

**NGO report to the United Nations Human Rights Committee**

**On**

**Caste based discrimination in Bangladesh**

**For the consideration of reports submitted by State party (CCRP/C/BGD/1) under  
article 40 of the Covenant during its 119<sup>th</sup> session**

**By**

**Bangladesh Dalit and Excluded Rights Movement (BDERM), Network of Non-  
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**IDSN** International Dalit Solidarity Network  
WORKING GLOBALLY AGAINST CASTE-BASED DISCRIMINATION

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### **I. Introduction**

1.1. This report has been prepared jointly by Bangladesh Dalit and Excluded Rights Movement (BDERM), Network of Non-Mainstreamed Communities (NNMC) and International Dalit Solidarity Network (IDSN) to bring attention to the issue of caste-based discrimination in Bangladesh for the 119<sup>th</sup> session of the Human Rights Committee.

1.2. **International Dalit Solidarity Network (IDSN)** is an international network working on a global level to bring attention to the issue of caste based discrimination. Network members include - national Dalit platforms in caste-affected countries; Dalit Solidarity Networks in seven European countries; and international associates, among others. Contact information: Email: [info@idsn.org](mailto:info@idsn.org). Web: <http://idsn.org/>

1.1. **Bangladesh Dalit and Excluded Rights Movement (BDERM)** is a national platform of Dalit and excluded communities in Bangladesh established in 2008. The aim of BDERM is to build an equal society free from all forms of discrimination against Dalits and socially excluded communities, where all citizen, including Dalits, will live with dignity, security and prosperity. To secure the rights of Dalits, BDERM leads national campaigns and engage in awareness raising, mobilization, capacity building and advocacy – both at the grassroots, national, regional and - international level. BDERM has a nationwide presence with 52 district committees and 7 divisional committees. In addition, BDERM is a member of International Dalit Solidarity Network (IDSN), Asia Dalit Rights Forum (ADRF) and facilitates the Asia Parliamentarians Forum on Dalit Concerns (APFDC), where the regional parliamentarians are united on Dalits cause. Contact: [afsana\\_amin@yahoo.com](mailto:afsana_amin@yahoo.com) or [bdermb@gmail.com](mailto:bdermb@gmail.com). Web: <http://www.bderm.org/>

## 1.2. **The Network of Non-mainstream Marginalized Communities (NNMC)**

is working for the rights and empowerment of Dalits and Adibashis in the Northwestern part of Bangladesh. The journey of NNMC was initiated in 2008 by some CBO's of the marginalized communities and the network has been formally launched in 2013. NNMC now consists of several NGOs working together for the development of Dalit and Adibashi communities. Mainly for the implementation of short term project based activities. As a result, the core focus of the organization is discrimination against Dalit and Adibashi communities. To provide a platform for these communities to raise their voice and take forward these concerns to the policy level. With this objective, NNMC has been initiated by HEKS-EPER in collaboration with local partner organizations, with the aim to establish a bottom up network involving the grass root organizations fighting for the human rights of Dalits and Adivasi. Contacts: [sarah.marandy@nmmcdbd.com](mailto:sarah.marandy@nmmcdbd.com). Web: <http://www.nmmcdbd.com/>.

1.3. In response to the state party report<sup>1</sup> and based on recent reports and fact finding missions undertaken by BDERM and NNMC our organizations will provide additional information for to the List of Issues (LoI)<sup>2</sup> on caste based discrimination in Bangladesh.

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<sup>1</sup> [CCPR/C/BGD/1](#)

