



## **Discrimination Against Dalit Women in Bangladesh**

### **Alternative Report to the 65<sup>th</sup> session of the UN Commission on the Elimination of Discrimination Against Women**

*Submitted by*

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*October 2016*

## 1. Introduction

The alternative report on discrimination against Dalit women in Bangladesh has been prepared by the Bangladesh Dalit and Excluded Rights Movement (BDERM) and the International Dalit Solidarity Network (IDSN) and submitted to the UN Committee on the Elimination of Discrimination Against Women in October 2016. The report examines the current situation of scheduled caste women in Bangladesh and provides information about implementation gaps in the enforcement of the Convention for this particular group.

IDSN is an international network that works on a global level for the elimination of caste discrimination and similar forms of discrimination based on work and descent. Members include national Dalit platforms in caste-affected countries; Dalit Solidarity Networks in seven European countries; and international associates, among others ([www.idsn.org](http://www.idsn.org)). Contact information: Email: [info@idsn.org](mailto:info@idsn.org), phone: +45 6043 3430.

BDERM is a national platform of Dalit civil society organizations. The platform was formed in April in 2008 and is advocating at a national and international level. Today BDERM is a strong and vocal national platform, a social movement and a membership organisation - which is spearheading the fight for human rights for Dalits and excluded communities and uniting excluded groups and communities. Webpage: [www.bderm.org](http://www.bderm.org).

Caste based discrimination is one of the major human rights concerns among Dalits all over the world. It is estimated that 260 million people globally are victims of caste-based discrimination and out of them around 210 million lives in South Asia. Due to exclusion practiced by both state and non-state actors, they have limited access to resources, services and development, keeping most Dalits in severe poverty. There are between 3.5 and 5.5 million Dalits in Bangladesh - half of them are women.<sup>1</sup>

## 2. Caste and gender-based discrimination in Bangladesh

### **The situation of Dalit women**

Dalit women in Bangladesh face discrimination at multiple levels as they are discriminated by the dominant caste and other groups in society. At the same time patriarchal societal structures cause Dalit women to face discrimination within their own community. While other groups of women and some Dalit men are moving forward in education, economic empowerment, access to justice and government services, Dalit women are left behind.

Discrimination against Dalit women is usually threefold on the grounds of caste, gender and economic status. Dalit women in Bangladesh are thus confined to the bottom of both caste and gender hierarchies and are often trapped in highly patriarchal societies with high rates of domestic violence. Many Dalit girls are forced to marry at an early age, which may result in early pregnancy. The majority of Dalits live in small spaces, sharing toilets, bathrooms and kitchens and the prevalence of sexual harassment against Dalit women is high. Dalit women experience various types of human rights violations including abductions, sexual harassment, rape, torture, threats and intimidation and lack of access to public services and resources. For the most part, cases of violence remain underreported as male family members believe

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<sup>1</sup> [A/HRC/31/56](http://www.unhcr.org/refugees/31/56)

that public interference will cause greater harm to the victims. Meanwhile, trials are ineffective and often drag on for years causing further strains and damages to the victims and their families.

3. UN observations and recommendations on caste-based discrimination against Dalit women in Bangladesh

**Treaty Bodies**

CEDAW - In its last examination of Bangladesh (2011) the Committee addressed the need for disaggregated data on caste and gender in relation to its concern for disadvantaged groups of women in Pakistan. The committee expressed concern regarding the limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women. In relation to this concern, the committee recommended that the state party collect disaggregated data on the situation of disadvantaged groups of women<sup>2</sup>. The State Party's report delivered for the 65<sup>th</sup> session fails to properly address this recommendation as the report does not include or mention initiatives for data collection disaggregated by gender and caste.<sup>3</sup>

CERD – Similarly CERD noted a lack of details in the report on the demographic composition of the population in 2001. And reiterated its recommendation to the State party to provide in its next report information on the composition of the population. The Committee further specified that it considers that the term “descent” does not refer solely to race or ethnic or national origin, and is of the view that the situation with respect to castes falls within the scope of the Convention. The Committee recommended the State party to 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.<sup>4</sup>

CRC- in 2015, CRC took note of the State party's efforts to combat discrimination, however the committee reiterated its previous concern (CRC/C/BGD/CO/4, para.32) 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.<sup>5</sup>

**Special Procedures**

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 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>6</sup>. In connection with her visit, the Rapporteur stated that the most pervasive form of violence against women in Bangladesh is domestic violence, with an estimated 60% of married women reported to having experienced violence at the hands of a spouse and/or in-laws. And that other manifestations of violence include: different forms of sexual violence including rape and eve-teasing; discrimination and violence based on ethnicity, religion, caste, indigenous status, disability, or work; dowry-related violence; sexual harassment; forced and/or early marriages; acid attacks; psychological violence in custodial settings; economic exploitation and cross-border trafficking, among

