

Conference Report

*An overview of two-day long regional conference held in Dhaka,
Bangladesh on December 1-2, 2012*

Protection for Dalits and Socially Excluded Communities

South Asian Consultation on Social, Economic and Legal Protection for the *Dalits*
and Socially Excluded communities in South Asia with special focus on
Bangladesh

Nagorik Uddyog
and
BDERM

Report on Consultation conference

“South Asian Consultation on Social, Economic and Legal Protections for Dalits and Socially Excluded Communities”

1-2 December, 2012

Venue

National Academy for Planning and Development,
Nikhet, Dhaka.

Organized by

Nagorik Uddyog (Citizen’s Initiative)
Bangladesh Dalit and Excluded Rights Movement (BDERM)

I. Background

Social fabrics and cultural practices in South Asia are unashamedly characterized by features of inequality and discrimination. Caste hierarchy is perhaps the most prominent constituent of this oppressive structure. Whereas in India and Nepal the issue of caste-based-discrimination, particularly the dynamism of *Dalithood*, has gained significant currency over the years in relation to scholarship, public conscience and polity, in Bangladesh the realities of caste hierarchies have either been taken for granted or have remained fully ignored. Only in recent years people subject to work and descent-based discrimination have started to come together and raise their voices in collective way. *Dalit* men and women are gradually forming groups and organizations to highlight and challenge the inhumane condition that they live in; they are forging efforts to encounter the exploitation and deprivation that they experience continuously.

BDERM is an apex organization of Dalit movement in Bangladesh that takes effort to form coherence and solidarity among marginalized and socially excluded groups of people from different parts of the country. NU, a citizens' organization based in Dhaka, works for promoting human rights and particularly to fight against social injustices. Both BDERM and NU, through the experience of their joint work, came to the realization that for strategizing their movement in proper way and for engendering better understanding about the possible course of action and movement, they needed some comparative perspectives. They felt the urgency to share their experience with other organizations that work across South Asia; they also deemed it necessary to learn from what collective movements in other countries go through.

It was against this backdrop that this 'South Asian Consultation' was organized in Dhaka on December 1-2, 2012. Representatives from leading Dalit organizations in India, Nepal and Pakistan participated in different sessions of the conference while civil society members, academics, journalists, politicians and activists from Bangladesh turned out in significant number.

This South Asian consultation was contemplated to shed more light on the complexities of Dalit identity, caste dynamism, forms of exclusion and inclusion, constitutional and other legal frameworks. It was envisaged that discussion and consultation sessions would provide regional viewpoints and result in better conceptualization in relation to Dalit people's human rights protection mechanism, state and civil society role in fighting poverty and marginality among the Dalits, and eradication of caste based practices of untouchability from the society.

II. Introduction

Conference thematic sessions

Two day long consultation consisted of 6 (Six) thematic sessions, including the concluding session. The titles of the sessions were:

- Dalits and Socially Excluded People: Nature of Social Exclusions and Economic Discriminations;
- Rights of Minorities, Dalits and Socially Excluded People: Law, Policies and International Standards;
- Minority People's Right and Social Exclusion: South Asian Experience and Challenge;
- Social Exclusion in South Asia: Role of Regional (SAARC) Human Rights Policy Framework;
- Dalit Women's Movement for Right in Bangladesh: Sharing South Asian Experience;
- Concluding Session: Summarizing and Looking Forward.

Overall focus of the conference

- To explore the exclusion and right related situation in Bangladesh and to know about the situation in other South Asian countries;
- To share the experiences of Dalits and socially excluded people from different countries of South Asia;
- To share the experience of movement and collective achievement;
- To explore the commonness and difference and to assess the possibilities of regional activism for redressing the injustices and discriminations;
- To examine the constitutional and legal frameworks, identify the gaps and strengths, and find out strategies and avenues for claiming and realizing rights;
- To have fuller understanding about the gendered dimensions of exclusion and deprivation;
- To recommend ways for taking up activism in legal, political and social fronts.

