

Last Chance for an Inclusive and Representative 2011 Census: Urgent Request to Include Data on Citizens Against Discriminated on the basis of Work and Descent

The state shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth. Constitution of Bangladesh, Article 28(1), 1972

Discrimination based on work and descent is a form of discrimination prohibited by international human rights law as proclaimed by the Universal Declaration of Human Rights and, inter alia, by the International Convention on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child and the International Labour Organization Convention No. 111.

Background

260 million people worldwide continue to experience discrimination based on their work and descent. This is a massive and systematic human rights problem that leads to extreme poverty, inequality and exclusion.

Estimates vary but sample surveys indicate that there are approximately 3.5-5.5 million Dalits or people from excluded communities in Bangladesh. Deprived or excluded from adequate housing, sanitation and transport, they usually work in the most menial jobs. Approximately 96% are illiterate. The Millennium Development Goals will not be achieved in Bangladesh if Dalits continue to be excluded and their human rights denied.

Discrimination based on work and descent is any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life. This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability, and is deeply rooted in societies and cultures where this discrimination is practiced.

Draft UN Principles and Guidelines, 2009¹

Discrimination based on work and descent is a highly complex issue in Bangladesh - it results from a variety of often overlapping factors, including caste, religion, place of birth or families/descendants place of birth place and occupation. In a predominantly rural and semi-urban economy traditional professions (e.g. fishing, sweeping, barber, washer, dyer, blacksmith, cobbler, weaver, butcher) play an important role in defining social, political and economic relations - these occupations are usually

¹ Final report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/A-HRC-11-CRP3.pdf

descent based and these communities often suffer from related practices of discrimination, segregation and untouchability.

This is a relatively new issue for the Government, donors and civil society in Bangladesh but existing studies and research illustrate that this is an issue of fundamental concern affecting the day to day lives of millions of people across the country. With growing visibility and awareness, communities who have been faced discrimination and experienced untouchability practices based on their work and descent, for centuries, are coming forward..

All States have a duty to acknowledge the existence of discrimination based on work and descent, to take all necessary constitutional, legislative, administrative, budgetary, judicial and educational measures to eliminate and prevent discrimination based on work and descent in their respective territories and to respect, protect, promote, implement and monitor the human rights of those facing discrimination based on work and descent.

Draft UN Principles and Guidelines, 2009

There is a critical need for more statistics and data to both inform policy and development programmes, and to understand more about caste identity in Bangladesh. The importance of securing accurate and disaggregated data on Dalits/and excluded communities affected by discrimination based on work and decent cannot be underestimated.

Why include questions on Dalits and Excluded Communities in the 2011 Census?

The 2011 Census provides an historic and unprecedented opportunity to provide this data at a national level. Sample surveys will never be able to provide the level of detail or coverage required to fully understand an issue of this magnitude - separate studies will also require additional funding and resources - another vital reason not to miss the opportunity of starting to capture this data in the Census.

Including categories related to discrimination based on work and descent in the 2011 Census will gather the Bangladesh Government, multilateral and bilateral agencies with specific information so that for the first time the issue of discrimination based on work and decent can be better identified and understood. It will ensure an inclusive and progressive process, in line with international best practice.

If this does not happen it will further contribute to the invisibility, marginalisation and disempowerment of these communities and prevent not only the capture of national disaggregated data but also Dalit and excluded communities' claim for special measures, representation or participation in policy making, development, employment and equality of access to basic services.

This census could become a milestone in the process of Bangladesh understanding and addressing the rights of Dalit and excluded communities across the country.

National and local governments should conduct regular surveys and other appropriate research ...The surveys and research should present information on the situation of those affected by discrimination based on work and descent, and a review of the effectiveness of existing measures and proposals for the elimination of such discrimination.

Draft UN Principles and Guidelines, 2009

How could questions on Dalits and Excluded Communities be incorporated into the census?

We propose a separate annex to the census survey with clear provision for documenting respondents' surnames and caste. Respondents should also be asked what category, if any, from the list below they identify with (this combines categories of both occupation and family name):

Bainna Bede	Garh	Kulal/Kuar/Kumor	Pahan
Banshpor	Ghasi	Kumar	Paharia
Bawali	Goala	Kurmi	Paradhan
Bawri	Hadi/Hela	Kushiari	Pasi
Bede	Hajam	Lalbegi/Vulmiki	Patni
Been	Hajong	Madiga	Patra
Bhagabania	Hajra	Mag	Rajbongshi
Bhera	Harijon	Mahali	Rajoarh
Bhuimalee	Hijra	Mahato	Rakhain
Bhuiyan	Hijra	Mala	Rana Karmakar
Bhumija	Jaladas	Mali	Rishi/ Rabi Das
Bhunjar	Jelee	Malo	Risi/Tanner
Bihari	Jola	Manta	Rohinga
Bonaj	Jugi	Masuwara	RohingaShabor
Brde	Kahar	Mazi/Khottra	Rojodas
Buno	Kaibarta	Methor	Roy
Chakli	kamar	Mowal	Sabari
Chauhan	Kanpuri	Muchi/Chamar	Santal
Dalu	Kara	Munda	Sanyasee
Darji	Kasai	Mushaheries	Shabdokar
Devbarma	Kayputra	Musohor	Sharnakar
Dholak	Kharia	Namashudra	Sing
Dhopa	Khasis	Napit	Sutradhar
Dhopa	Koch	Nayek	Tati
Dome	Kolu	Nikari	Tele
Domer	Kowl	Nonia	Telegu
Ganju	Kowrokar	Oraon	

This would, by necessity have to be based on 'self identification' and although we recognise that classification based on 'self identification' may not be ideal there is a critical need to start to capture this data in Bangladesh. This census would therefore set an initial precedent in beginning to capture the numbers of people falling within these categories. Further work and studies to set out additional categories and exactly what discrimination these communities face can take place after the census and with a due process.

International Best Practice

Although different contexts, India and Nepal have successfully incorporated caste into their census.' **See attached notes and samples of censuses provided.**

We strongly recommend that the draft UN Principles and Guidelines for the effective elimination of discrimination based on work and descent be taken into consideration by the Government of Bangladesh and other key stakeholders, and used as the principal guiding framework to address caste based discrimination in Bangladesh.