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<sup>2</sup> [CEDAW/C/BGD/CO/7](#) (Para. 37-38)

<sup>3</sup> [CEDAW/C/BGD/8](#)

<sup>4</sup> [CERD/C/304/Add.118](#)

<sup>5</sup> [CRC/C/BGD/CO/5](#)

<sup>6</sup> See [A/HRC/26/38/Add.2](#)

others. Harmful customary and religious practices and violence perpetrated against minorities were also highlighted in numerous testimonies<sup>7</sup>. In 2011, the Rapporteur submitted a joint allegation letter with the Special Rapporteur on freedom of religion or belief to the Government of Bangladesh (GoB) requesting further clarification on the kidnapping of a Hindu minority woman categorized as lower caste in Tala Upazila of Satkhira District. The woman was forcefully converted and married. The persecutors attempted to extort dowry money from her parents and when their attempts failed proceeded to beat her to death<sup>8</sup>. In the same year, the Special Rapporteur on contemporary forms of racism presented a report containing a section on discrimination based on work and descent, including discrimination based on analogous systems of inherited status, to the Human Rights Council wherein he took note of steps taken by the GoB to combat caste-based discrimination including the Constitution which prohibits discrimination on grounds of race, religion, caste (part III, art. 31). Furthermore the rapporteur took note of the National Strategies for Accelerated Poverty Reduction which recognized the pattern of discrimination against occupational groups related to caste systems. However, the rapporteur noted that more practical action was 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.<sup>9</sup>

In 2016, Special Rapporteur on Minorities Ms. Rita Izsak-Ndiaye, presented her thematic report on minorities and discrimination based on caste and analogous systems of inherited status (A/HRC/31/56), at the 31<sup>st</sup> session to the Human Rights Council. The report featured a number of observations and recommendations relevant for the issue of discrimination against caste-affected women.

Further, in 2016, the UN working group on discrimination against women in law and in practice, the group referred to the report by the Special Rapporteur on minority issues, and stated that minority women, including women affected by discrimination based on caste, are particularly vulnerable to violations of their right to health, including reproductive and sexual health. The WG report noted that women members of “lower caste” groups present the worst health outcomes, especially in terms of life expectancy, access to maternal care, nutrition and incidence of infections.

### **Universal Periodic Review**

In the report of the working group following the 16<sup>th</sup> session of the UPR in 2013, Bangladesh received the following recommendation 130.23 recommending the GoB 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>10</sup> The government accepted the recommendations in part where they were assessed to be in consonance with national policies and laws.

#### **4. List of issues**

### **Constitutional and legislative framework and Legal Complaint mechanisms**

Besides ratifying some of the major international conventions and treaties, the Government has adopted different laws and policies to protect and promote women’s rights.

#### *Constitutional provisions and independent commissions*

- The Constitution of Bangladesh secures the rights of all citizens from all forms of discrimination.
- According to article 10, “Steps shall be taken to ensure participation of women in all spheres of national life”.

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<sup>7</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13374&LangID=E>

<sup>8</sup> [A/HRC/17/26/Add.1](#)

<sup>9</sup> [A/HRC/17/40](#)

<sup>10</sup> [A/HRC/24/12](#)

- According to article 28, “The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Women shall have equal rights with men in all spheres of the state and of public life. No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort or admission to any educational institution”.
- According to article 29(1) “there shall be equality of opportunity for all citizens in respect of employment or office in the service of the republic.”
- Article 29(2) states that: “no citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against in respect of, any employment or office in the service of the republic.”
- According to article 65(3) there are 45 seats reserved for women and under article 9 the representation of women in the development of local government institutions.
- GoB has established some autonomous institutions to monitor human rights situations, receiving complaint of human rights violation and provide necessary support to the victims and recommend necessary legislations to protect human rights.
- The Law Commission, Bangladesh was formed in 1996 under the Law Commission Act-1996. The main activities of the Law Commission are to review the existing laws and recommend for necessary amendment and corrections, recommend for the modernization of judiciary system and capacity building of the judicial officers, employees, law officers and lawyers.
- The National Human Rights Commission (NHRC) was established in 2009 under the National Human Rights Commission Act-2009. The main activities of NHRC are to receive, investigate and support to complaints of human rights violation, monitor over all human rights situation in the country and recommend to amend and adopt necessary laws comply with the international laws.
- An Information Commission was established under the 2009 Information Act. The main activities of the Information Commission are to monitor implementation of Information Act-2009, receive and investigate complaints for not getting information and provide necessary support to the citizens getting information from different institutions.

