ‘Human Rights Violations and Abuses Related to Protest in July and August 2014 in Bangladesh’ (2025) <<https://www.ohchr.org/sites/default/files/documents/countries/bangladesh/ohchr-fftb-hr-violations-bd.pdf>> accessed 25 April 2025.

¹⁷ Act No 12 of 2001.

¹⁸ United Nations, Bangladesh Persons with Disability Welfare Act-2001 (UN, 2019) <https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Bangladesh_Disability-Welfare-Act-2001.pdf> accessed 17 December 2024.

the ground of denial of opportunity for a visually challenged person to participate in the Bangladesh Civil Service (BCS) examination.¹⁹ A rule Nisi was issued in response to the writ.²⁰ The court directed the respondents to submit a report on the implementation measures taken as obligated in the Disability Welfare Act, 2001.²¹ In response to another petition in 2012, the High Court Division directed the PSC to allow PWD in the 33rd BCS examination and ensure adequate accommodation in the exam halls.²²

Moreover, the legislative lenses of the Act of 2001 were not far-sighted enough to cover the rights of PWD as a “political being.” The Act of 2001 was repealed by the Rights and Protection of Persons with Disabilities Act in 2013.²³ The ‘human rights approach’ was upgraded in the Act of 2013 by enacting a brand-new law where the political rights of PWD were specifically recognized.²⁴ However, this legislative improvement of 2013 was not manifested in the election process of Bangladesh. Moreover, the Act is also silent about the specific remedies available for violating voting rights. Furthermore, the accessibility, participation, and reservation required for PWD are in a vulnerable position, which is also evident in the relevant electoral laws of the country. As disability may be diverse in nature²⁵, a cross-sectional inclusion in the electoral and legal structure is necessary to bring expected reforms. PWD is no longer a “non-issue” in the election and policy-making process due to the emerging developmental model, which requires empowerment of different vulnerable groups within the state through “participation” and “representation”.

Political Rights of the PWD in the Global Normative Framework

Several models were shaped and reshaped to determine how PWD should be treated in society over the years. The medical model presupposes

¹⁹ *Shapan Chowkider & others v Bangladesh & others* (Writ Petition No 2932 of 2010, HCD). This writ involved the issue of Mr. Shapan Chowkider, an enrolled advocate who is visually challenged. He was denied several times for appearing as a BCS candidate by the Public Service Commission, because the Bangladesh Civil Service (Age, Qualification and Examination for Direct Recruitment) Rules, 1982 require physical fitness. He, along with others, brought the issue before the court against the persistent deprivation of PWD in accessing public exams.

²⁰ *ibid.*

²¹ *ibid.*

²² Bangladesh Legal Aid and Services Trust, ‘Press release: High Court Directs Government to Allow Disabled Persons Applications for 33rd BCS and to make Reasonable Accommodations’ (*BLAST*, 20 March 20 2012) <<https://www.blast.org.bd/content/pressrelease/press-release-BCS-20-03-12-eng.pdf>> accessed 09 August 2025.

²³ The Rights and Protection of Persons with Disabilities Act, 2013, s 44.

²⁴ *ibid* s 16.

²⁵ Bangladesh Bureau of Statistics, ‘*NSPD 2021*’ (n 7).

biological phenomena leading to the presumption of inherent defects in the individual.²⁶ This approach configured the actions of states and societies surrounding disability through medical intervention.²⁷ At a later stage, the medical model was intertwined with the social model, which invites social intervention through inclusive institutions to rectify disability.²⁸ The care-based social model gradually gave birth to the ‘rights-based model’ which emphasizes maximization of human dignity of PWD by considering disability as “diversity”.²⁹ Recognition of human dignity and its protection is at the centre of the ‘human rights model’ of disability.³⁰ This rights-based approach perceives different human rights activism to empower PWD with structural intervention and the eradication of discriminatory laws and policies.³¹ The human rights model remedied the underlying paucity of the social model.³² For example, the discourse on cross-sectional identity of disability was ignored in the social model.³³ Identity factors in disability are the later development of the rights-based model,³⁴ which has significant implications in shaping comprehensive political rights of the PWD.

The shifting of the medical/social welfare model to the social/human rights model approach for protecting the rights of PWD was actuated by the Declaration on the Rights of Disabled Persons in 1975.³⁵ The declaration reaffirmed that PWD will enjoy all the civil and political rights as other human beings.³⁶ Limitations on these rights can only be imposed for mentally retarded persons, subject to sufficient safeguards of the law.³⁷ The safeguards and denial of rights will be determined by evaluating the “social capability” of a mentally retarded person, “periodic review”, and “right to

²⁶ Justin Anthony Haegele and Samuel Hodge, ‘Disability Discourse: Overview and Critiques of the Medical and Social Models’ (2016) 68(2) *Quest* 193–206 <<http://dx.doi.org/10.1080/00336297.2016.1143849>> accessed 17 December 2024.

²⁷ *ibid.*

²⁸ *ibid.*

²⁹ Theresia Degener, ‘Disability in a Human Rights Context’ (2016) 5(3) *Laws* 35 <<https://doi.org/10.3390/laws5030035>> accessed 25 April 2025.

³⁰ *ibid.*

³¹ *ibid.*

³² *ibid.*

³³ *ibid.*

³⁴ *ibid.*

³⁵ United Nations Department of Economic and Social Affairs, ‘History of Disability in the UN’ (*UN*, January 2018) <https://social.desa.un.org/sites/default/files/migrated/15/2018/01/History_Disability-in-the-UN_jan23.18-Clean.pdf> accessed 17 December 2024.

³⁶ UNGA Res 3447 (09 December 1975) UN Doc A/RES/3447(XXX).