## II. Background

- 2.1. Out of a total population of approximately 160 million the estimate number of Dalits range between 3.5 to 5.5 million.<sup>3</sup> Caste systems and what is broadly referred to as untouchability practices are most commonly associated with Hinduism; but in Bangladesh these traditions and practices have also been adopted by sections of the Muslim majority.<sup>5</sup>
- 2.2. Historically, Dalits have been oppressed by dominant groups in society and the majority are underprivileged and struggle for job opportunities. Like other caste affected communities, Dalits in Bangladesh are often forced to undertake specific types of labour as a consequence of their assigned caste status and are most commonly associated with the profession of "Jat sweepers" or "Hijra". As a result of their limited access to employment Dalits are almost exclusively working in 'the service sector' performing unclean jobs in urban areas such as street sweeping, manual scavenging and burying the dead. Many Dalits are stigmatized as a result of their profession and experience isolation and social exclusion.<sup>6</sup> Within the Hindu community, the Dalit population remains especially marginalized and subject to discrimination not only by the majority population but also by more affluent, higher-caste Hindus who may, for example, exclude them from certain rituals and from shared spaces such as temples, restaurants and markets.<sup>7</sup>
- 2.3. In Bangladesh Dalits face discrimination in their access to housing and land. They are segregated in colonies and unhygienic slum areas and are often systematically excluded from access to water and sanitation.<sup>8</sup> While members of the Bangladeshi capital's non-Dalit population mostly boil or filter their water, the economically deprived and discriminated Dalits often have to make do with unsafe water sources. Though numerous measures by the Government of Bangladesh (GoB) have been made to improve water and sanitation services for the general population in urban as well as rural areas have

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<sup>2</sup> [CCPR/C/BGD/Q/1](#)

<sup>3</sup> Iftekhar Uddin Chowdhury, "Caste-based discrimination in South Asia: a study of Bangladesh", working paper series, vol. III, No. 07 (Indian Institute of Dalit Studies, 2009), p. 2.

<sup>4</sup> Since there is no official statistics and disaggregated data on Dalits, it is hard to get a complete assessment of the total number of Dalits. In a Benchmark report on the draft UN principles and guidelines for the elimination of caste based discrimination BDERM and Nagorik Uddyog estimates the number to be between 5.5 - 56.5 million. Uddin, Mohamed Nasir, Nagorik Uddyog- Bangladesh Dalit and Excluded Rights Movement. Benchmarking the Draft UN Principles and Guidelines on the Elimination of (Caste) Discrimination based on Work and Descent. 2015: [http://www.nuhr.org/DocFile/134-Benchmarking%20Study\\_EIDHR\\_NU\\_BD.final.pdf](http://www.nuhr.org/DocFile/134-Benchmarking%20Study_EIDHR_NU_BD.final.pdf) (accessed 2 February 2017)

<sup>5</sup> IDSN Briefing note on Bangladesh, 2015: <http://idsn.org/wp-content/uploads/2015/08/IDSN-briefing-note-Bangladesh-2015.pdf> (accessed February 2017)

<sup>6</sup> A/HRC/31/56 (pp. 14)

<sup>7</sup> Minority Rights Group: Under threat: The challenges facing religious minorities in Bangladesh (2016). [http://minorityrights.org/wp-content/uploads/2016/11/MRG\\_Rep\\_Ban\\_Oct16\\_ONLINE.pdf](http://minorityrights.org/wp-content/uploads/2016/11/MRG_Rep_Ban_Oct16_ONLINE.pdf) (p. 9)

<sup>8</sup> A/HRC/31/56 (pp. 16)

had little effect on the country's Dalits as Dalit issues generally are unrecognized.<sup>9</sup> The majority of Dalits are landless and their houses are often located in abandoned fields, on khash (government owned) land near roads or pasture. Dalits face widespread poverty, ostracization and food insecurity are subjected to land grabbing, violence and forced conversion.<sup>10</sup>

**2.4. The persistence of multiple forms of discrimination experienced by the Dalit community in Bangladesh constitute an impediment to the implementation of the Covenant. The Government of Bangladesh should therefore be recommended to enforce constitutional and policy measures to address this situation, including special legal measures to protect the human rights of Dalits. Priority should be given to develop a national action plan to effectively eliminate discrimination against Dalits and other excluded groups in society. In this process, the government should consider the existing UN framework addressing caste discrimination, including the draft UN principles and guidelines to elimination discrimination based on work and descent – as a model framework for developing such an action plan.<sup>11</sup>**

**With this report we urge the Committee to recommend the Government of Bangladesh to take immediate steps to eliminate caste based discrimination by speeding up the adoption of the Anti-Discrimination Bill (2014), and hereby improve the legal framework to address discrimination against Scheduled Castes. To provide disaggregated data on Dalits in Bangladesh and ensure access to entitlements under quota systems and other affirmative action initiatives. We further ask the Committee to address the ongoing discrimination against Dalits in Bangladesh in their questions and recommendations for the state party.**

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<sup>9</sup> Equity Watch: Access to Water, Sanitation and Hygiene (WASH) for Dalits in Bangladesh: Challenges and Ways Forward. (2015) (p. 27).