### *Laws*

Besides establishing some independent institutions, Bangladesh government also adopted some significant laws for the safeguard of women. These are ‘The Special Marriage Act, 1872’, ‘The Married Women’s Property Act, 1874’, ‘The Hindu Law of Inheritance (Amendment) Act, 1929’, ‘The Child Marriage Restraint Act, 1929’, ‘The Dowry Prohibition Act, 1980’, ‘Women and Children Anti-Oppression Act-2000 (amended in 2003)’, ‘Acid Control Act-2002’, ‘Domestic Violence Act 2010’, ‘Human Trafficking Prevention and Restraint Act-2012’, ‘Hindu Marriage Registration Act-2012’, ‘DNA Act-2014’, ‘Tea Worker Welfare Fund Act-2016’ etc.

Though the government has adopted different significant laws for the protection of women’s rights, there is no provision giving special attention to the women from Dalit and minority groups. Further, there is no specific law to prevent discrimination based on caste and descent. However, the Law Commission has drafted and submitted an ‘Anti-Discrimination Act’ in 2014, which is still under review by the Ministry of law and parliamentary affairs.

### *Recommendations*

- Adopt and fully implement appropriate legislative measures to eliminate caste-based discrimination
- Ratify all outstanding international human rights instruments;

- Expedite efforts towards the withdrawal of its reservations to articles 2 and 16.1(c) of the Convention on the Elimination of All Forms of Discrimination against Women;
- Ratify International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples and the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;

### **National machinery for the advancement of women**

In order to comply with the international conventions and covenants on women rights, the Bangladeshi government has adopted the National Women’s Development Policy 2011 for the development and safeguard of women in Bangladesh, with the vision is to “create a society where men and women will have equal opportunities and will enjoy all fundamental rights on an equal basis”. A list of 20 goals was formulated in order to empower women in all aspect of life: socially, legally, economically and politically. Women who are categorized as belonging to excluded communities have been given priority in the National Women’s Development Policy. The policy mandates the government to ensure all the rights of the small ethnic and excluded groups of people for the development and growth of women from these communities; to undertake special programmes aimed women who are classified as from being from “backwards” communities.<sup>11</sup>

Numerous programs have been included in the National Strategy for Accelerated Poverty Reduction Strategy Paper (NSAPR-II) aimed at alleviating women from poverty and mainstream them into the macro economy. Five strategies have been identified in the Strategy Paper that includes social security and human resource development for the vulnerable groups alongside macro-economic management of economic growth with concern for poverty. In the five strategies, the strongest emphasis has been on participatory empowerment in development activities. The special program for alleviation of the poverty of women aims to ensure empowerment of poor women by expanding their safety net.

The GoB aimed to include socially marginalized populations such as “*dhopa* (laundry man), *muchi* (cobbler), *napit* (hair dresser), and other traditional low caste people” in the Sixth Five Year Plan for their socio-economic development and protection. The government remains committed and sensitive to the needs of these marginalized groups. Hence, they are also included in the Seventh Five Year Plan (2016-2020). The government has given special emphasis to the implementation of the National Social Security Strategy (NSSS) in the Seventh Five Year Plan.<sup>12</sup>

The government has developed a “National Plan of Action to Prevent Violence against Women and Children (2013-2025). The goal of this action plan is to undertake effective measures to prevent and restrict violence against women and children through multi-dimensional comprehensive programmes and strategies. This plan has given priority to analyzing the current status of violence against women and children, legal provision and legal support to address VAW, social awareness and positive change of mind-sets, socio-economic development of women and children, physical and psychological support to women and children victims of violence, support rehabilitation of the victims and formation of a national committee headed by the secretary of the Ministry of Women and Children Affairs with the aim to monitor implementation progress of the plan.<sup>13</sup>

### **Special measures**

Though there are implementation gaps in a number of areas when it comes to the inclusion of Dalit women in development policies, special measures have been taken to improve the situation for women in general. The State Party has undertaken different development projects to ensure the effective

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<sup>11</sup> National Women Development Policy, March 2011, Ministry of Women and Children Affairs (para. 38.1).