³⁷ UNGA Res 2856 (20 December 1971) UN Doc A/RES/2856(XXVI).

appeal” against any discriminatory suppression.³⁸ The Convention on the Rights of Persons with Disabilities (CRPD), adopted by the United Nations in 2006, is the benchmark document for ensuring the full-fledged human rights of PWD.³⁹ Bangladesh ratified the CRPD and its additional protocol in 2007 without any reservations.⁴⁰ Article 29 of the CRPD affirms the participation of PWD in the “political” and “public life” of the state without any discrimination.⁴¹ Article 29 is based on the understanding that engaging in public and political life is both a goal in and of itself and a requirement for the full enjoyment of other rights.⁴²

The UN Office of the High Commissioner for Human Rights also recognized the substantive right of PWD to “elect” and to “be elected.”⁴³ In 2013, the UN Committee on the Rights of Persons with Disabilities urged governments to ensure that the “stigma and discrimination” based on disability are effectively eradicated, including through the adoption of affirmative action measures, so that inequalities faced by persons with disabilities are properly addressed and eliminated.⁴⁴ The CRPD also requires that “to enable persons with disabilities to live independently and participate fully in all aspects of life, state parties shall take appropriate measures to ensure access on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas”.⁴⁵

³⁸ *ibid.*

³⁹ *ibid.*

⁴⁰ International Labor Organization, ‘ILO and Bangladesh Steer UN’s Disability Inclusion Agenda for the Next Two Years’ (*ILO*, 03 December 2023) <<https://www.ilo.org/resource/article/ilo-bangladesh-steer-uns-disability-inclusion-agenda-next-two-years>> accessed 25 April 2025.

⁴¹ Convention on the Rights of Persons with Disabilities (hereinafter CRPD) (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3, art 29.

⁴² Valentina Della Fina, Rachele Cera and Giuseppe Palmisano (eds), *The United Nations Convention on the Rights of Persons with Disabilities: A Commentary* (1st edn, Springer 2017).

⁴³ United Nations Office of the High Commissioner for Human Rights (UN OHCHR), ‘Report on participation in political and public life by persons with disabilities’ (21 December 2011) A/HRC/19/36.

⁴⁴ UN OHCHR, ‘Statement of Committee on the Rights of Persons with Disabilities on Including the rights of persons with disabilities in the post 2015 agenda on disability and development’ (*OHCHR*, May 2013) <<https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRPD/StatementInclusionPost2015.doc>> accessed 17 December 2024.

⁴⁵ CRPD (n 41) art 29.

The International Covenant on Civil and Political Rights (ICCPR) of 1966 and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) of 1969 also require “disability specific reaffirmation”.⁴⁶ Moreover, the 2030 Agenda for Sustainable Development reciprocates the standing that “a resilient, sustainable and inclusive world for all relies on empowering persons at risk of being left furthest behind in the development process”.⁴⁷ The general assembly of the United Nations adopted “standard rules on the equalization of opportunities with PWD” in 1993. The standard rules-imposed obligations on states to ensure the participation of Organizations of Persons with Disabilities (OPD) in developing national legislation.⁴⁸



Figure 1: Nexus between Political Participation of PWD and Sustainable Development Goals (SDGs)

Moreover, the Sustainable Development Goals (SDGs) advocate peace, justice, and strong institutions, which require an inclusive state model. Without a proper regulatory framework on political participation, inclusion, and reservation of PWD, the inclusivity projected in SDGs cannot be realized. Moreover, effective accessibility in political and social institutions is also required to achieve the envisioned social justice for all. Appropriate means of social justice foster peace and order in society. The

⁴⁶ UN Committee on the Rights of Persons with Disabilities, ‘General Comment No. 2 - Article 9: Accessibility’ (22 May 2014) UN Doc CRPD/C/GC/2.

⁴⁷ United Nations Economic and Social Commission for Asia and the Pacific, ‘Building Disability Inclusive Society in Asia and the Pacific: Assessing Progress of the Incheon Strategy’ (UN ESCAP, 2018) <<https://www.unescap.org/sites/default/files/publications/SDD%20BDIS%20report%20A4%20v14-5-E.pdf>> accessed 17 December 2024.

⁴⁸ UNGA, ‘Standard Rules on the Equalization of Opportunities for Persons with Disabilities’ (04 March 1994) UN Doc A/RES/48/96, r 15.

core features of sustainable development attract inclusive political structures that empower relevant social institutions for existing vulnerable groups.

Does the Constitution of Bangladesh recognize equal political rights for PWD?

The basis of determining and ensuring equal treatment for establishing different kinds of rights in Bangladesh is “citizenship”.⁴⁹ The right of a citizen cannot be negotiated based on any “disability”.⁵⁰ This approach of treatment towards citizens casts a huge burden on the Government to eliminate discrimination and ensure that state machinery is functional and appropriate for PWD. The Constitution obliges that all citizens are equal before the law and entitled to equal protection of the law.⁵¹ If the system applicable to disability free person is applied to PWD in the political process, it certainly compromises the “equality” principles of the Constitution. The equality clause refers to equal treatment with suitable means and opportunities. It does not refer to non-congenial equal means. Gradually, the equal treatment with unequal means placed PWD under the level of “backward sections of citizens”. Further, a state can enact regulations on a transitional basis for the “backward section of citizens”.⁵² Likewise, the interpretation clause⁵³ in the Constitution does not clarify the word “disability” within its body. Neither does the General Clauses Act of 1897⁵⁴ include a definition of “disability”. The omission of the word ‘disability’ in the Constitution and the General Clauses Act implicates legislators’ lack of commitment to protect the rights of PWD.

Moreover, there is no specific constitutional guarantee for preserving the rights of PWD in respect of their human dignity, access to appropriate education, right to work, and full participation in society. Although by the Constitution (Seventh Amendment) Act 2018,⁵⁵ fifty exclusive seats of the Bangladesh parliament are reserved for women, no such exclusivity is projected within the four corners of the Constitution for PWD.⁵⁶ Equal participation of women in the state and public life is guaranteed, but no such stance is echoed for the PWD. Political reservation is one of the bases of “accessibility” for PWD. Without active inclusion of PWD in the

⁴⁹ Constitution of the People’s Republic of Bangladesh, 1972, art 28.

