

IDSN overview – UN on caste in Bangladesh

January 2015

IDSN overview of references to caste-based discrimination in Bangladesh in reviews and reports of UN human rights mechanisms (Treaty Bodies, Universal Periodic Review, Special Procedures). The Treaty Bodies section contains a thematic overview of issues and recommendations from treaty body reviews of Bangladesh on caste-based discrimination. The UPR section contains an overview of recommendations made on caste-based discrimination and the government's response. And the Special Procedures section contains extracts on caste-based discrimination from the reports of the four Special Rapporteurs who have addressed the issue. The overview also includes a list of relevant upcoming UN reviews of Bangladesh

UN on caste in Bangladesh (summary)

- [Treaty Body reviews of Bangladesh](#): CERD ([2001](#)), CRC ([2003](#), [2009](#)), CEDAW ([2011](#))
- [Universal Periodic Review of Bangladesh](#): [2009](#) (no recommendations); [2013](#) (2 recommendations, partly accepted)
- [Special Rapporteurs on Bangladesh](#): Country visits of SR VAW in [2000](#) and in [2013](#), Joint country visits of SR on Extreme Poverty and SR on Water and Sanitation [2010](#), HRC report of SR on Racism [2011](#) and Study of SR on Racism [2007](#)

Relevant upcoming UN reviews of Bangladesh

Treaty Bodies

- CRC PSWG examination of Bangladesh (List of issues) 70th session (2-6 February 2015)
- CRC examination of Bangladesh 70th session (14 September - 2 October 2015)
- CCPR PSWG examination of Bangladesh (List of Issues Prior to Reporting) 114th session (29 June-24 July 2015) – Deadline for input app 29 March
- CCPR examination of Bangladesh 2016 (tbc)

Universal Periodic Review

- April/May 2018

Treaty Bodies: Overview of issues/recommendations from treaty body reviews of Bangladesh on caste-based discrimination

Concern at limited information and statistics on disadvantaged groups - Recommendations to provide disaggregated information

- The Committee wishes to receive disaggregated information on the economic and social status of all ethnic, religious and tribal minorities, as well as their participation in public life. Information in respect of ethnic minorities should cover not only the Chittagong Hill Tracts, but other areas of the country as well (CERD 2001)

- The Committee therefore recommends that the State party include in its next report relevant information about the enjoyment of the rights contained in article 5 of the Convention by all groups, including castes (CERD 2001)
- The Committee urges the State party to gather additional information on all minorities or similar marginalized groups of the population, and to elaborate policies and programmes to ensure the implementation of their rights without discrimination (CRC 2003)
- The Committee is concerned at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women (CEDAW 2011)
- The Committee recommends that the State party: Collect disaggregated data on the situation of disadvantaged groups of women facing multiple forms of discrimination and adopt pro-active measures, including temporary special measures, to eliminate such discrimination and protect them from violence and abuse (CEDAW 2011)

Concern that racial discrimination is not prohibited in criminal law – Recommendation to ensure penalization and access to protection and remedies

- Concern that racial discrimination as such is not explicitly and adequately prohibited and penalized in criminal law (CERD 2001)
- The Committee recommends that the State party consider giving full effect to the provisions of article 4 of the Convention in its domestic legal order, ensure penalization of acts of racial discrimination, and ensure access to effective protection and remedies under article 6 of the Convention through competent national tribunals and State institutions besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination (CERD 2001)

Concern that Dalit women suffer from multiple forms of discrimination

- The Committee is also concerned that those women and girls (incl. Dalit women) 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 (CEDAW 2011)

Concern that children from vulnerable groups face discrimination – Recommendations for State party to take necessary measures to address persistent discrimination.

- The Committee is concerned that children face discrimination on the basis of social origin, or other status of their parents (CRC 2009)
- The Committee remains deeply concerned about persistent discriminatory attitudes towards girls, which are deeply rooted in traditional stereotypes and limit access to resources and services (CRC 2003)
- The Committee is also concerned about discrimination tribal children and other vulnerable groups (CRC 2003)
- The Committee is deeply concerned about the poor situation of children of the Chittagong Hill Tracts, and other religious, national and ethnic minorities, tribal groups or similar marginalized groups and the lack of respect for their rights, including the rights to food, to health care, to education and to survival and development, to enjoy their own culture and to be protected from discrimination (CRC 2003)