<sup>12</sup> Seventh Five Year Plan (2016-2020), Ministry of Planning, People’s Republic of Bangladesh

<sup>13</sup> National Plan of Action to Prevent Violence against Women and Children (2013-2025), Ministry of Women and Children Affairs, People’s Republic of Bangladesh

implementation of National Women's Development Policy-2011. With a view to provide proper support to victims of violence the Ministry of Women and Children Affairs has set up One Stop Crisis Centers (in 6 divisional towns and providing co-ordinated healthcare facilities, legal services, police support, shelter and rehabilitation of the victims are arranged), One Stop Crisis Cells (at 60 hospitals), a National Forensic DNA Profiling Laboratory and a National Trauma Counseling Centre. The National Database on Violence Against Women has been maintained since 2009 and a National Toll Free Helpline (10921) was introduced in 2012 by the multi-sectoral programme on violence against women. The victim women are given psycho-social counseling services through the National Trauma Counseling Centre at the Women Affairs Department. As a result of positive measures undertaken by the GoB, Bangladesh has shown progress regarding achieving the goal of enrollment in primary education in relation to the Millenium Development Goals. In 1990, the Bangladeshi government enacted the 'Primary Education (Compulsory) Act-1990 which made primary education compulsory for all children. Primary education was made free of cost through this act, which contributed to increasing primary enrolment rate. The National Children Policy-2011 has emphasized equality of children in providing education, health care, nutrition, security and enjoying leisure regardless to their age, sex, religion, social status, and ethnicity.<sup>14</sup> The National Plan of Action for education 2011-2015 further aimed to eliminate gender inequality by 2015.<sup>15</sup>

The Government has recognized the need for housing through the National Constitution (article 15-a). The National Housing Policy from 2008 mentioned that the government will work as a provisioning authority [of housing facilities] for the lower middle class, lower class, extreme poor and homeless sections of population in essential and emergency cases only (5.6.2 National Housing Policy 2008). The government has taken significant initiatives for the development of housing for Dalits living in urban areas. These include allocation of budgets and implementation of certain housing projects. In 2005, the Government had undertaken Taka 209.34 million (approximately 270 million USD) for "Dhalpur, Sutrapur, and Doyaganj sweeper colony construction project" to ensure better living facilities to the sweepers to be implemented by Dhaka City Corporation (DCC).<sup>16</sup> A special allocation of Tk. 50 crore (6.3 million USD) has been proposed for construction of houses for cleaners in the national budget of 2014-15<sup>17</sup> (para 60, budget speech, 2014-2015). Dhaka City Corporation has so far constructed 7 buildings for the Dalit cleaners of Dhaka city which are located in the Ganaktui, Nazirabazar and Dholpur areas. Among them the construction of two buildings stopped before their completion due to budget constraints. In the meantime, 5 other buildings for cleaners are under construction in the Dholpur area.

The National Health Policy aims to create awareness among and enable every citizen of Bangladesh irrespective of caste, creed, religion, income and gender, and especially children and women, in any geographical region of the country, through media publicity, to obtain health, nutrition and reproductive health services on the basis of social justice and equality through ensuring everyone's constitutional rights (*Principle 1, National Health Policy 2011*). The National Health Policy also aims to ensure equal distribution and optimum usage of available resources to solve urgent health-related problems with focus on the disadvantaged, the poor and unemployed persons (*Principle 3, National Health Policy 2011*). In 2003, the GoB launched its Health, Nutrition, and Population Sector Programme (HNPS), conceived within the sector-wide approach. HNPS has provisions that include strengthening the focus on poverty in relation to the health sector programming, for example, by allocating more resources to the poorer districts. This would apply to some districts where Dalits are resident.

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<sup>14</sup> National Children Policy-2011 (Goal & Objectives-5.1)

<sup>15</sup> Education for All: National Plan of Action II 2003 – 2015, Ministry of Primary and Mass Education Government of the People's Republic of Bangladesh

<sup>16</sup> Kabir, H. 2012. More than half of a DCC project money goes to waste. The Financial Express. <http://www.thefinancialexpress-bd.com/old/print.php?ref=MjBfMTBfMTRfMTJfMV8xXzE0Njg0OA==>

<sup>17</sup> Budget Speech, 2014-2015, Ministry of Finance, Bangladesh (Para 60).

However, the Dalit community is not made the target of any programme interventions. Similarly, while some policies have been made to ensure health care facilities for minorities, extremely poor and disadvantaged groups, physical and mental health of Dalits were not given any attention.

Though Bangladesh has achieved progress in reducing instances of open defecation, and improve water and sanitation, facilities specifically for the Dalit community have not been developed in line with it. The government adopted “National Strategy for Water Supply and Sanitation” in 2014, which gave special attention to gender equality regarding WASH activities (Guiding Principle-6, NSWSS). Despite adopting effective policies and strategies related to water and sanitation only marginal improvements can be seen in the situation of Dalits in Bangladesh. Only a few NGOs have been working to improve water and sanitation for poor and marginalized communities in urban and rural areas, but the effects are limited considering to the number of Dalits in Bangladesh.