⁵⁰ The Rights and Protection of Persons with Disabilities Act, 2013 (n 23) s 16(2).

⁵¹ Constitution (n 49) art 27.

⁵² *ibid* art 28(4).

⁵³ *ibid* art 152.

⁵⁴ Act No X of 1897.

⁵⁵ The Constitution (Seventeenth Amendment) Act 2018, s 2.

⁵⁶ Constitution (n 49) art 65.

“public life” of the state, it is difficult to advance their socio-economic opportunities to the marginal level. The inclusion approach should be from top to bottom so that the PWD can enjoy constitutional guarantees of freedom of thought and conscience.⁵⁷ In a nutshell, in Bangladesh, equality is generally guaranteed for citizens, but not specifically for PWD. In terms of “voting right”, though there is no bar for being a voter based on physical disability, there is a bar on “mental disability”. A person declared “unsound” by a competent court cannot be enrolled in the electoral roll.⁵⁸ Political rights in the context of disabilities are also very frequently restricted in other parts of the world. In particular, 23% of world constitutions create a bar on voting, and 32% limit the ability to hold legislative office due to mental health issues.⁵⁹

The non-discrimination clause in the constitution imposes an obligation on the state not to treat its citizens unequally based on “religion”, “caste”, “sex”, “race”, or “place of birth”.⁶⁰ The exclusion of the word “disability” for a non-discrimination basis depicts narrower constitutional safeguards for PWD in Bangladesh. The social standing of the PWD in real life depicts how they are being discriminated against in social, economic, and political life over the years. The disability inclusive constitutionalism should be adopted to facilitate the various rights of PWD guaranteed in the CPRD. The aspirational rights in the constitution need to be converted into guaranteed rights for PWD with justifiable exceptions. The democratic republic character of the state denotes human rights and respect for human dignity through “effective participation” and proper “representation” of the people.⁶¹ Besides, men and women with disabilities have an empowering chance to become leaders and share their opinions on matters that are important to them by participating in political processes through political parties and parliaments.⁶² The state must ensure the effective participation of PWD for restoring their pro-humanitarian standing in society.

Existing Legislative Framework on Electoral Rights of PWD

Bangladesh is committed under International Law to provide effective political provisions for PWD. However, the existing legal framework has

⁵⁷ Constitution (n 49) art 39.

⁵⁸ *ibid* art 122.

⁵⁹ World Policy Center, 'Constitutional Equal Rights of People with Disabilities' (*World Policy Center*, January 2020) <<https://www.worldpolicycenter.org/constitutional-equal-rights-of-people-with-disabilities>> accessed 17 December 2024.

⁶⁰ Constitution (n 49) art 28.

⁶¹ *ibid* art 11.

⁶² Office for Democratic Institutions and Human Rights (ODIHR), 'Guidelines on Promoting the Political Participation of Persons with Disabilities' (*OSCE*, 2019) <<https://www.osce.org/files/f/documents/b/6/414344.pdf>> accessed 25 April 2025.

ambiguities and lacunae in terms of implementing the political rights of PWD. None of the laws addresses the participation of PWD in elections with adequate and accessible means. The electoral laws narrowly facilitate the right of PWD as “voters”, excluding adequate provisions on inclusion of PWD as “electoral candidates”. The disability laws mostly focus on securing the social and economic rights of the PWD and the implementation processes attached to it. The political rights of PWD and their implementation procedures are significantly neglected, which is cause for concern regarding the invisibility of PWD in electoral processes. Moreover, the extension of “inclusivity” in political life can be tested through a close perusal of laws related to people’s representation, registration, and conduct of parliamentary elections. Furthermore, the extension of “participation” in political life can be appraised through relevant rules of nomination as election candidates, reservations for PWD in parliament, and within political parties. Inclusivity and participation in politics can be further explored through the “accessibility” to the entire process of the political mechanism. ‘Accessibility’ does require reformations in electoral infrastructures, conduct, and remedial processes. Thus, the existing electoral legal framework can be revisited with these three-tier parameters: “inclusion”, “participation”, and “accessibility”.

The Rights and Protection of Persons with Disabilities Act (RPPDA), 2013

The gamut of rights of PWD can be traced back to Section 16 of the Rights and Protection of Persons with Disabilities Act (RPPDA), 2013. In total, four political rights are recognized in the Act, including the right to receive a national identity card, to be included in the voter list, to cast a vote, and to participate in elections.⁶³ Though access to justice is ensured by inserting penal clauses in the Act for different kinds of violations of rights of PWD,⁶⁴ no specific remedial process is followed for restricting the voting right and the right to participate in the election process. Moreover, the bundle of political rights depends upon the “types of the disability” enshrined in Subsection 1 of Section 16. In addition, “no clarifying exceptions” aligning with “types of disability” is inscribed, which creates uncertainties in terms of implementation. The “intersectionality” approach was not considered in establishing the political rights of PWD. The absence of “intersectionality”⁶⁵ views various disabilities as “one group”, and this treatment creates multiple layers of discrimination, which may result in

⁶³ The Rights and Protection of Persons with Disabilities Act, 2013 (n 23) s 16(t).

⁶⁴ *ibid* s 37.

⁶⁵ ‘Intersectionality’ recognizes disability alongside other social identities such as race, gender, age, religion, class, and different ethnicities.

even more marginalization.⁶⁶ Furthermore, twelve kinds of diversities of disability are explicitly recognised in the Act, including autism, physical, mental, visual, speech, intellectual, hearing, deaf, and blindness, cerebral palsy, down syndrome, multiple disabilities, and others.⁶⁷ In a nutshell, the Act offers the common rights of PWD without considering the diversified forms of disabilities. The rights-based compromise with recognition of ‘diversities of disability’ within the body of the Act has a great scope of creating imbalances in terms of rights within different groups of PWD.

