

SUMMARY

Joint NGO Submission related to
2nd Cycle Universal Periodic
Review (UPR) of Bangladesh

THE HUMAN RIGHTS SITUATION OF DALITS IN BANGLADESH

Key recommendations for the
Universal Periodic Review of Bangladesh,
16th UPR session, 29 April 2013

BDERM Bangladesh Dalit and
Excluded Rights Movement
বাংলাদেশ দলিত ও বঞ্চিত জনগোষ্ঠী অধিকার আন্দোলন

 **BDEFW**

Bangladesh Dalit and Excluded Women's Federation
বাংলাদেশ দলিত ও বঞ্চিত নারী ফেডারেশন


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 **IDSN** International Dalit Solidarity Network
WORKING GLOBALLY AGAINST DISCRIMINATION BASED ON WORK AND DESCENT

EXECUTIVE SUMMARY

The Constitution of Bangladesh declares the equal rights for all citizens and prohibits discrimination by the State on the grounds of religion, race, caste, sex or place of birth in article 28.¹ Despite this constitutional guarantee, the social and economic exclusion on the basis of caste is practiced over the entire country and is manifested in the physical structure of both rural and urban areas throughout the country. Dalits are not allowed to rent or build houses outside these designated localities. They are regularly denied entry to the temples and religious activities of non-Dalits, to tea shops and restaurants, and to houses of non-Dalits.

Caste systems and prejudice against so-called "untouchables" are traditionally regarded as part of traditional practices and originate from Hindu scriptures; but in Bangladesh these traditions and practices have also been adopted by sections of the Muslim majority. In Bangladesh, members of the "low castes" increasingly refer to themselves as Dalits - the "downtrodden" people - to emphasize the fact that they have been exploited, oppressed and excluded through generations. It is estimated that there are about 5.5 million Dalits in Bangladesh,² although there are no official statistics; proper data collection and research is therefore key demands for future action.

Since the first review, several UN human rights bodies have made recommendations on enhanced protection Dalits and "marginalized and excluded" groups in Bangladesh, including Special Rapporteurs (water and sanitation, extreme poverty, contemporary forms of racism, and violence against women), and UN treaty bodies (the CEDAW Committee in 2011, and the Committee on the Rights of the Child in 2009). Although none of the recommendations from the first UPR specifically concerned Dalits, many would have been of great significance to improving their human rights situation, if implemented. But in most cases the implementation of the UPR recommendations from 2009 is completely absent for the Dalit community.

With the growing strength of the Dalit movement, the Government of Bangladesh (GoB) has taken some positive steps to allocate funds for Dalits in Bangladesh. However, the Government has still not fully recognized the scope of human rights violations based on caste, work and descent in the country, and has not taken any comprehensive action to address the situation.

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¹ Article 28. The principle of non-discrimination is also enshrined in other articles concerning non-discrimination: Articles 10 (participation of women); 27 (equality before law); 28(4) (mandating affirmative action or 'special measures' by the state for the 'advancement of any backward section of citizens'); and 29 (equality of opportunity of all citizens in respect of employment or office in the service of the Republic).

² Caste-based discrimination in South Asia: A study of Bangladesh. Conducted by Prof. Iftekhar Uddin Chowdhury. IIDS Working Paper Studies, Vol III Number 07, 2009:

KEY HUMAN RIGHTS CONCERNS FOR DALITS IN BANGLADESH

General human rights concerns for Dalits in Bangladesh include-

Access to education

Regarding access to education, most Dalits have no formal education and only few make it to the higher education institutions. According to a national study in 2006, 64% of Hindu Dalits have no education at all¹. More than 80% of Dalits experience discrimination in admission to school.³ Therefore, scholarships should be allocated for Dalit children.