Recommendations

- The Committee recommends that the State party strengthen its proactive and comprehensive efforts to eliminate discrimination on any grounds and against all vulnerable groups (CRC 2003)
- The Committee recommends that the State party take the necessary measures to ensure that efforts to address persistent discrimination and reduce disparities are adequate and effective in the family, schools and other settings, and in particular among marginalized and excluded children, including girls, children of ethnic minorities and refugee children (CRC 2009)

Universal Periodic Review: UPRs of Bangladesh; recommendations on caste-based discrimination

2013 UPR Bangladesh

Two recommendations on CBD;

- 130.15. 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) (partly accepted - [Government response](#))
- 130.23. 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) (partly accepted - [Government response](#))

[Joint submission on Dalit rights in Bangladesh](#) prepared by Bangladesh Dalit and Excluded Rights Movement (BDERM), Bangladesh Dalit and Excluded Women Federation (BDEWF), and Nagorik Uddyog (Citizen's Initiative) in association with IDSN

These recommendations was after further examination partly accepted with the following wording in the [Government response](#):

These recommendations enjoy the support of Bangladesh in part where they are in consonance with national policies and laws. The Constitution of Bangladesh guarantees equal rights and freedoms for all citizens, and gives accent on ameliorating the conditions of the vulnerable groups. The Government has made sustained efforts to ensure protection of religious, ethnic and linguistic minorities and other marginalized groups in the country. The Government has taken initiatives to protect various disadvantaged groups from discrimination and stigmatization. These groups have been included in the social safety net programmes and free housing schemes for vulnerable groups. Some of them have been provided with reserved quotas for their employment in the public sector and in educational institutions. An Anti-Discrimination Law is in the offing, which will criminalize any legal or social discrimination against these vulnerable groups and provide them with higher protection. As per the Constitution of Bangladesh, there are no 'indigenous minorities' or 'group' in Bangladesh. All citizens of the country are indigenous to the land.

2008 UPR Bangladesh

No recommendations on CBD

[Joint submission on caste discrimination in Bangladesh](#) prepared by IDSN in association with the Bangladesh Dalit and Excluded Rights Movement (BDERM) and Nagorik Uddyog in Bangladesh

[Joint UPR submission](#) prepared by a coalition of 17 NGOs in Bangladesh. See para. 60-61 for a section on caste discrimination

Special Procedures: Special Rapporteurs addressing caste-based discrimination in Bangladesh

Country visit report of Special Rapporteur on Violence against Women, its causes and consequences, Rashida Manjoo 2013 – raised concern at high levels of violence against women from religious and ethnic minority communities with Dalits, Hindus and Indigenous groups most at risk. Persecution of minorities includes rape and sexual assault of women [A/HRC/26/38/Add.2](#)

HRC Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai 2011 - more practical action is needed to redress this discrimination, such as the enforcement of current laws and the creation of a commission mandated to address concerns related to the lower castes [A/HRC/17/40](#)

Country visit report of Special Rapporteur on Extreme Poverty and Special Rapporteur on Water and Sanitation 2010 – noted that Dalits suffer discrimination in all areas of life. Pervasive discrimination against them keeps them poor, uneducated, in terrible living conditions and in menial jobs. The Government should explicitly recognize the discrimination experienced by Dalits and take more concrete steps to redress it, including through the enforcement of existing laws and the establishment of a special commission with a mandate to address concerns particular to Dalits. The National Human Rights Commission also has a central role to play in combating discrimination based on caste. The SR on Water and Sanitation raised concern about discrimination against sweepers, who are predominantly Dalits and that Dalits face problems of inadequate housing and the constant threat of eviction. The SR called on the government to adopt an explicit policy to address the situation of Dalits, and to eliminate discrimination against them; and to take special measures to improve the situation of sweepers, including by ensuring the protection of their health while at work, and that they have access to safe drinking water and sanitation in their homes [A/HRC/15/55](#)

Study of Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène 2007 on Political Platforms which promote or incite racial discrimination - caste discrimination remains deeply rooted in Bangladesh [A/HRC/5/10](#)

Country visit report of Special Rapporteur on Violence against Women, its causes and consequences, Rashida Manjoo 2000 – noted that members of lower castes and ethnic minorities appear to be disproportionately represented in the sex worker population. The SR found that women leave Bangladesh because of a lack of economic opportunities at home and because they suffer from a great deal of social discrimination. Many of these women belong to lower caste groups or ethnic minorities. The Rapporteur called for socially discriminatory attitudes to be reformed in order to give women an equal chance in their society and prevent them from becoming easy prey to traffickers. The removal of discriminatory legislation and discriminatory practices is also essential if the root causes of trafficking are to be tackled [E/CN.4/2001/73/Add.2](#)