### *Recommendations*

- Amend the Constitution explicitly to extend the application of the guarantees of equal rights between women and men to the private sphere in accordance with articles 1 and 2 of the Convention on the Elimination of All Forms of Discrimination against Women;
- Amend relevant personal status laws to eliminate discriminatory provisions regarding marriage, divorce, inheritance, distribution of property and child custody; and also consider the adoption of a uniform family code;
- Review the National Women Development Policy 2011 and include the special needs of Dalit women and girls as well as the women from other marginalized and excluded communities
- Develop policies on water and sanitation, health and education and other public services to effectively include caste-affected persons, and address inequalities and gaps due to discrimination against groups on the grounds of caste and gender through special measures.
- In accordance with the recommendations by the Special Rapporteur on Minorities (A/HRC/31/56), a national action plan and budgets to combat discrimination based on caste and analogous systems should be urgently developed and implemented in caste-affected countries. Plans should include specific attention to the issues of caste-affected women, and be developed in coordination with affected groups and local organizations working with them and be provided with sufficient funding. Their progress should be regularly monitored.
- The State Party should urgently enact and ensure the effective implementation of specific legislation and the adoption of special measures, policies and programmes to address the entrenched situation of marginalization and exclusion experienced by women and girls owing to their caste status<sup>18</sup>.
- In the implementation of the 2030 Agenda for Sustainable Development, States should consider including caste-specific indicators and measures to ensure that the Sustainable Development Goals and their targets address the situation of affected groups.
- In relation to Goal 5 of the SDGs the GoB should ensure that implementation address the intersecting forms of discrimination on the grounds of caste and gender.

### **Stereotypes and harmful practices**

In Bangladesh Dalit women experience discriminated within the family as well as in the wider society and at the state level. Many Dalit communities are ruled by patriarchal systems under which Dalit women have very little or no scope to raise their voice in the family, let alone in the rest of society, and Dalit women seldom get the opportunity to explore their potentiality for leadership. Local panchayats (governance

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<sup>18</sup> [A/HRC/31/56](#) (Recommendations 130 and 132)



bodies) are dominated by male Dalits, and the Dalit women are not allowed to talk before the panchayat. It is still a dream for most of the Dalit women to be represented in the local panchayat as a primary stage of their empowerment. Like Dalit men, Dalit women also experience untouchability practices at local restaurants and at public spaces. Untouchability is a common practice used against Dalits in Bangladesh and Dalit women are especially vulnerable to this type of discrimination. In most cities in Bangladesh as well as in certain rural parts Dalit women are forced to have breakfast outside the restaurants and will need to bring their own utensils or else the food will be served to them on paper. In some places, Dalit women are not even allowed to get into the vehicles with non-Dalit passengers.

### *Recommendations*

- Adopt anti-discrimination legislation and ensure effective enforcement
- Design and launch targeted awareness-raising campaigns to educate and change the mindsets and attitudes about caste through all available means including schools, the media, community and religious leaders;
- Train and sensitize relevant authorities and other actors on issues related to caste-based human rights violations and women's rights in order to contribute to changing the predominant social and cultural beliefs and attitudes that are harmful to women

### **Multiple forms of discrimination and violence against Dalit women**

In Bangladesh, a huge number of women are exposed to violence and exploitation on a regular basis and are vulnerable to human trafficking. Whereas subjugation and unequal treatment are common features in the life of almost every woman in Bangladesh, Dalit women are especially vulnerable as they experience violence at all societal levels in the families, workplaces as well as in public spaces.

In addition, misinterpretation of religion is also often used to discriminate and/or justify acts of violence against women.<sup>19</sup> Regrettably, comprehensive disaggregated data on all forms of violence against women and specifically data disaggregated by gender and caste is still unavailable in Bangladesh<sup>20</sup>.

Nagorik Uddyog<sup>21</sup> recently investigated 66 cases of human rights violation on Dalit community from 2013-2016, out of which 15 cases were related to violence against Dalit women. Dalit women are vulnerable to land grabbing which in some cases compels Dalit families to leave their own home. There were also 20 cases of land grabbing and in most of the cases Dalit women and children become victim of torture and violence<sup>22</sup> According to the recent fact finding report of Nagorik Uddyog and BDERM (2015) a high amount of cases of violence against Dalit women occurred with the intension of grabbing their lands and properties.<sup>23</sup>

The general inequality and power imbalances between men and women are among the root causes of violence against women in the Bangladesh. More than one third of men and women in Bangladesh reportedly believe that wife beating is justified under specific circumstances.<sup>24</sup> Domestic violence in all its manifestations is the most pervasive form of violence against women in Bangladesh, with an estimated

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<sup>19</sup> See Citizens' Initiatives on CEDAW-Bangladesh, *Combined Sixth and Seventh Alternative Report to the UN CEDAW Committee* (Dhaka, 2010), pp. 22 and 50.