Access to adequate housing and land rights

Adequate housing and land rights remain huge barriers for improving the socio-economic status of Dalits. The majority of Dalits are landless and live in either slum "colonies" or in houses built with straw and mud in rural areas, often on common land, under constant threat of eviction, or government-owned land. Therefore, Dalits should be leased government land on a long-term basis and supported by loans to build housing, and strong social mobilization should be generated to uphold the status of Dalit professionals.

Access to employment

In terms of equal access to employment, a large number of Dalits are employed in the public/private sectors as sweepers and cleaners with very low pay. The Dalit and excluded communities continue to work in some of the most menial, low paid dangerous jobs in Bangladesh, such as cleaning toilets, sweeping streets, and emptying the septic tanks of others. They generally do not get equal treatment and legal protection when a crime is committed against them, as most cases are settled or negotiated through informal authorities often arbitrarily or on a discriminatory basis.

Discrimination against Dalit women

The worst affected are the Dalit women who suffer from multiple forms of discrimination. They are yet to be empowered to take an active part in the socio-cultural, economic and political arena in the community and the country. Discrimination against Dalit women and children should be prevented and measures should be taken to empower them through national initiatives, such as income generating schemes.⁴ Government action to promote Dalit women's rights should include consultations with Dalit women on the need for enactment of special measures for their enhanced protection.

³ Caste-based discrimination in South Asia: A study of Bangladesh. Conducted by Prof. Iftekhar Uddin Chowdhury. IIDS Working Paper Studies, Vol III Number 07, 2009. They are often unmotivated to seek higher education given the biases that prevent them from accessing employment, even at the lowest levels, in the public and private sector even after graduating from high schools or colleges. Their low literacy rate has been a major hindrance for the Dalits to develop their communities and has also inhibited them in looking for alternatives or changes to their traditional occupations.

⁴ A newly formed Bangladesh Dalit and Excluded Women's Federation (BDEWF) has formulated a list of demands, incl. the need for ensuring basic health services, scholarships for students, social safety-net programmes, and political inclusion of Dalit women at local and national level (List of Demands by the Bangladesh Dalit and Excluded Women's Federation, Summary Report on Dalit Women's Rights Conference 2012).

KEY RECOMMENDATIONS TO IMPROVE DALITS RIGHTS IN BANGLADESH

Guaranteeing constitutional rights and human rights protection of Dalits

1. The GoB should enact an anti-discrimination law prohibiting caste-based discrimination and untouchability practices, using model legal acts from other caste affected countries and existing human rights frameworks, such as CERD General Recommendation No. 29 on descent-based discrimination.
2. The GoB should 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 (A/HRC/11/CRP.3) for such an action plan.⁵

Research and data

3. The GoB should produce and disaggregated data on caste in the next census and other data collection, and ensure advance categorization of affected communities in all data collection.
4. The GoB should pay attention to the human rights situation of marginalised groups, including Dalit women and children, in all assessments, and undertake a comprehensive study on the situation of Dalits.

Quota systems and special measures

5. The GoB should establish quota systems for Dalits in all public educational institutes, and make reservations for adequate employment opportunities for Dalits in all sectors.

6. The GoB should provide special guidelines for preventing discrimination against Dalits and other excluded groups during relief and rehabilitation work.

National Human Rights Commission and specialized agencies

7. The GoB should establish a special cell at the Ministry of Women and Children Affairs to prevent and monitor violations against Dalit women and children.
8. The National Human Rights Commission (NHRC) should incorporate the Dalit issue into their work to monitor and investigate cases of violence against Dalits and other excluded groups.

Cooperation with UN human rights mechanisms

9. The GoB should observe and implement the recommendations by UN treaty bodies and Special Procedures with regard to caste-based discrimination and respecting its reporting obligations to treaty bodies.
10. The GoB should extend a Standing Invitation to all UN Special Procedures, implement recommendations and follow up on requests for visits by several thematic mandates.

Civil society dialogue

11. The GoB should ensure that civil society, including Dalits and other marginalized groups, is fully included in the follow up to the UPR review; and is given an effective voice in the planning and implementation of programmes and national action plans.

⁵ 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.