Major areas identified for further exploration

- a) Further exploration of conceptual and definitional issues
- b) Engaging with census and statistics related issues
- c) Full exploration of the forms and magnitude of deprivation and right denials
- d) Mapping 'what is to be done': Identifying the areas of practical action

Areas for further Action

Main focus was on the point: 'What is to be done'. Different aspects of movement, activism, lobbying, advocacy and research drew critical attention from the discussants and panellists. Here are the major areas that were identified to for immediate focus:

- i) Ensuring the provisions for livelihood and minimum standard of life;
- ii) Seeking rights at different levels;
- iii) Framing law and ensuring their implementation;
- iv) Looking at strengths and opportunities and highlighting achievements;
- v) Institution building for redressing the injustices and safeguarding rights;
- vi) Networking and coalition building at different – local/ sub-national, national, regional, international/UN – levels;
- vii) Advocacy and lobbying: Strategizing the movements in a way that greater citizenry is taken on board;
- viii) Fighting differences and inequalities within the community, particularly overcoming gender discrimination;
- ix) Doing more research with a view to map the reality.

III. Dalits in Bangladesh: Identity, Recognition, and Inclusion-Exclusion

While caste-based discrimination is conventionally understood to be an essential attribute of Indian society, it is a quite an important part of the social reality in Bangladesh. Of the groups that experience caste based discrimination, the so called *Dalits* are perhaps the most marginalized and excluded – often being subject to untouchability. Casteism, that is, discrimination based on work and descent, is the root cause of extreme poverty among an estimated 5.5 million Dalits in Bangladesh.

In Bangladesh the most pressing factor for the *Dalits* is that since the society here is predominantly Muslim one, the general civic conscience does not find it easy to recognize the prevalence of caste discrimination – a feature of Hinduism – in the country. The historical process that made Dalits a part of society, particularly in colonial context, has contributed toward the creation of this general apathy as regards the plight of the Dalit communities.

Panellists and discussants highlighted the importance of unravelling historical processes that contributed toward the complex formation of Dalit identity in Bangladesh; however, they were similarly articulate about the importance of examining the contemporary social and political panorama that keep these most inhumane practices in force. Particularly the indifference of state machinery deserves to be examined in full. Here exclusionary practices relating to Dalit identity are constructed in certain context-specific ways that are not necessarily fully akin to the situation in India or Nepal. However, in terms of severity of deprivation and exploitation that these people experience, the situations in these countries are not much different. It is important to identify the commonalities as well as to take the context specific variations into account.

a) Dalit identity in Bangladesh

Who are the 'Dalits' in Bangladesh? Do Dalits of the country form a homogenous group? How has Bangladesh society treated these people over the decades? How to explain 'Dalithood' in contemporary context? What are the factors that contribute toward continuous practice of untouchability, deprivation and exploitation? How can we explain Dalit people's exclusion in a 'democratic' polity? How do caste discrimination and other forms of exclusionary practices intersect? What can we learn from the historical development? These are the questions, *inter alia*, that, activists and thinkers in Bangladesh need to shed more light on – panellists and discussants argued. With deeper understanding about the intricate relationship that they have with state and society at large, it will be possible for the Dalit groups of the country to pursue social and political movement in more meaningful way to challenge and eradicate the deprivations and exploitations.

Many of the discussants aptly suggested that we need to be careful while using terms and vocabularies. Usage of terms involves politics. While the term 'Dalit' itself might be seen as somewhat disparaging in some contexts, we have to be aware that the term has got wider coinage because it highlights the commonness of sufferings and provides platform for shared struggle. Different segments of Dalit population have to grasp the essence of this usage.

However, at conceptual level we also need to sort out how we can reconcile different terms that have been in use. Terms like 'scheduled caste', 'harijan', 'ontaj', 'occhuto', 'nomo-shudro', and others have been in use and we have to reflect on how we can bridge the gaps in understanding and reconcile the differences. This might show that 'Dalit' as a term is useful for highlighting forms of extreme exclusions that different untouchable sub-groups go through.

Dr. Hameeda Hossain and other discussants brought fore the fact that to understand Dalit people's plight we need to focus on the greater context of social exclusion and pay attention to the political economy that contributes toward the continuation oppressive and inhibiting practices in the name of untouchability. Dr. Hameeda Hossain linked up the practices of untouchability with the overall unjust social structure that prevail in South Asia. "Our society in South Asia is unjust one; caste is the most representative form of that injustice" she observed. The liberation war of Bangladesh was a fight for achieving equality; however, we have not been able to achieve equality in everyday practices or in institutional settings. "Dalithood in society evokes master-slave relationship", Dr. Hossain reckoned.