The government is responsible under the Act to eliminate ambiguities in any provision of the Act.⁶⁸ The existing bodies of electoral laws are not updated to uphold the very object of the Act after 2013. The Act also grants protection against discriminatory behaviour by any person, authority or body.⁶⁹ Different committees are formed under this Act to entertain different claims of PWD, but no specific provision is evident to address violations of voting and election rights. For improving leadership skills of the PWD, there is a mandate to arrange and promote appropriate training at the national, divisional, and district levels.⁷⁰ In reality, only 0.49% of the budget was allocated for PWD in the 2023-24 financial year, and no plans for skill development, entrepreneurship, and employment opportunities were considered.⁷¹

The Representation of the People Order (RPO), 1972

The Election Commission (EC) is the executing authority for all electoral laws in Bangladesh.⁷² As a constituent body, the EC is empowered to prepare proposals for laws, rules, regulations, and necessary guidelines.⁷³

⁶⁶ Bond UK, ‘An intersectional approach to disability inclusion: A resource for members of the Bond Disability and Development Group, donors, and wider NGO sector’ (*Bond UK*, 2024) <<https://www.bond.org.uk/wp-content/uploads/2024/03/Bond-DDG-Intersectionality-Paper-Final-002.pdf>> accessed 17 December 2024

⁶⁷ The Rights and Protection of Persons with Disabilities Act, 2013 (n 23) s 3.

⁶⁸ *ibid* s 42.

⁶⁹ *ibid* s 36.

⁷⁰ The Rights and Protection of Persons with Disabilities Act, 2013 (n 23) sch cl 16.

⁷¹ Ayon Debnath, ‘A Decade of Despair: Bangladesh Falling Behind on Disability Rights’, *The Business Standard* (Dhaka, 13 June 2023) <<https://www.tbsnews.net/thoughts/decade-despair-bangladesh-falling-behind-disability-rights-648958>> accessed 25 April 2025.

⁷² The Representation of the People Order, 1972 (RPO 1972), art 5.

⁷³ Ministry of Finance, Election Budget Report (*Finance Division, Ministry of Finance*) <https://mof.portal.gov.bd/sites/default/files/files/mof.portal.gov.bd/budget_mof/6be542c3_c889_4093_9be2_8d9c3db45853/G-3_02_106_Election_English.pdf> accessed 17 December 2024.

Like Section 16 of the RPPDA 2013, the Constitution saves the voting rights of PWD except for persons who have been declared to be of “unsound mind” by a competent court.⁷⁴ The exclusion clause regarding the unsound mind is generalised. It is unclear whether the bar included in the article on mental disability is “permanent” or “temporary” from the mere language. Similarly, the District Council Act, 2000, disqualifies a court-declared unsound person from being a member of the council.⁷⁵ Moreover, electoral laws are also applied for the election of local government bodies.⁷⁶ The electoral laws incorporate a similar exclusion clause of mental disability in terms of participation in national and local government elections. No ‘reservation clause’ exists in RPO 1972 for participation of PWD as ‘electoral candidates’.

The EC is also the responsible authority for improving the electoral rights of PWD in Bangladesh, like all other citizens. Is our electoral process being expanded to address the issue of PWD within the process? It is a matter of great concern that the submission and admission of nomination papers required under the order⁷⁷ were developed with the general people in mind, thereby excluding PWD. Applying general electoral principles for PWD will be a severe violation of electoral rights mandated by the CRPD. The “equitable differentiation”⁷⁸ will also be negated if a similar procedure is offered in terms of participation in the election. Differential treatment should be restricted if it promotes inequality, but if differentiation includes human diversity, it should be upheld meticulously to preserve the principle of equality.⁷⁹ A separate clause should be added, in line with the principle of ‘equitable differentiation’, to ensure an inclusive electoral process for PWD.

Moreover, the political parties in Bangladesh must satisfy some general and specific criteria for registration. A political party is eligible to be registered under the umbrella of general conditions if it won one seat of parliament in any previous election since independence, secured five percent of the total cast votes in constituencies, and established functional offices in central positions, followed by district offices in one third administrative districts,

⁷⁴ Constitution (n 49) art 122.

⁷⁵ District Council Act, 2000, s 6.

⁷⁶ *ibid*.

⁷⁷ RPO 1972 (n 72) arts 12 and 13.

⁷⁸ ‘Equitable differentiation’ refers to providing suitable or different opportunities for PWD to access rights. Identical opportunities may lead to unequal treatment in certain cases.

⁷⁹ Aart Hendriks, ‘Disabled Persons and Their Right to Equal Treatment: Allowing Differentiation While Ending Discrimination’ (1995) 1 Health and Human Rights 152 <<https://doi.org/10.2307/4065212>> accessed 25 April 2025.

and offices at least in one hundred Upazila and metropolitan thanas.⁸⁰ Political parties composed of PWD were not significantly evident in the previous elections. The requirement of extensive offices creates hardship for PWD who want to contest in the election. Therefore, the general conditions are creating visible barriers to the inclusion of political parties formed by PWD in upcoming elections. Among others, there is a special criterion for 33% of women's representation⁸¹ within parties, but no such internal reservation is secured for PWD.

In reality, the justifiable and inclusive reservation of PWD in the political process will not only make it diverse but also protect the social equilibrium of national life. There is no bar on any citizen based on “disability” in the RPO 1972 to submit a nomination paper to be an electoral candidate. Every nomination paper contains some information, including the educational background, allegations of criminal offences, criminal records, profession or business, probable source of income, statement of debt, and property.⁸² This may encourage PWD to submit nomination papers in a few cases. If the nomination paper contains ‘disability information’, it may assist the EC in incorporating the essential criteria for participation of PWD as electoral candidates. In addition, the proviso of Article 13 of the RPO 1972 requires an adequate fee to be submitted along with the nomination paper in favour of EC. The specified amount is twenty thousand Taka.⁸³ Twenty thousand Taka is considered to be too high for a probable electoral candidate who suffers from disability, together with economic hardship. In reality, under the social safety net program, PWD receive eight hundred and fifty Taka per month.⁸⁴ Moreover, in 2021, Transparency International Bangladesh reported allegations of various charges against persons who enlisted the PWD in the safety net scheme.⁸⁵ Therefore, a lower fee should be required for electoral candidates with disabilities.