<sup>10</sup>Minority Rights Group: Under threat: The challenges facing religious minorities in Bangladesh (2016). [http://minorityrights.org/wp-content/uploads/2016/11/MRG\\_Rep\\_Ban\\_Oct16\\_ONLINE.pdf](http://minorityrights.org/wp-content/uploads/2016/11/MRG_Rep_Ban_Oct16_ONLINE.pdf) (p. 9)

<sup>11</sup>The draft UN Principles & Guidelines for the effective elimination of discrimination based on work and descent were published by the Human Rights Council in an annex to a report (A/HRC/11/CRP.3) at its 11th session in May 2009. As an overarching principle the draft P&G establish that all states, including Bangladesh, have a duty to make sincere efforts to dispel the prejudicial beliefs that constitute, support and reinforce discrimination based on work and descent, including notions of “untouchability”, pollution and caste superiority or inferiority, as well as to prevent actions taken on the basis of such beliefs. The principles and guidelines suggest the specific measures to be implemented for the effective elimination of this form of discrimination, including all necessary constitutional, legislative, administrative, budgetary and judicial measures and appropriate forms of affirmative action and public education programmes to prevent, prohibit and provide redress for discrimination based on work and descent in both public and private spheres; and ensure that such measures are respected and implemented by all state authorities at all levels.

### III. International legal framework on caste discrimination in Bangladesh

3.1. Various human rights bodies have mentioned caste-based discrimination in their questions and recommendations for Bangladesh related to the ongoing discrimination against Dalits, with emphasis on an urgent need for disaggregated data on the social and economic conditions for minorities and a strengthening of the legal framework for the elimination of discrimination. Herewith a short overview of the most important observations on caste based discrimination in Bangladesh.

- For all UN references to caste see: [Compilation of UN references to caste-based discrimination by UN treaty bodies, Universal Periodic Review, and UN Special Procedures \(prepared by IDSN\)](#)

3.2. The Committee on the Elimination of all forms of Racial Discrimination adopted General Recommendation XXIX in 2002 wherein the Committee explicitly included “caste” within the scope of the Convention. “Strongly reaffirming that discrimination based on ‘descent’ includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights”. Identifying several factors that could lead to discrimination on the basis of caste and analogous systems of inherited status including “inability or restricted ability to alter inherited status; socially enforced restrictions on marriage outside the community; private and public segregation, including in housing and education, access to public spaces, places of worship and public sources of food and water; limitation of freedom to renounce inherited occupations or degrading or hazardous work; subjection to debt bondage; subjection to dehumanizing discourses referring to pollution or untouchability; and generalized lack of respect for their human dignity and equality”.<sup>12</sup>

3.3. CERD had noted the lack of information on the demographic composition of the population in Bangladesh already in 2001 where the Committee expressed a wish to receive disaggregated data on the economic and social status of minorities as well as their participation in public life<sup>13</sup> and reiterated its recommendations to the State Party that racial discrimination was not explicitly prohibited and penalized in criminal law.<sup>14</sup>

3.4. The Committee on the rights of the child has continued to raise their concern over the continued discrimination against children from minority groups in Bangladesh<sup>15</sup>. In 2015 the Committee noted that discrimination against certain groups of children, particularly girls, children with disabilities, children of ethnic and religious minorities, in particular Dalit and indigenous children, children living in rural areas, refugee and asylum-seeking children and children in street situations still exists in practice. The committee expressed particular concern for Dalit children, and indigenous children who face

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<sup>12</sup> CERD General recommendation XXIX on article 1 para. 1, of the convention (Decent).