While explaining the political economy and social psychology in relation to Dalithood, Dr. Hossain also underscored the point that society keeps on forms of inequality quite deliberately. While at times we feel good to think that we are free from the curse of casteism, the ideologies of purity-pollution are rather still widespread; in schools, even among the

children, we can see how deep-seated these practices are. Advocate Z I Khan Panna was unequivocal to identify that ‘the root cause for Dalithood and other forms of social exclusion was exploitation’.

Professor Dr. Iftekhar Uddin Chowdhury and other discussants brought in data to show that in Bangladesh there is significant number of Muslim Dalits – a fact that requires special consideration. Conversion is an issue that complicates the situation not only in Bangladesh; in Pakistan also religious conversion of the Dalits turn the situation rather murky.

b) Intersection of Caste and other forms of Social exclusions: Historical and contemporary forms

In Bangladesh neither historic nor the contemporary dynamism of the caste system receives adequate scrutiny. Even in the academia we have not got enough scholars with expertise in this area. Professor H. K. S. Arefeen from the department of anthropology, Dhaka University eloquently pointed out this paucity. “Unfortunately, I had learned things about South Asia in America, not in South Asia. Through my doctoral level training I got exposure to caste hierarchy. ... We don’t have scholars who specialize in this particular field of social history.” He insisted that to understand the nature and causes of descent and work based hierarchy, we have to grasp a number of issues, such as: What are the features of caste system? Why does caste system still persist? How does it work, function or keep on working? How has the characteristics of Hindu caste system been acquired by Muslim society in this region? Particularly the historical ways in which Muslim social stratification embraced some of the characteristics of caste discrimination is important to examine.

Along with understanding structural aspects of caste system, it is important to discern how other forms of exclusions have come to interweave with it over the years in this part of the world. The concept of ‘social exclusion’, which has gained significant prominence in recent development literature, might be useful in revealing the nature of this intersection, the discussants argued. We need to unravel the new ways in which discriminatory practices are shaped in contemporary democracies.

c) Conceptualizing ‘human rights’ and ‘Dalit rights’

In light of recent shift in international development discourse, Dalits are increasingly focusing on achieving rights and entitlements. This right-centric perspective is an offshoot of the human right perspective that has come to the fore at both international and national level. To engage with state machinery as well as with international agencies as part of fight against discrimination, Dalits have to relate their struggle with the relevant human right regimes.

d) Bangladesh Dalits and Dalits in South Asia

In India Dalits are most harshly subject of subjugation though Dalit movement has come of age there. While they have achieved a lot of success in term political representation, in parts of the country poverty and hardship remains at extreme level.

In Nepal Dalits are estimated to constitute 13% of population, though some estimates postulates it to be around 20%. Dalit women in Nepal are particularly vulnerable. Women are particularly the repressed as they are victim of illiteracy, witchcraft, domestic violence and trafficking. One study estimates that 60% of the Dalit women in Nepal are susceptible to human trafficking. Ms. Durga Sob, president of Feminist Dalit Organization (FEDO), in her presentations delineated these harsh realities in detail. Landlessness is another problem for the Dalits.

However, their strength is the resilience that the movement has gained over the years. The organizations there have gone through tough time while they have also observed some good things to occur. In June, 2006 Nepal was officially declared as free from all forms of untouchability. In recent years organizations have come together under the signpost of 'National Dalit Coalition'. In May, 2011 new constitution came about. At present Nepal has got a strong tradition of collective movement on Dalit issues. Altogether, Dalits in Nepal have achieved success in recent years in building bridges with political parties and civil society. In constitution they have got recognition and legal framework is more protective now, though practically they still have long way to go for eliminating untouchability.

In Pakistan minorities are being vanished rather quickly. In the constitution there is no scope for discrimination; Islam also has got no provision for discriminating. However, in practice forms of discriminations are pervasive. Altogether there is a 'culture of denial'. Forced conversion is a big problem in Pakistan where 90% of the girls are forced to convert to Islam, and, in the end they find themselves abandoned to take up sex work as profession.