<sup>20</sup> [CEDAW/C/BGD/CO/7](http://www.nuhr.org/what%20we%20do.html)

<sup>21</sup> Nagorik Uddyog (NU) is a local organization working with community-level legal and human rights education and human rights training for community leaders; legal aid support to the most disadvantaged groups and building of community institutions. Supporting the rights of Dalit and excluded communities in Bangladesh is one of the areas of priority for NU. <http://www.nuhr.org/what%20we%20do.html> (accessed 02 October 2016)

<sup>22</sup> <http://www.nuhr.org/> (accessed 02 October 2016)

<sup>23</sup> Rabidas, Sodip Kumar et al (2016) 'Dalit Jonogoshthir Proti Nirjaton O Bicharhinoti 2013 – 2016) (Atrocities and Injustice against Dalits), Nagorik Uddyog and BDERM

<sup>24</sup> National Institute of Population Research and Training: Bangladesh Demographic and Health Survey 2007. Dhaka, 2009.

60 per cent of married women reported having ever experienced violence at the hands of a spouse and/or in-laws.<sup>25</sup> Though there is no disaggregated data on how many Dalit women have been experiencing domestic violence, however, it is widely known that a high percentage of the Dalit women in Bangladesh experience domestic violence and most of these cases remain unreported. Many Dalit women are not allowed to work outside the house, and violence against Dalit women often happens within the immediate or extended family. Dowry-related violence and killings reportedly remain prevalent across Bangladesh. During the first eight months of 2013, civil society organizations reported 327 cases of dowry-related violence suffered by women and girls. Of this total, 208 included physical abuse, 110 were murder cases, and in 9 cases the victims committed suicide. These cases do not include instances in which women's children or other relatives were the victims of dowry-related violence.<sup>26</sup>

Despite being outlawed through the adoption of the Child Marriage Restraint Act of 1929, early marriage remains a major problem. According to the United Nations Children's Fund (UNICEF), 66 per cent of Bangladeshi girls are married before the age of 18 and approximately one third of women aged 20 to 24 were married by the age of 15.<sup>27</sup> Early and forced marriage is very common among the girls of Dalit community. Parents fail to consult their daughters before arranging their marriage and in some incidents Dalit girls are sexually harassed, abducted, forcefully converted or married. Many Dalit girls are forced to get married at the age of 10-12 years. Dalit girls who marry late are labelled as "bad girls". Many girls in Dalit communities remain unmarried, since their parents are unable to afford the dowry demanded by the family of their potential spouse.

In many districts of Bangladesh, Dalit women and girls are not provided separate private toilets. As a result, it becomes very difficult for Dalit women to maintain personal hygiene during their period. Moreover, they are likely to face sexual harassment while using the toilet. According to a study from 2010<sup>28</sup>, Harijon women from the Kushtia district are frequently faced with sexual harassment in connection with access to latrines while perpetrators are sheltered by the community and often goes unpunished. Dalits in Bangladesh are often systematically excluded from access to water and sanitation and may be subjected to large-scale violence and physical attacks by members of the dominant caste when attempting to access facilities in areas inhabited by them.<sup>29</sup> Dalit women are particularly vulnerable to physical violence from members of the dominant castes while collecting water from public wells and taps.<sup>30</sup>

### *Access to justice for Dalit women*

Law enforcement agencies often fail to seriously consider cases of violence against the Dalit community. In a recent case, a 12 year old Dalit girl was raped and murdered on 28 June, 2013 in the Pirojpur Sadar district.<sup>31</sup> The victim's family filed the case with the local police station, however, the police took no legal action against the accused. One of the suspects was arrested ten months after the incident took place and later released on bail. No charges were filed against the accused before two years had passed. Moreover, the victim's family experienced continuous threats from the accused which were intensified by the fact that the perpetrator is the relative of a local influential political leader. Furthermore, Dalit women have

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<sup>25</sup> See International Centre for Diarrhoeal Disease Research, Bangladesh, *From Evidence to Policy: Addressing Gender-Based Violence against Women and Girls in Bangladesh*. Dhaka. 2013.

<sup>26</sup> Statistics provided by Odhikar, available from [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics\\_Dowry\\_2001-2013.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics_Dowry_2001-2013.pdf).

<sup>27</sup> See UNICEF, *The State of the World's Children 2013: Children with Disabilities*, United Nations publication (Sales No. E.13.XX.1).