Moreover, the election is decided by secret ballots or by voting through Electronic Voting Machines (EVMs), or both in Bangladesh.⁸⁶ But the

⁸⁰ RPO 1972 (n 72) art 91A.

⁸¹ *ibid* art. 90B.

⁸² *ibid* art 12(3b).

⁸³ *ibid* art 13(1a).

⁸⁴ Faisal Bin Iqbal, 'From Disabilities to Policies: Transitioning to a Disability-Free Bangladesh' *The Daily Star* (03 December 2024) <<https://www.thedailystar.net/opinion/views/news/possibilities-policies-transitioning-disability-friendly-bangladesh-3767086>> accessed 25 April 2025.

⁸⁵ Transparency International Bangladesh (TIB), *Inclusiveness in Development and Disability: Governance Challenges and Way Forward* (TIB, 2021) <https://www.ti-bangladesh.org/images/2021/report/disability-study/Disability_Study_Fullrep.pdf> accessed 25 April 2025.

⁸⁶ RPO 1972 (n 72) art 26.

manner of receiving votes through ballot paper under the RPO 1972 is more focused on persons free from disabilities rather than PWD. From using a personal mark through ink to a signature on the ballot paper⁸⁷, there is no scope to incorporate PWD in the process. Similarly, there is no requirement for the presence of agents to oversee PWD in the polling stations. In reality, the size, structure, font of ballot, chores of checking boxes, creating crosses or circles, or even handwriting candidate names or numbers present accessibility issues for many people with impairments.⁸⁸ The irony is that the ballot form in Bangladesh contains electoral symbols of electoral candidates, but no sign language or symbol is available in the ballot for PWD.

Moreover, essential requirements are enumerated in Article 26B of the RPO 1972 for approving EVM by the Election Commission. The commission is responsible for reviewing the programming features, including non-networking and security of source code, along with other issues.⁸⁹ The monitoring prevents manipulation of the election result.⁹⁰ However, the requirement of inclusive features in EVM is disregarded in Subsection 2 of Article 26B of the order. Here, the principle of “accessibility” ensured in the RPPDA 2013 is compromised. Inclusive software design in EVM has a great deal to do with the democratic right of PWD. Integrating technological advancement into the electoral process is paramount to preserving neutrality and transparency. Technology should also be a solution for long-standing discrimination against PWD. The relevant insertion of inclusive requirements for all in the EVM is mandatory for equal participation.

Furthermore, inclusive principles should be implemented in designing, establishing, and operating polling stations. The principle of “universal accessibility”⁹¹ for public infrastructures is mandated in the RPPDA 2013 and the National Building Code 2008. The Act of 2013 also defined “public establishments” for facilitating “accessibility”.⁹² ‘Public Infrastructure’ includes private/public buildings, parks, stations, ports, terminals, roads, etc.⁹³ In addition, necessary directions in sign and braille language, special

⁸⁷ *ibid* art 31.

⁸⁸ Armin Rabitsch, Alejandro Moledo and Michael Lidauer, 'Inclusive Elections? The Case of Persons with Disabilities in the European Union' (2023) 30 *South African Journal of International Affairs* 535–553 <<https://doi.org/10.1080/10220461.2023.2275669>> accessed 25 April 2025.

⁸⁹ RPO 1972 (n 72) art 26B.

⁹⁰ *ibid*.

⁹¹ ‘Universal accessibility’ refers to inclusive design for using structures equitably.

⁹² The Rights and Protection of Persons with Disabilities Act, 2013 (n 23) s 34.

⁹³ *ibid*.

pathways for PWD, wheelchair facilitation, PWD-friendly washroom facilities, and accessible information outlets should be incorporated in designing the polling station, which will encourage swift participation of PWD in the election. Structural barriers often lead to non-participation. The inclusivity in designing and constructing polling centres can open up many avenues of opportunities for PWD who are being deprived of enjoying various social, political, and economic rights.

The legal gaps in RPO 1972 have multifold impacts on the constituting political life required for PWD. Firstly, technological non-advancement may reduce adequate casting of votes by PWD. Secondly, the strict and rigid rules of registration based on general people may discourage the new and exclusive parties, which include the PWD only. Thirdly, there are no fixed goals of internal reservation for PWD in political parties. This non-inclusion may have negative impacts on PWD in different constituencies. The suppressive and conventional rules in the electoral process cannot tame the ongoing demand for protecting the political rights of PWD in the national and international spheres.

Electoral Rolls Act, 2009

The collection and preservation of PWD data in election constituencies is helpful for the proportionate representation of PWD in parliament. Section 16 of the Electoral Rolls Act empowers the government to make necessary rules. In 2012, rules were introduced to specify a systematic structure for voters' data entry. The system will work to formulate, amend, scrutinise, and renew the voter list.⁹⁴ EC is obliged to appoint data operators to enter voters' data.⁹⁵ However, no particular disability data operator or data coordinator is specified in the rule. Accountability and transparency cannot be ensured without proper data on the persons who have disabilities.

Though there is a mandate in Rule 5 for creating a separate list for physically challenged and sick persons, no data collector is appointed for interacting with PWD who have hearing and speaking challenges. An inclusive mechanism of data collection is required for the proper representation of PWD in elections. Data collectors should be trained to consider several disability issues for better accessibility in data entry. A dedicated database should be integrated with the central voter data server. In 2019, BLAST reported that, though "part 12 of the voter registration form contains information regarding the nature of disability, the information is seldom recorded correctly. There are no statistics on the

⁹⁴ *The Electoral Rolls Rules, 2012*, r 3.