IV. Problems of Representation: Census and Statistics related issues

Discussants highlighted many aspects of representation; they were particularly critical about the way national censuses treat these 'pariah' people. During the latest census in Bangladesh advocacy campaign was taken up for getting the Dalit population properly represented. However, in the end the census did not give much heed to the urge. The socio-demographic features of Dalit people were not documented officially and what we know at now is shrouded with ambiguities.

In relation to census and statistics, the main points that came up at various points are:

- a. Since national censuses do not represent excluded people properly, efforts need to be undertaken for generating proper census so that we get reliable statistics about demographic and social aspects of Dalit population.
- b. For the purpose of embarking on practical action, availability of desegregated data is an imperative. Therefore country-, region-, and distinct-wise data and statistics can provide crucial guideline for policy makers as well as for advocacy and lobbying.
- c. However, it is worthy to remember that statistics might be misleading at times. We need to have precise data and information, at the same time we also need to put stress on qualitative aspects of sufferings and violence.
- d. Statistics and number need to be strongly supported by description, narration and ethnographic representation.

V. Forms and magnitude of exclusion, deprivation and rightlessness

In terms of discussion on exclusion and deprivation, major focus was on the situation of the Dalit communities in Bangladesh. Panelists from other South Asian countries linked up the issues to what they go through in their own countries. Two papers presented in two different sessions on the first day delineated the abject situation that Dalits in Bangladesh experience continuously; the papers also traced the achievements that movements have attained so far. In first thematic session Professor Iftekhar Uddin Chowdhury talked in detail about the social exclusions and economic discriminations that Dalit people in Bangladesh endure. Mr. Mazharul Islam, in his paper presented in the inaugural session on behalf of Nagorik Udyog and BDERM, revealed intriguingly the uphill tasks that extremely excluded people of Bangladesh currently have in hand.

Professor Chowdhury's paper referred to the caste system and its history in Indian context and showed that current practices of 'untouchability' are clear part of this system. "Untouchables" are stigmatized, ritually polluted and despised people who rank at the bottom of the society. However, exploration of the reality shows that the status of different low caste, scheduled or untouchable communities are not similar; the nature and extent of discriminations they experience at different levels varies. Along with Hindu Dalits in Bangladesh there also are a significant number of Muslim Dalits whose situation merits special attention. There also are Christian Dalits.

Despite the variation in beliefs, they all the extremely deprived and subjugated in terms of job, housing, education, health facilities and other services. Forms of exclusion and oppression include:

- limited choice of work;
- restriction in choosing job or profession;
- low payment in workplace; forced labour;

- under-payment or non-payment for work;
- restriction in opting for dwelling place;
- unwelcoming and hostile environment in schools and other public institutions;
- restriction and hindrance in participating in social and political decision making processes;
- land grabbing, eviction and displacement;
- fraud and trickery in buying and selling land;
- forceful seizure of crops and other possessions;
- denial of access to justice;
- violence against women by way of rape, torture and abuse;
- teasing and harassment in public places such as tea stalls or public gathering spaces;
- non-access to drinking water, toilets and other sanitation facilities.

In case of housing, Dalit people are going to face serious problem in coming years, Professor Chowdhury warned. A section of the *sweepers* and *methors* who are employed by the government and live in government allocated dwellings ('sweepers' colony), will lose their legal right to live there by the year 2014. Therefore, this issue deserves to have immediate attention from everyone concerned.

In our everyday life we practice untouchability in different ways; but we do it in a way as if these are some trivial issues not to think over seriously. Even in the temples Dalits are not allowed to touch the religious scriptures; in the universities teachers do not like to have their tea served by a Dalit staff – these things we keep on doing and we remain totally silent about these discriminatory practices.

Rakhi Mrong working with the NGO *Nijera Kori* described her field level experience and delineated the miseries that Dalits live in. She has seen the sufferings that Dalits in Jessore (a district in South-West part of the country) go through. Those who rear up pigs in Jessore don't have the least facilities of housing and shelter. On the other hand, in case of *Rabidas/ Joldas*, most of the families still don't get enough food to eat three times a day. Discussants agreed that we need to bring about more precise and accurate account of the reality. First thing to be done is ethnographic mapping of the ways in which Dalits are deprived of the rights that they are entitled to have and second thing necessary is to take in positive actions for counteracting the discriminatory practices.