<sup>13</sup> CERD/C/304/Add.118 art. 8

<sup>14</sup> CERD/C/304/Add.118 art. 11

<sup>15</sup> CRC/C/BGD/CO/4 para. 32 and CRC/C/15/Add.221 para. 79

discrimination and violence, and lack access to quality education, in particular to education in their mother tongue.<sup>16</sup>

- 3.5. In 2011 the Committee on the Elimination of Discrimination Against Women expressed their concern at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women and that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice.
- 3.6. In 2016, the Committee paid special attention to the situation for Dalit women and stated their concern that disadvantaged groups, hereunder Dalit women face multiple and intersecting forms of discrimination due to their gender, health, caste and socio-economic status. The Committee was particularly concerned about: *“Abductions, sexual harassment, rape, intimidation and lack of access to public services and resources for Dalit women”*.<sup>17</sup> Further in 2016 - the Committee recommended the GoB to accelerate the adoption of the Anti-Discrimination Law, which is in compliance with the Convention within a specific time-frame<sup>18</sup>. The Committee recommended that the State party take measures to collect data in all areas covered under the Convention. The data should be disaggregated by sex, age, ethnicity, religious background, socio-economic status, including caste, marital status and others.<sup>19</sup>
- 3.7. In 2013 at the 4<sup>th</sup> session of the Universal Periodic Review 2 states made recommendations related to caste discrimination in Bangladesh. The GoB was recommended to adopt an action plan to address the situation of Dalits and eliminate discrimination against them, including by ensuring access to safe drinking water and sanitation (Slovenia)<sup>20</sup> and to “continue improving the conditions of children, women, Dalits, indigenous people, refugees and migrants taking into account the special situation and difficulties that those groups have to overcome” (Holy See).<sup>21</sup> Similarly, in the first report of the UPR Working Group on Bangladesh (2009), the Holy See had noted a number of cases of discrimination against religious minorities including Hinduism and Christianity and had recommended the GoB to “investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations” (Holy See).<sup>22</sup>

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<sup>16</sup> CRC/C/BGD/ CO/5 section C. and I.

<sup>17</sup> CEDAW/C/BGD/CO/8 para 40 8 (c.)

<sup>18</sup> CEDAW/C/BGD/CO/8 para. 11. C.

<sup>19</sup> CEDAW/C/BGD/CO/8 para 45

<sup>20</sup> A/HRC/24/12 (rec. 130.15.)

<sup>21</sup> A/HRC/24/12 (rec. 130.23)

<sup>22</sup> A/HRC/11/18

#### **IV. Constitutional and legal framework within which the Covenant is implemented, right to an effective remedy (art. 2)**

- 4.1. The Constitution of Bangladesh guarantees the rights of every citizen and states that “*the State shall not discriminate against any citizen on grounds only of religion, race caste, sex or place of birth*” (Article 28 (1)). However, there is a lack of specific references and legal framework to address specific to discrimination against Dalits and explicit prohibition of ‘untouchability’.
- 4.2. Over the past decade legal and regulatory frameworks in the justice sector have been reformed i.e. the establishment of National Human Rights Commission with a thematic Committee on Dalit, Hijra and other excluded minorities, a Law Commission, as well as several parliamentary committees and new initiatives such as the National Women Development Policy. However, anti-caste discrimination initiatives should be directly addressed within these policies in order for Dalits to benefit from the positive developments. For instance the National Strategy for Acceleration of Poverty Reduction 2009-2011, mentions promoting decent employment, but there is no mention of alternative occupation for Dalits.
- 4.3. Boishammya Bilope Ain (2014) or the Anti-discrimination Act (2014) was drafted in collaboration with civil society organizations by the National Human Rights Commission and the Law Commission and submitted to the Ministry of Law, Justice and Parliamentary Affairs in 2014. The Draft contains a number of clauses to ensure the rights of Dalits and would effectively prohibit untouchability practices.<sup>23</sup>
- 4.4. In the concluding observations on its eighth periodic report on Bangladesh (2016) the Committee on the Elimination of Discrimination Against Women urges the GoB to accelerate the adoption of the Anti-discrimination Law.<sup>24</sup> However, the GoB is yet to enact the proposed Anti-Discrimination Act and to this day there are no legal provisions giving attention to discrimination against Dalits.
- 4.5. Dalits are often denied access to remedy and experience ill-treatment by police officials or other law enforcement and lawyers due to discriminatory notions of untouchability and sometimes police refrains from filing a case if they know the Dalit’s identity. BDERM has collected a number of cases documenting violation and Impunity against Dalits and lack of proper investigation. In spite of numerous reports collected by BDERM and NNMC few cases on violence against Dalit women and girls were brought under Women and Children Repression Act (2000, amended in 2003). In general, Dalits do not get equal treatment and legal protection when a crime is committed against them as most

