

# Discrimination against Dalits in Bangladesh

## IDSN Briefing Note · 2015

### Recommendations

The Constitution of Bangladesh prohibits discrimination by the State on the grounds of religion, race, caste, sex or place of birth.<sup>1</sup> Despite this constitutional guarantee, political, economic and social exclusion on the basis of caste is practiced over the entire country. Social exclusion 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.

The Government of Bangladesh is therefore recommended to:

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

1. 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.
2. 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.

#### **Research and data:**

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

#### **Quota systems and special measures:**

5. Establish quota systems for Dalits in all public educational institutes, and make reservations for adequate employment opportunities for Dalits in all sectors.
6. 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. Establish a special cell at the Ministry of Women and Children Affairs to prevent and monitor violations against Dalit women and children.
8. Incorporate the Dalit issue into the work of the National Human Rights Commission (NHRC) to monitor and investigate cases of violence against Dalits and other excluded groups.

#### **Cooperation with UN human rights mechanisms:**

9. 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. 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. 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.

## Key human rights concerns for Dalits in Bangladesh

Although there are no official statistics, it is estimated that there are about 5.5 million Dalits in Bangladesh.<sup>ii</sup> 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.

The living conditions of Dalits are far below the poverty line, and they have extremely limited access to health services, education and employment. They live in ‘colonies’ with very poor housing and work almost exclusively in ‘the service sector’, doing unclean jobs in urban areas such as street sweeping, manual scavenging and burying the dead. Dalits who live and work in tea plantations face specific forms of discrimination. Many live in bonded labour or are paid extremely low wages (approx 30 Taka per day) and are unable to afford adequate food, healthcare or to educate their children.

The multiple forms of discrimination experienced by the Dalit community in Bangladesh and its active perpetuation and tolerance by the State are in violation of fundamental human rights obligations. The Government of Bangladesh should therefore 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 may decide to use the comprehensive UN framework to address caste discrimination – 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>iii</sup> Furthermore, the National Human Rights Commission should address the Dalit issue as a priority agenda and request a national study on discrimination on grounds of caste, work and descent. There is an urgent need for producing disaggregated data on caste and national research on the problem.

Key challenges to the full enjoyment of fundamental human rights for Dalits in Bangladesh include lack of access to education; extreme poverty issues; health and housing problems; and unequal access to work. Dalits are frequently prevented from entering the homes of non-Dalits and are met with discrimination when trying to bury members of their family at public graveyards. A large number of child labourers in Bangladesh are Dalits. Members of minorities, most of whom are Dalits, hold almost no official positions.

Dalits have been much overlooked in the development and rights discourse and have only recently been able to raise their voices. Having started to engage with government and international donors, they have now managed to place the issue of caste discrimination on the agenda. Some parliamentarians are now willing to engage with Dalit civil society on the issues affecting the community, and five Bangladeshi MPs are part of the newly formed South Asian Parliamentarians’ Forum on Dalit Concerns.

As an outcome of a growing national Dalit movement, the Government of Bangladesh have taken some steps to address the situation of Dalits in recent years, and funds in the range of 100-146 million BDT have been allocated for housing and other social development for Dalits and other marginalized groups in the national budgets since 2011.

Other progress includes the enactment of admission quota for Dalits at six universities in 2014, including Dhaka University.

### 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<sup>iv</sup>, 64% of Hindu Dalits have no education at all. More than 80% of Dalits experience discrimination in admission to school.<sup>v</sup> Therefore, scholarships should be allocated for Dalit children.

**Access to adequate housing and land rights:** Adequate housing conditions 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. In the report on Bangladesh UN Special Rapporteur on Violence against Women, Ms. Manjoo, finds indications of "... high levels of violence against women from religious and ethnic minority communities, with Dalits, Hindus and indigenous groups most at risk<sup>1</sup>."

. 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.<sup>vi</sup> 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.

### Suggestions for technical cooperation

- Multiple stakeholder cooperation between UN Country teams, governments, national institutions and civil society to identify and implement constitutional protection measures, policy frameworks and specific legislative measures to promote and protect the human rights of Dalits according to international standards; and establish transparent and accountable monitoring mechanisms on the implementation of anti-discrimination and affirmative action legislation;
- Technical support and assistance for development of national action plans, and guidelines for implementation of development planning and budgeting with a view to enabling those affected by caste-based discrimination to reach the Millennium Development Goals.

## References

- [IDSN Bangladesh country profile](#)
- [IDSN's database on caste-based discrimination in Bangladesh \(reports, news, statements\)](#)
- [UN recommendations on caste-based discrimination in Bangladesh](#)
- [Read the 2013 country report from Bangladesh from IDSN Annual Report](#)
- [Urgent Request to 'Include Data on Citizens Discriminated on the basis of Work and Descent' in the Bangladesh Census 2011](#)
- [Dalit Rights Are Human Rights - The Dalit Struggle for Dignity in Bangladesh](#) - by One World Action/DFID in cooperation with IDSN, BDERM and Nagorik Uddyog (2011)
- [Caste-based discrimination in Bangladesh](#) (IIDS working paper)
- Bangladesh Dalit and Excluded Women's Forum (BDEWF): [Summary Report from Conference 2012](#) and [BDEWF Brochure](#)
- [Dalit Women in Bangladesh – Multiple Exclusions](#) – BDERM / Nagorik Uddyog (2011)
- [Caste-based discrimination in South Asia - a study on Bangladesh](#)
- ['Caste-based discrimination in Bangladesh'](#), shadow report submitted in connection with the Universal Periodic Review of Bangladesh (2009)
- [Report from country visit to Bangladesh by two UN Independent Experts](#) (July 2010)

<sup>1</sup> [http://ap.ohchr.org/Documents/dpage\\_e.aspx?si=A/HRC/26/38/Add.2](http://ap.ohchr.org/Documents/dpage_e.aspx?si=A/HRC/26/38/Add.2)

- ['The Dalits of Bangladesh'](#), news coverage in The Upstream Journal, Canada (November 2009)
- ['We are not thought of as human'](#), feature article in the Guardian (November 2009)
- ['Defiant Voices'](#): The organisation Bangladesh Dalit Human Rights and British NGO One World Action have launched a landmark photo exhibition on YouTube. 'Defiant Voices' depicts the daily lives of Dalit communities in Dhaka.

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<sup>i</sup> 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).

<sup>ii</sup> 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: [http://idsn.org/fileadmin/user\\_folder/pdf/New\\_files/Bangladesh/Caste-based\\_Discrimination\\_in\\_Bangladesh\\_IIDS\\_working\\_paper\\_.pdf](http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Caste-based_Discrimination_in_Bangladesh_IIDS_working_paper_.pdf)

<sup>iii</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 11<sup>th</sup> 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.

<sup>iv</sup> Caste-based discrimination in South Asia: A study of Bangladesh. IIDS Working Paper Studies, Vol III Number 07, 2009 (see reference above)

<sup>v</sup> 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.

<sup>vi</sup> 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).