Discussants, particularly those from grassroots, were keen to highlight the new forms of deprivations and sufferings that Dalits are experiencing at the moment. Panna Lal drew attention to some new forms of deprivations and denials. Particularly concerning is the fact that land possessed by the Dalits is being grabbed forcefully at different district – in both

urban and rural localities. “There is an on going conspiracy for snatching away the land of the colonies that urban Dalits reside on. Ancestral land in rural areas is gradually being taken up by the powerful segment of people,” Mr. Lal underlined. He also stressed that Dalits do not get access to the government land that from time to time is allocated to the extreme poor people. “Even in the existing law, Dalits cannot apply for *khas* land as their ancestors were not farmers,” he pointed out.

For a Dalit person it is not easy to buy in a piece of land even if he attains the ability to do so. There are legal and practical complications that deny the person to have access to land ownership. On the other hand, selling out a plot of land also is complicated enough for Dalits. Advocate Babul Rabidas described an incident that took place in northern district of Joypurhat. Members of Dalit communities there gathered in the district headquarter for the purpose of a rally; they then went to a tea stall and took tea there. Lawyers of district court then rushed to the tea stall and declared that all the utensils and cups-pots that the Dalits had used became ‘untouchable’ and polluted. They forced the Dalit leaders to apologize and buy in new utensils. However, Dalits later on registered their defiance to this act in collective way and the incident was covered by national dailies.

Dhoradevi Das, a participant from district level, stressed that the practices of untouchability are still more in vogue in the rural areas as the level of resistance is least formed there.

It was also reported that new forms of refusals are coming about gradually. Sweeps no more feel secured in their job – their jobs are being grabbed away by the majority people, at times through corruption and manipulation. In city corporations and municipalities, sweepers and methors would traditionally come from Dalit background; now, these jobs being taken up Bangalee Muslims and non-Dalits.

Dr. Hameeda Hossain drew attention the backlash that Dalits and other marginal people currently experience as they make effort to become more visible. She warned that the backlash from the institutional settings is likely to become more violent. “We hear the reports how Dalit children are thrown away from their educational institutions; we hear how a lawyer is mistreated by his colleagues in the bar council; we know how tea garden workers and labourers face exploitation in their everyday life,” she connected to the audience.

It was argued that measures should be taken up in consideration of these recent opening outs. Legal and administrative steps are to be perused so that Dalits have easy access to selling and buying land; whereas existing system involves so much of complexities and loopholes for harassment, the process should be turned easier for more convenient transactions. Another point that the presenters and speakers stressed on is related to the budgetary allocation that

the government of Bangladesh has made recently for improvement of housing and settlement of sweeper (*dhangor*) community. It was argued that Dalits active participation should be considered as an imperative.

VI. Identity, Recognition and Dignity: Paving way for asserting rights and entitlements

How to eliminate the trauma and stigma that are associated with Dalit identity? How to overcome the ordeals and distresses that are deeply rooted in the conscience and understanding of these marginal people? What are the ways of reclaiming the *self* of Dalit men and women? How can Dalit people re-imagine themselves as dignified human being? – Finding out realistic resolution as regards these questions was identified as one of the most pertinent areas for thinking over and taking action.

These issues featured discussion in Different session. Mr. Mazhar in his presentation in the inaugural session highlighted some of the **accomplishments that Dalits' collective efforts have come to achieve** in recent years. In the beginning it was due to relentless efforts of Mr. B. G. Murtee – the pioneer of Dalit movements in Bangladesh – that the issues had started to come to the fore. In the subsequent years the movement gained force and recognition to a remarkable extent. At the time of National Parliament election of 2008, a number of political parties appreciated the importance of Dalit issues and reflected accordingly in the issues in their election manifestos. Among the civil society organizations the issue has gained ground gradually. It is noteworthy that even ministers also attend the programmes organized by Dalit people. In recent time, because of lobbying from Dalit organizations, government has made special allocation for constructing housing facilities for the *dhangor* community.