⁹⁵ *ibid.*

number of people with disabilities who vote, which makes it harder to advocate for proper voting rights or to plan for voters with disabilities.”⁹⁶

Besides, no braille election information outlet is mandated for people with visual challenges. An election supervisor with proficiency in sign language is essential for effective communication with PWD in a locality. The Electoral Rolls Act was amended for the second time in 2013. According to section 13 of the Act, “delisting of a voter” is permissible if a court declares that an “enlisted voter” is of unsound mind. However, there is no distinction between temporary and permanent mental disabilities prescribed in the section. It is crucial to clarify whether the delisting provision is equally applicable to voters with both temporary and permanent mental disabilities.

The inclusion of “universal accessibility” in voting data entry and execution is the first step towards an inclusive election. “Non-accessibility” is hindering the political expression of PWD. The principle of “accessibility” is considered a cornerstone for enabling several other human rights of PWD. If the electoral structures and systems are inaccessible to PWD, the state cannot avoid its responsibility of ensuring ‘accessibility’ under section 16 of the RPPDA 2013. “Accessibility” should also be evident at times of collecting, preserving, and coordinating voting data of PWD. It requires systemic advancement of the election system. The harmonised union between “accessibility” and “participation” promotes the democratic right of PWD. “Accessibility” in the electoral system should be inspected thoroughly to ensure flawless participation of PWD.

The principle of ‘intersectionality’ is disregarded in the voting data registration and preservation. The absence of data experts and operators with special knowledge on the rights of PWD exposes a significant challenge for their effective participation and representation in elections. Comprehensive coordination between local and central data on PWD is required. Such coordination would accelerate appropriate mechanisms and structural adjustments customised for PWD. Moreover, proper data integration is also indispensable for planning synchronised development programmes for PWD. Furthermore, the introduction of the voting registration form in braille version will serve the principle “equitable differentiation” and ensure equal access to voting for visually impaired persons.

The Conduct of Election Rules, 2008

⁹⁶ CRPD Alternative Report Platform, Bangladesh, ‘Alternative Report on the Status of Implementation of the Rights of Persons with Disabilities in Bangladesh’ (*BLAST*, February 2019) <<https://www.blast.org.bd/content/report/Alternative-Report-NGDO-2019.pdf>> accessed 17 December 2024.

By RPO 1972, EC adopted election conduct rules in 2008.⁹⁷ Rule 13 requires assistance for PWD if they need it while casting a vote in a ballot. In reality, it is not convenient for people with visual challenges to determine whether their intended vote is cast properly on the ballot. Such non-apprehension may result in unintentional outcomes in certain cases. Electoral risk is probable when an authorised person, acting on behalf of a visually impaired voter, engages in electoral misconduct. Moreover, the International Foundation for Electoral Systems (IFES) reported that voters with hearing and speaking disabilities faced difficulties in communicating with poll workers.⁹⁸ The majority of the voters with hearing disability confronted hardships in accessing the information about candidates and voting processes.⁹⁹

Both the RPO 1972 and the Electoral Rolls Act 2009 recognised postal ballots under certain circumstances. The system of postal ballots had been incorporated in the ninth parliamentary election.¹⁰⁰ Under the postal balloting method, a voter is allowed to cast a vote by using postal services. However, a few of the voters can access postal balloting. This method applies only to eligible individuals, including prisoners, expatriates, polling officers, and people with accessibility challenges.¹⁰¹ PWD is not mentioned specifically in the relevant provisions of postal balloting. The postal balloting service should also be extended to PWD electors. For better utility of the process, a hybrid model should be developed. The manual postal balloting process may be enhanced with an “Electronically Transmitted Postal Ballot System” (ETPBS)¹⁰², which will save costs and time. The principle of digital democracy should be upheld throughout the entire postal balloting process, from the application stage to the receipt of votes. In this regard, designated mail addresses with the EC domain can be created in favour of PWD for casting votes electronically.

⁹⁷ RPO 1972 (n 72) art 94.

⁹⁸ International Foundation for Electoral Systems (IFES), ‘Electoral Participation of Citizens with Disabilities in Bangladesh’ (*IFES*, 31 May 2001) <<https://www.ifes.org/publications/electoral-participation-citizens-disabilities-bangladesh>> accessed 17 December 2024.

⁹⁹ *ibid.*

¹⁰⁰ Dhaka Tribune Desk, ‘Factbox: How to Cast Votes Through Postal Ballot’ *Dhaka Tribune* (Dhaka, 03 January 2024) <<https://www.dhakatribune.com/bangladesh/election/335699/factbox-how-to-cast-votes-through-postal-ballot>> accessed 25 April 2025

¹⁰¹ RPO 1972 (n 72) art 27.

¹⁰² Electronically Transmitted Postal Ballot System (ETPBS) was established in 2019 by the Election Commission of India with a motto of ‘no voter to be left behind’. The system allows voters to cast their votes with electronic postal ballots.

Moreover, the absence of braille ballots or braille-featured EVMs in the election centres is creating many restrictions on the voting rights of the visually impaired electors. In India, the braille ballot was introduced in 2019 for persons with visual challenges.¹⁰³ Equal voting right is the core pillar of democracy. Inclusive governance requires participation, the rule of law, accessibility, accountability, and transparency.¹⁰⁴ There is still scope for amendments in the Rule to enhance “physical accessibility” in the election centres for PWD, right to vote ‘remotely’, and ensure electoral funding for an inclusive election. Projects of structural renovation have great prospects of inclusivity.

The Government amended the election rules in 2013 by inserting different forms for nomination, declaration, biographical descriptions of electoral candidates, and descriptions of total voters in a constituency.¹⁰⁵ However, no option is specified in the nomination form for providing information regarding the ‘disabilities’ of candidates. The lack of explicit recognition of PWD in the nomination form poses significant challenges for their effective participation as electoral candidates. It presupposes the acceptability of PWD as a policy beneficiary but not as a policymaker.