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<sup>23</sup> Bangladesh Law Commission report: <http://www.lawcommissionbangladesh.org/reports/126-BB%20Act%202014%20Concept%20Paper.pdf>

<sup>24</sup> CEDAW/C/BGD/CO/8 (para 10-11 (c))

cases are settled or negotiated through informal authorities often arbitrarily or on a discriminatory basis.<sup>25</sup>

4.6. In 2015, BDERM and Nagorik Uddyog published a fact finding report containing a total 66 incidents of violence against Dalits divided in to four major types: a) Untouchability b) Violence against Dalit women and girls c) Land Grabbing d) Torture and destruction of Livelihood. None of the cases have been resolved through the court and a few of the cases have been settled by local leaders that have mediated by providing some compensation to the victims.<sup>26</sup>

4.7. Given the current lack of recognition in law and policy of Dalits as a separate social group requiring special protection, there have been no government steps taken to encourage Dalits to register complaints of caste-based discrimination and violence. Moreover, no police station maintains any separate registrar to record the complaints made by Dalits. This enables the nature and extent of caste-based violence to remain hidden. Despite several laws and policies for the elimination of all forms of physical and mental violence against women in Bangladesh, there is little understanding of the additional vulnerabilities of Dalit women to such violence. Hence, no special mention is made of the nature of intersectional caste and gender violence and exploitation. Notwithstanding the Constitutional provision on equality for all citizens before the law, no law or policy has included any specific provision for ensuring access to legal justice for Dalits as a systematically excluded group. This includes the lack of an entitlement to legal aid and other measures to promote Dalits' access to justice.<sup>27</sup>

## V. Non-discrimination and equality between men and women (arts. 2, 3 and 26)

5.1. In reference to the state report para 268. on "Socially marginalized groups"<sup>28</sup> relating to article 26 of the Covenant, we ask the Committee to consider how years of discriminatory practices still affects the Dalit community, which continues to face segregation and de facto discrimination in violation of their core human rights in spite of Constitutional measures as well as improvements to the legal framework and budget allocations for Dalits. In addition to ensuring the rights guaranteed in the Constitution for all Bangladeshi citizens are respected, it is urgent that the GoB enacts and implements

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<sup>25</sup> BDERM, BDEWF, Nagorik Uddyog and IDSN. 2013. *Joint NGO Submission related to Bangladesh for the 16th Universal Periodic Review: Key recommendations for the Universal Periodic Review of Bangladesh*, 16th UPR session.

[http://idsn.org/fileadmin/user\\_folder/pdf/New\\_files/Bangladesh/UPR-Bangladesh\\_Dalits\\_Situation\\_-\\_Web\\_Version.pdf](http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/UPR-Bangladesh_Dalits_Situation_-_Web_Version.pdf)

<sup>26</sup> Bangla Title: Dalit Jonogosthir Proti Nirjaton O Bicharhinota: 2013 – 2015, English Title: Violence and Impunity against Dalits: 2013 – 2015: <http://bderm.org/sites/default/files/Fact%20Finding%20PDF.pdf> (accessed February 2017)

<sup>27</sup> Uddin, Mohamed Nasir, Nagorik Uddyog- Bangladesh Dalit and Excluded Rights Movement. *Benchmarking the Draft UN Principles and Guidelines on the Elimination of (Caste) Discrimination based on Work and Descent*. 2015:

[http://www.nuhr.org/DocFile/134-Benchmarking%20Study\\_EIDHR\\_NU\\_BD.final.pdf](http://www.nuhr.org/DocFile/134-Benchmarking%20Study_EIDHR_NU_BD.final.pdf) (accessed 2 February 2015)

<sup>28</sup> (CCPR/C/BGD/1)

antidiscrimination legislation with a particular focus on the intersectional discrimination experienced by marginalized groups within communities, such as women and Dalits.<sup>29</sup>