<sup>28</sup> Parvez, A., Mazharul, I. and Das, M.R. 2010. *Oshprishyota Daridro O Purushtontro: Dalit Nareer Biponnota*. Nagorik Uddyog and Bangladesh Dalit Human Rights. P.39, Para 3.

<sup>29</sup> See A/HRC/21/42, para. 36.

<sup>30</sup> [A/HRC/31/56](http://www.ohchr.org/doc/doc/A/HRC/31/56.pdf)

<sup>31</sup> The Daily Observer, June 5, 2014, Page-8. <http://www.eobserverbd.com/2014/06/05/> (accessed 02.10.2016)

little trust in the local arbitration councils (*bichar* and *salish*) as there is no representation of women with whom they can openly discuss their problems. Many women seek redress through the traditional justice system, also known as the *salish* system. This may result in double victimization for them, as often they obtain little or no remedy for violations. According to local human rights organization Ain O Salish Kendra (ASK), 3 out of 21 cases they documented in 2013 of violence against women instigated by *salish* or *fatwa* resulted in suicide. These *fatwa* rulings included punishments such as lashes, “social boycotting”, and forced marriage/divorce.<sup>32</sup> In Bangladesh women from both religious and ethnic minority communities, such as Dalits, Hindus and indigenous groups are at risk.<sup>33</sup> Persecution of minorities includes rape and sexual assault of women in these communities.<sup>34</sup> The rate of rape is higher for minority women in Bangladesh because they are considered “double infidels” for being women and also for being part of a religious minority.<sup>35</sup> Dalit women are also victims of *salish/fatwa*-related violence.

Though the Bangladeshi government has undertaken some development programmes for developing the life standard of Dalits in Bangladesh, they are still far away from recognizing their identity as Dalits. Despite recommendations from the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) and several efforts made by some of the leading Dalit organizations in Bangladesh to include Dalits separately in the national census, as of yet, the GoB fails to provide methods to collect data disaggregated by gender and caste. Most of the Dalits in Bangladesh are counted either as Hindus or in the ethnic minority group. Thus their identity remains officially unrevealed. The word “Dalit” is largely used in Bangladesh by the media but given less attention by the government. Though the government used the word ‘Dalit’ in the last national budgets under “social safety net programmes”, however, the word is no longer seen in the budget for the current fiscal year. The Dalits themselves are little divided on whether or not to be identified as ‘Dalit’. The Horijon (community formed of 8 sub castes) do not consider themselves as Dalits. Some national level NGOs have conducted advocacy with the government in order that the term Dalits be given state recognition.

### *Recommendations*

- Following the recommendation from CEDAW in 2011, the government should provide information and statistics on women belonging to the Dalit minority and collect data on disadvantaged groups of women and girls disaggregated by caste;
- Establish a standardized system for data collection and analysis, disaggregated by sex, caste, race, age, ethnicity and other relevant characteristics, in order to understand the magnitude, trends and patterns of violence against women;
- Conduct studies to assess the scope of violence against Dalit women and girls in cooperation with relevant research institutions, civil society organizations and United Nations agencies.
- Ensure that all cases of violence against Dalit women and girls are dealt with by formal judicial mechanisms so that victims can access effective remedies. Empower relevant law enforcement agencies to respond promptly to incidents of violence against Dalit women and girls;
- Take effective measures to ensure that the right of the victim to speak to female officers is respected;
- Take effective measures to ensure the fast and efficient management of cases;
- Ensure that all incidents of violence against Dalit women and girls are effectively investigated by the police and that the perpetrators are sanctioned in proportion to the severity of their crime;

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<sup>32</sup> <http://www.askbd.org/ask/2014/01/11/violence-instigated-fatwa-salish-january-31-december-2013/>

<sup>33</sup> Mortuza Ahmmed, “Violence against the minorities in Bangladesh”, *Romanian Review of Social Sciences*, No. 4 (2013).

<sup>34</sup> Md. Rajib Hasnat Shakil, “Systematic persecution of religious minorities: Bangladesh perspective”, *IOSR Journal of Humanities and Social Science*, vol. 7, No. 3 (January–February 2013). <http://www.iosrjournals.org/iosr-jhss/papers/Vol7-issue3/B0730917.pdf> (accessed 02 October 2016).

<sup>35</sup> *Ibid.*, p.12.