Non-discrimination in public space is recognised in the Constitution itself.¹⁰⁶ However, the election process and relevant election conduct rules were framed without assessing the degree of disability. Electoral rules and policies should be inclusive both vertically and horizontally. Horizontal inclusion will not suffice to fill the gap in the vertical inclusion of PWD. Horizontal inclusion perceives PWD as beneficiaries of policies, whereas vertical inclusion denotes participation of PWD in making policies. Interest representation requires the active participation of PWD in the policy-making process.¹⁰⁷ In addition, “Anti-Discrimination Bill 2022” was proposed in the parliament with a view to the state’s mandate to establish a discrimination-free society. It recognises giving away a child with

¹⁰³ HT Correspondent, 'Election Commission Introduces Ballot Paper in Braille for Visually Impaired Voters' *Hindustan Times* (Delhi, 01 April 2019) <<https://www.hindustantimes.com/lok-sabha-elections/election-commission-introduces-ballot-paper-in-braille-for-visually-impaired-voters/story-Lfy2QXjsKtKMr5NjNkbveP.html>> accessed 17 December 2024.

¹⁰⁴ GIZ, ‘Disability Inclusion Matters: Good Governance’ (*GIZ*, 2019) <<https://www.giz.de/de/downloads/giz2019-en-disability-inclusion-matters-good-governance.pdf>> accessed 17 December 2024

¹⁰⁵ The Electoral Rolls (2nd Amendment) Act, 2013.

¹⁰⁶ Constitution (n 49) art 28(3).

¹⁰⁷ KR Fisher and S Robinson, 'Will Policy Makers Hear My Disability Experience? How Participatory Research Contributes to Managing Interest Conflict in Policy Implementation' (2010) 9(2) *Social Policy and Society* 207 <<https://doi.org/10.1017/S1474746409990339>> accessed 17 December 2024.

disability from the natural family to other persons and entities as an ‘act of discrimination’.¹⁰⁸ However, specific non-discrimination in terms of upholding political rights is still obscure for PWD in the mentioned Bill.

Moreover, the Election Reform Commission (ERC) was constituted by an official gazette in 2024¹⁰⁹ to upgrade the election rules and regulations. The ERC aims to ensure a transparent and accountable electoral system for upholding core democratic principles. Though a 10% reservation has been recommended for the backward sections of society, including people with physical disabilities, in terms of election candidacy¹¹⁰, relevant factors of ‘accessibility’ of PWD in the electoral process and ‘inclusivity’ in participating in elections have not been broadly addressed. Several recommendations are provided for developing a National Identity System (NIS). Principles of security, privacy, and self-sovereignty are embodied to establish a secure NIS. But how will the advanced system serve the principle of inclusivity, or whether the system will work for PWD? It is not addressed in detail. Besides, the report is silent on the ‘accessibility’ requirement of PWD in polling stations as well. It is high time that policymakers should rethink electoral laws by endorsing the principle of reservation, inclusion, and accessibility so that PWD can enjoy seasoned political rights as safeguarded in CRPD.

Table 1: Status of Political Determinants of PWD

Political Determinants of the PWD	International Standards (Relevant Articles)	National Adaptation (Relevant Act and Rules)	Existing Gaps in the National Legal Framework
Political inclusion	CRPD, Art. 29 and ICCPR Art. 25(a)	Constitution, Art. 28, Section 16 RPPDA, 2013	<ul style="list-style-type: none"> • No reservation for PWD in the parliament • No specific inclusive

¹⁰⁸ Manusher Jonno Foundation (MJF), ‘Policy Brief: Anti-Discrimination Bill’ (MJF, 2023) <http://www.manusherjonno.org/wp-content/uploads/2023/12/Policy-Brief_EPR-11-Anti-Discrimination-Bill-TMD_MJF_2023.pdf> accessed 17 December 2024.

¹⁰⁹ Cabinet Division, ‘S.R.O. No. 329-Law/2024.—Regarding the formation of a commission named the ‘Election System Reform Commission’ (Bangladesh Government Press, 03 October 2024) <https://www.dpp.gov.bd/upload_file/gazettes/55899_45501.pdf> accessed 12 November 2025.

¹¹⁰ Election Reform Commission (ERC), ‘Report of the Election Reform Commission’ (ERC, 2025) <<https://erc.ecs.gov.bd/proposals>> accessed 25 April 2025.

Political Determinants of the PWD	International Standards (Relevant Articles)	National Adaptation (Relevant Act and Rules)	Existing Gaps in the National Legal Framework
			electoral rules under the RPO, 1972
Right to vote	CRPD, Art. 29 and UDHR Art. 21, ICCPR, Art. 25(b)	Constitution, Art. 122, Section 16 of the RPPDA, 2013	<ul style="list-style-type: none"> • Lack of Clarification on ‘voting restrictions’ applied to mentally challenged people
Right to participate in the Election as a candidate	CRPD, Art. 29, ICCPR Art. 25(b)	Section 16 of RPPDA 2013, Article 12 of RPO 1972	<ul style="list-style-type: none"> • Electoral rules of candidates are mostly applicable to the general people, excluding considerations for the PWD • Excessive nomination fees
Adequacy of Accessibility	CRPD, Art. 29,9; SDG 16, ICCPR, Art. 25(c)	Section 16 and 34 of RPPDA 2013, Article 12 of RPO 1972	<ul style="list-style-type: none"> • Absence of voting data collection mechanisms by considering disability issues. • Lack of implementation of the principle of universal accessibility • Traditional postal balloting system without inclusive digital innovation • EVM features are not adequate