- 5.2. As an outcome of a growing national Dalit movement, the Government of Bangladesh has taken some steps to address the situation of Dalits in recent years. In 2012, the Office of the Prime Minister circulated a special directive stating that 80% of sweepers/cleaner jobs should be reserved for Dalit professional sweepers in the City Corporation/municipality as well as government and autonomous offices<sup>30</sup>. While such initiatives are somewhat effective in ensuring some jobs for the Dalits, they are not a complete solution to the problem as they are also enforcing a connection between descent and work and could pose limitation of freedom to renounce inherited occupations and enforce the discriminatory practices, which have traditionally confined Dalits to working menial, low paid dangerous jobs such as cleaning toilets, sweeping streets, and emptying septic tanks.<sup>31</sup>
- 5.3. There is another problem with effective implementation of affirmative action for Dalits in Bangladesh where the lack of disaggregated data and official statistics for this particular group constitutes an obstacle for the consideration and inclusion of Dalits in government policies and programmes.
- 5.4. Public universities have thus introduced quotas for Dalits to gain access to higher education. In 2013-14 academic year, Dhaka university introduced quota for Dalits for the first time. In the academic year 2016-17, 8 more universities followed suit and introduced quotas for Dalit students.<sup>32</sup> However, the lack of data prevent government officials from providing Dalits with the necessary certificates to document their claims to this right.<sup>33</sup>
- 5.5. Dalit women and girls face discrimination both on the grounds of their gender and assigned caste status and are affected by multiple forms of discrimination, especially when it comes to protection from violence and access to justice.<sup>34</sup> The former Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, conducted an official visit to Bangladesh from 20 to 29 May 2013. During her visit, she met with representatives of civil society, including women's organizations, and representatives of United Nations Agencies and heard testimonies from a number of women in Jessore at a shelter run by a non-governmental organization (NGO). During her visit, the

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<sup>29</sup> Minority Rights Group: Under threat: The challenges facing religious minorities in Bangladesh (2016):

[http://minorityrights.org/wp-content/uploads/2016/11/MRG\\_Rep\\_Ban\\_Oct16\\_ONLINE.pdf](http://minorityrights.org/wp-content/uploads/2016/11/MRG_Rep_Ban_Oct16_ONLINE.pdf)

<sup>30</sup> Dalits in Bangladesh: Life in Agonies & Deprivation": Series 3, Page 11, Nagorik Uddyog, BDERM, [http://bderm.org/sites/default/files/Advocacy%20Briefs\\_Year%203.pdf](http://bderm.org/sites/default/files/Advocacy%20Briefs_Year%203.pdf) (accessed 6 February 2017)

<sup>31</sup> A/HRC/15/55\*(p.7 para. 25 and 26)

<sup>32</sup> Equity Watch 2014: challenges and prospects for Dalits securing their right to education in Bangladesh, Nagorik Uddyog and BDERM: <http://bderm.org/sites/default/files/Equity%20Watch-EducationBD.pdf>, page 49

<sup>33</sup> International Dalit Solidarity Network and Bangladesh Dalit and Excluded Rights Movement CEDAW NGO Briefing. 7. November 2016: <http://idsn.org/wp-content/uploads/2016/11/CEDAW-65th-session-oral-statement-final-002-1.pdf> (accessed 2 February 2017).

<sup>34</sup> Islam, Mazharul Islam & Parvez, Altaf. Dalit Initiatives in Bangladesh, 2013, Nagorik Uddyog & Bangladesh Dalit and Excluded Rights Movement House no. 8/14, Block-B, Lalmatia, Dhaka-1207. P. 24

Rapporteur received information indicating high levels of violence against women from religious and ethnic minority communities, with Dalits, Hindus and indigenous groups most at risk<sup>35</sup>.