### **Participation in political and public life**

Though the current government has noted the need for political participation of Dalit and marginalized community, effective measures to ensure their participation are lacking. It should be mentioned that two persons (male) from the Dalit community have been representing the current government as ministers. They were nominated because of their long involvement and contribution to a specific political party. The men were elected because of their position in the party as well as their acceptance in the respective constituencies. However, they have refrained from revealing their identity as Dalits publicly. Despite such examples of political participation of Dalits, there is generally very limited political participation of Dalits, and Dalit women's participation is even further restricted. Elected political parties of Bangladesh give little consideration to the representation of Dalit women in the parliament. It is also observed that Dalit women should come forward to ensure their own political participation, breaking the barrier of a patriarchal society.

The national parliament of Bangladesh has the provision to reserve 50 seats for women, but Dalit women in Bangladesh are still struggling to break their shackles of patriarchy. Furthermore, women are widely underrepresented in the traditional *panchayat* system. It is very hard to find any female member in local *panchayat* committees. In some places women are not allowed to be present in front of the *panchayat* while the committee is conducting mediation. Women (victims or accused) are often denied the right to speak or protest if she disagrees with the judgment.

#### *Recommendation*

- Ensure the rights of Dalit women by prohibiting discrimination and violence against women; requiring all appropriate measures to modify the social and cultural patterns of conduct of men and women; and guaranteeing property rights, reproductive rights and rights concerning family relations.

### **Education**

Bangladesh has made considerable advancements regarding enrollment of children at primary education, however the enrolment rate for Dalit girls at primary education is still lacking behind. Dalit girls have limited access to education compared to their male counterparts, mainly because education of Dalit girls is denied in Dalit communities. A study shows that inequality in access to education institutions for women from Dalit communities often can be linked to pressure from the older generations, who feel that women's education is useless and maintains a position that it is better for women to focus on maintaining the household.<sup>36</sup> Furthermore, Dalit girls who get opportunity to be enrolled at primary schools, often drop out before completing their studies. As mentioned above, sexual harassment is one of the major factors discouraging parents to send their daughters to schools. Often parents prevent Dalit girls from getting an education and some parents refuse to send their girls to school because they fear the girls will face harassment on the grounds of their caste status.<sup>37,38</sup>

#### *Recommendations*

- Introduce a quota system for Dalit students in the public education systems

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<sup>36</sup> Briefing Note (2011), Status and Deprivation of Dalit Women in Bangladesh, BDERM

<sup>37</sup> Monjurul, I., Amin, A.B. and Bhai, Z. 2014: Challenges and Prospects for Dalits Securing their Rights to Education in Bangladesh, Equity Watch. P. 44, para. 6.8.3.

<sup>38</sup> [Briefing Note](#) (2013) Dalits and education in Bangladesh

- Ensure compulsory primary education for the Dalit children and provide education assistance for Dalit children
- Take special measures to address discrimination at schools, the low enrolment rates and high dropout rates of Dalit girls and boys
- Improve accessibility and safe access to schools for Dalits children, in particular Dalit girls.

### **Employment**

In Bangladesh, 52% of the tea garden workers are female and many of those are Dalits, working under horrific conditions. Most women from the Dalit community who are living at City Corporation or Municipality areas work as sweepers in the streets.<sup>39</sup> As per government policy, women are entitled to enjoy six months' maternity leave with full salary compensation.<sup>40</sup> In practice, pregnant Dalit women are set to replace other women who go on maternity leave and are paid a very meager salary. Few Dalit women who are working in the informal sectors are paid and many are given unequal pay as a result of their lower caste status. In most of these cases, Dalit women are forced to hand over their income to their father or husband to avoid harassment.<sup>41</sup>

### *Recommendation*

- The GoB should adopt special measures in favour of persons and communities discriminated on the basis of caste - and gender - to ensure their enjoyment of human rights and fundamental freedoms, and ensure access to employment, the right to a decent livelihood and equal pay for Dalits and other marginalised communities
- The government should ensure effective implementation of policies and regulations

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<sup>39</sup> [A/HRC/21/42](#) (p. 5, para. 15)

<sup>40</sup> Parvez, A. and Mazharul, I. 2014. Dalit Initiatives. Nagorik Uddoyen and Bangladesh Dalit and Excluded Rights Movement. p.153, para-4. [http://www.academia.edu/7166778/Dalit\\_Initiatives\\_In\\_Bangladesh\\_Mazharul\\_Islam\\_Altaf\\_Parvez](http://www.academia.edu/7166778/Dalit_Initiatives_In_Bangladesh_Mazharul_Islam_Altaf_Parvez)

<sup>41</sup> Pervin, Nadira et al (2013) *Dalits in Bangladesh: Life in Agonies and Deprivation* (November, 2013), Issue-6 (Status and Deprivation of Dalit Women), Nagorik Uddyog and BDERM Page-11, Para-5.