Political Determinants of the PWD	International Standards (Relevant Articles)	National Adaptation (Relevant Act and Rules)	Existing Gaps in the National Legal Framework
			to address disability issues.
Clarity in Electoral Legal language	CRPD, Art. 29 a (i), ICCPR Art. 27	Section 16 of RPPDA, 2013	<ul style="list-style-type: none"> Lack of publishing electoral information in Braille or sign languages
Reservation for political participation	CRPD, Art. 29 a (ii)	No mandate in the Constitution and the RPO, 1972	<ul style="list-style-type: none"> Absence of rules on internal reservation
Cross-sectoral disability facilities	CRPD, Art. 16	No mandate in the RPPDA, 2013	<ul style="list-style-type: none"> No rules on considering the principle of intersectionality Absence on structural renovation considering the age, gender, religion, and ethnicity of PWD
Access to remedies	CRPD, Art. 12, 13, and ICCPR Art. 26	Section 36 of the RPPDA, 2013	<ul style="list-style-type: none"> Full of procedural complexities
Access to electoral education	CRPD, Art. 8 and 24	No available mandate	<ul style="list-style-type: none"> Absence of necessary training programs on electoral awareness
Electoral Assistance	CRPD, Art. 29 a (iii)	No available mandate	<ul style="list-style-type: none"> Absence of disability-

Political Determinants of the PWD	International Standards (Relevant Articles)	National Adaptation (Relevant Act and Rules)	Existing Gaps in the National Legal Framework
/Monitoring Mechanism			focused assistance in the polling station and monitoring mechanism

The status of political recognition of PWD in the national legal framework can be appraised through several determinants demonstrated in the table above. These political determinants and their inclusion in the national legislative framework are significant for the participation, inclusion, and representation of PWD in the electoral process. By the CRPD and national mandates of ‘political inclusion’, it is recommended to reserve a quota in parliament for the PWD. A specific election rule can be framed under the RPO, 1972, for PWD, which will promote inclusivity in terms of political participation and reservation. Similarly, as ‘right to vote’ is one of the statutory rights of PWD, clarified and detailed illustrations should be embodied in the Constitution, the RPO 1972, and corresponding electoral rules in terms of exclusion of PWD from exercising their voting rights on the grounds of mental disabilities.

As the PWD can exercise the right to be an ‘electoral candidate’ according to the CRPD and ICCPR, along with national legal mandates, inclusive election procedures should be enhanced. There should be a requirement for internal reservation within political parties in the RPO, 1972. The nomination fees should be minimised or proportionate to available allowances and other circumstantial factors. Moreover, the ‘accessibility adequacy’ can be accelerated by the modernization of voting data collection mechanisms, the inclusive design of polling stations, and the digitalisation of postal balloting. Inclusive development of EVM software is also recommended.

As ‘clarity in electoral legal language’ serves the principle of inclusion and swift participation, mandatory requirements of publishing voting information in sign or Braille language are suggested. ‘Political participation’ can be advanced if there are development programs for training the PWD regarding participation in elections and contesting as electoral candidates. Moreover, the government may assign EC and its authorised officers to conduct disability surveys during and beyond elections. The survey may include several factors, including the total PWD who vote, election candidates, inclusive facilities, and the implementation

of universal accessibility in designing polling stations. The relevant survey will assist stakeholders and policymakers in expanding the development programmes and establishing the inclusive infrastructures. The RPPDA, 2013, and other electoral laws should be reformed by evaluating various cross-sectional factors that ensure the participation of PWD from different religions, races, genders, and ethnicities.

‘Access to available remedies’ against the violation of political rights should also be inclusive. The device of ‘Legal Aid’ can be operative. In addition, special lawyers can be appointed to deal with the election cases of the PWD. The existing procedural complexities of election cases should be tailored as per the principle of inclusion. Otherwise, it may increase victimisation of the PWD in the remedial processes. Mostly, electoral education and awareness should be amplified so that PWD may know their electoral rights and stabilise their roles in policy making. Moreover, the well-rounded political determinants of PWD cannot be realised without a proper monitoring mechanism. The scarcity of a coordinated monitoring mechanism will exacerbate transparency and accountability issues. The National Human Rights Commission (NHRC) can play an effective role by adopting enhanced equipment for electoral monitoring.

Conclusion

A concerted effort is essential to reframe the laws affecting the political rights of the PWD. An updated national policy focusing on preservation, inclusion, and representation in the political process should be introduced. As the existing legal framework does not appraise disability from a human rights-based perspective, exhaustive measures should be introduced to reflect the principle of inclusion. Simultaneously, state authorities should adopt necessary schemes to establish different monitoring mechanisms for overseeing the political rights of PWD. A dedicated national monitoring cell, in collaboration with the EC and the Ministry of Social Welfare, may be developed in this regard.

Specific legal provisions should be included to empower the PWD as electoral candidates in each constituency. Again, mere inclusive provisions will not be beneficial without effective implementation procedures. The rules on structural and technological development, punishments for violations, and coordinated monitoring need to be promulgated to address ‘inter-sectoral’ issues surrounding disabilities. The political challenges of PWD should be addressed with relevant political empowerment. The existing restraints can be minimised through sufficient political mechanisms. The political barriers should be eradicated first to remove the social and economic barriers of the PWD. Inclusive power structures within political parties promote democratic sustainability. Disability is interpreted

in modern days beyond medical and social dimensions. In addition, the inclusive power dimension satisfies the human rights approach towards ‘disability’ at a macro level.

Though the PWD in Bangladesh are protected under welfare mechanisms ensured by the state, the welfare mechanism will be ineffective unless or until a comprehensive political mechanism in favour of PWD is introduced. The scarcity of resources is a substantial challenge for Bangladesh. Therefore, a balanced approach between the welfare mechanism and the democratic mechanism can be followed. Otherwise, the legislative gaps between the welfare rights and the democratic rights of the PWD will constitute significant challenges in affirming ‘social justice’ envisioned in the constitution. Inclusive constitutionalism should be considered as a new approach to remove manifold social exploitation of the PWD. Parliamentary inclusion requires effective political representation and participation of PWD. The existing social narratives on ‘disability’ in Bangladesh will not be altered unless the political structure is resilient enough to engage the PWD in a way that leads to ‘abilities’ from ‘disabilities’.