## VI. Elimination of Slavery and Servitude

- 6.1. The Special Rapporteur on contemporary forms of slavery reported that within South Asia, debt bondage is most reported in India, Pakistan, Bangladesh and Nepal where the majority of those trapped in debt bondage are Dalits, persons of “low” caste, indigenous peoples or members of other minority groups.<sup>36</sup>
- 6.2. The Constitution of Bangladesh clearly mentioned that “All forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law”<sup>37</sup>. Though forced and bonded labour is prohibited in Bangladesh slave-like working conditions are widespread. The vast majority of bonded labourers in Bangladesh (80%-98%) are either from communities designated as “untouchable” or from indigenous communities.<sup>38</sup> Studies show that bonded labour and child labour represent a significant human rights problem in Bangladesh among Dalit communities. 26% of Hindu Dalits and 35% of Muslim Dalits are, to a larger or smaller degree, bound by loans from employers. The Constitution prohibits forced or compulsory labour.<sup>39</sup> Dalits are mainly engaged in daily wage labor due to their weak economic status, social stigma, lack of education and lack of access to resources. In addition to poverty - social exclusion and untouchability push them into bondage. Dalits generally face extremely hostile and sometimes brutal resistance when they try to exercise their rights or resist abuse and exploitation.<sup>40</sup>

## VII. Right to participate in public life (arts. 25 and 26)

- 7.1. Dalit communities do not have any visible presence in national politics and they do not have quota in political parties and especially Dalit women are underrepresented in the public sector and political

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<sup>35</sup> See [A/HRC/26/38/Add.2](#)

<sup>36</sup> A/HRC/33/46 (p. 7)

<sup>37</sup> Constitution of Bangladesh Article 34(1)

<sup>38</sup> IDSN Briefing Paper (2012), *Dalits, Forced and Bonded Labour*, p.1, para.1.:

[http://idsn.org/fleadmin/user\\_folder/pdf/New\\_fles/Key\\_Issues/Bonded\\_Labour/DALITS\\_AND\\_BONDED\\_LABOUR\\_-\\_briefng\\_paper\\_2012.pdf](http://idsn.org/fleadmin/user_folder/pdf/New_fles/Key_Issues/Bonded_Labour/DALITS_AND_BONDED_LABOUR_-_briefng_paper_2012.pdf) (accessed 1 February 2017)

<sup>39</sup> Iftexhar Uddin Chowdhury, “Caste-based discrimination in South Asia: a study of Bangladesh”, working paper series, vol. III, No. 07 (Indian Institute of Dalit Studies, 2009), p.

<sup>40</sup> Uddin, Mohammad Nasir 2014, *Benchmarking the Draft UN Principles and Guidelines on the Elimination of (Caste) Discrimination based on Work and Descent*, Nagorik Uddyog, 8/14, Block-B, Lalmatia, Dhaka-1207.

[http://www.nuhr.org/DocFile/134-Benchmarking%20Study\\_EIDHR\\_NU\\_BD.final.pdf](http://www.nuhr.org/DocFile/134-Benchmarking%20Study_EIDHR_NU_BD.final.pdf) (accessed 1 February 2017)

representation. Though the national parliament currently has the provision to reserve 50 seats for women there are no Dalit women members of parliament.<sup>41</sup>

## **VIII. Rights of minorities and indigenous peoples, freedom of movement, right to privacy and home (arts. 27, 12 and 17)**

8.1. The GoB recently set out to establish special economic zones across 511 acres of tea garden land in Chandpur, Habiganj district. If the GoB proves successful in this endeavor it would result in homelessness for thousands of Dalits and excluded people, who would stand to lose their jobs and homes. So far, this procedure has been stopped temporarily by opposition from BDERM leaders and protests in the local community. But the order to establish special economic zones has not been canceled yet. So the procedures can be started at any time.<sup>42,43</sup>

8.2. Most Dalits are landless or homeless. For Dalits, not having access to land can lead to discrimination in other areas of life. In 2016, BDERM recorded two examples of Dalit youths who were denied government jobs (as constables under the Police force) on the grounds of not owning land in their own name or the name of their parents. These two Dalits had been selected after successful completion of qualifying exams held by the authority. Later, the authority rejected their applications on the grounds that official recruitment policy states that a prospect cannot join the service if s/he does not have land in his/her own name or in the name of his/her parent's. Following this incident BDERM held a meeting with the NHRC which submitted a formal letter to the Police Super. In the meantime, the case was given media coverage<sup>44</sup> leading to a private donation of a small piece of land to both of the candidates. However, BDERM continues to advocate for a change in the recruitment policy.<sup>45</sup>

8.3. Many Dalits are not allowed to move away from or live outside the colonies and segregated areas where they can build small huts in government owned land (Khas).<sup>46</sup> The buildings of the colonies are predominantly old, in poor condition and many are brittle three or four storied buildings in high risk of

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<sup>41</sup> International Dalit Solidarity Network and Bangladesh Dalit and Excluded Rights Movement CEDAW NGO Briefing. 7. November 2016: <http://idsn.org/wp-content/uploads/2016/11/CEDAW-65th-session-oral-statement-final-002-1.pdf> (accessed 2 February 2017).

<sup>42</sup> International land coalition: <http://www.landcoalition.org/es/regions/asia/news/sez-threatens-16000-tea-garden-indigenous-workers-livelihood-habiganj> (accessed 1 February 2017); New Age: Special Economic Zones: Tea estate workers to hold rally today. December 28, 2015: <http://newagebd.net/188008/special-economic-zone-tea-estate-workers-to-hold-rally-today/> (accessed 3 February 2017).

<sup>43</sup> Boikunthapur Tea Garden Labourers Denied Wages in Habiganj. Workers' misery mounts. 2016. The Daily Star: <http://www.thedailystar.net/country/workers-misery-mounts-1264336> (accessed 2 February 2017)

<sup>44</sup> The Daily *Prothom Alo*, 7 February 2016, Page 1, Column 8, also in <http://www.benarnews.org/bengali/news/BD-tea-worker-02082016142317.html> (accessed 31 January 2017).

<sup>45</sup> NHRC Newsletter, Dhaka Summer 2016, Issue 4, Page: 04.

<sup>46</sup> BDERM Briefing Note on Housing (2015): <http://idsn.org/wp-content/uploads/2015/10/Housing-Bangladesh-BriefingNote.pdf> (accessed 3 February 2015).

collapsing. Most of the Dalit families live in eight to ten feet rooms and many families are crammed together with 8 or more members living in one room.

## **IX. Recommendations**

### **Guarantee constitutional rights and human rights protection of Dalits**

- Enact the draft anti-discrimination law submitted to the Law Ministry by the Law Commission in 2014 by which caste-based discrimination and untouchability practices would be prohibited within a specific timeframe.
- To ensure full implementation of the existing legal framework and policies to eliminate discrimination based on work and descent.
- Develop and implement a national action plan to eliminate work and descent based discrimination, with a particular emphasis on Dalit women and children and other severely marginalized groups, seeking guidance from the draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent for such an action plan.
- The local administration should take immediate action in cases of discrimination against Dalits including cases where Dalits are denied access to hotels, saloons, religious sites and other public and private places.
- Ensure adequate allocation of the national budget for Dalit issues

### **Research and data**

- Include disaggregated data on caste in the next census and other data collection, and ensure advance categorization of affected communities in all data collection.
- Pay adequate attention to the human rights situation of marginalized groups, including Dalit women and children, in all assessments, and undertake a comprehensive study on the human rights situation of Dalits.

### **Participation and political representation**

- The national parliament of Bangladesh has the provision to reserve 50 seats for women. This quota should include presentation from all marginalized communities including Dalits.

### **Housing**

- Dalits should be leased government land on a long-term basis and supported by loans to build housing.

### **Prohibition of torture and other cruel, inhuman or degrading treatment**

- The government should issue strict guidelines as to the conduct of police in registering and investigating crimes of discrimination and violence against Dalits. It should be made mandatory that all complaints of caste-based discrimination and violence be immediately registered by the police, and that police officials not resort to investigations without the proper registration of the case.

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## Further resources

- [IDSN briefing note on Bangladesh \(2015\)](#)
- [Compilation of UN references to caste-based discrimination by UN treaty bodies, Universal Periodic Review, and UN Special Procedures \(prepared by IDSN\)](#)
- [Housing situation of Dalits in Bangladesh – briefing note \(BDERM\)](#)
- [Benchmarking the Draft UN Principles and Guidelines on the Elimination of \(Caste\) Discrimination based on Work and Descent. \(2015\)](#)
- [UN Draft Principles and Guidelines for the effective elimination of caste based discrimination \(IDSN print version\)](#)
- [IDSN NGO report for the Committee on the Rights of the Child, 2015](#)
- [IDSN and BDERM joint NGO report for CEDAW Bangladesh, 2016](#)