Importance of solidarity at both national and international level was highlighted by delegates from India. Drawing on her experience, Ms. Manjula Pradeep argued that it is important to turn Dalits' exclusion issue into a national problem. "In India we, through long struggle, have become successful in making Dalit issue a national issue. In Bangladesh you also need to do so," she said. For achieving this goal both strong organizational setting and international solidarity are important. Strong movement requires strong leadership. Solidarity at both national and international level can make the issues more visible and obvious.

Ms. Durga Sob of FEDO, Nepal reflected on the ways in which peace building at national level and overall political transition shaped the movement of Dalits in Nepal. Minority or marginal people's movements cannot operate in isolation from national political processes. It was through becoming integrated part of national transition process that Dalits' right got recognition in Nepal's new constitution.

VII. Seeking rights at different levels

Mr. Saiful Hoque, leader of Revolutionary Workers' Party made two specific proposals in relation to seeking Dalits' right: a) In annual budget government should make special allocation for the improvement of condition of Dalits. Current allocation is too scarce. Moreover, government's five-year plans also should have allocation targeting this. b) In school textbooks there should be chapters dealing with the issues of untouchability and exclusion. It should aim at enlightening pupils about the dark side of the practices. Mr. Hoque also argued that in government jobs these marginal people should get fair access; they should not be left behind on the ground of sensitivity. Quota system and other affirmative actions should also be seriously mulled over

Mr. Paul Divakar, General secretary of Dalit Arthik Odhikar Andolon, India, outlined the ways in which movements should target achieving goals. He said that movements can target to achieve different things. Dalit organizations need to keep a number of points in consideration in order to ground their movements conceptually and to grasp different dimensions of reality. First, the movements should make the system of caste the prime point of focus. They should work for annihilating caste hierarchy as a system. Campaigns should underline the most inhumane practices of hierarchy that in no other part of the world other than South Asia are practised this severely. "Hierarchy, exploitation and abhorrence for each other – these are inherent feature of this system. Parents here kill their children for marriage beyond caste; patriarchy and caste form stained alliance and give sanction to crudest malpractices", he noted. Second, anti-caste movement should grasp the essence of global debate between Gandhi and B. R. Ambedkar. At the core of this debate is the point that for the Dalits mere political freedom is not adequate; social freedom is of utmost importance for them. Therefore, both social and political emancipation should feature collective struggle of Dalits. Third, in light of contemporary trends in international development discourse, movements need to find ways to juxtapose Dalits right to human rights; efforts for securing Dalit right should be aligned with right based approach of development. Dalits' rights are human rights. It's within the framework of national and international human rights documents and institutions that Dalits can strongly negotiate against denials and seek entitlements. Fourth, we have to be careful about the representation – efforts have to be made for building awareness and positive portrayal. We, collectively, have to think: how we can have a new generation that will be free from caste prejudices? In what way this learning can be spread that untouchability is unacceptable? One way for putting out this learning is to have proper information and discussion in curriculum and textbooks. Fifth, special attention we may put toward budgetary allocation of the government. How much allotment is made by the government for the improvement of excluded people's condition? In what way can be increased? How much share does this particular section of people get from the public exchequer? We need to remain alert about these issues all the time.

Mr. Divakar observed that there is a big wall between these excluded people and the rights that they are entitled to have. “If we have to become the agents of our own liberation, we will have to break this wall first”. He also told the audience that ensuring the right to housing is big challenge in India. There is law as regards this which is not implemented.

Mr. Rem Bahadur B.K, Chairperson of jagaran Media Center, Nepal, insisted that understanding the discrimination in terms of ‘social exclusion’ might pave an effective way for understanding the grave reality; however, we have to keep this fact in focus that main responsibility for addressing the structural injustices lies with the state. Moreover, it is important to keep in focus how different forms of exclusions interact. Thinking about Dalits from a ‘minority perspective’ might help in illuminating some of the aspects; but, most probably this won’t be adequate to grasp the extensiveness Dalit sufferings. On the whole, in relation to rights and entitlements, the areas and strategies that were highlighted by the panellists and discussants include:

- Insisting on increasing government’s budgetary allocation for improving the condition of the Dalits, particularly for ensuring minimum standards in housing, sanitation and drinking water. Fiscal allocations should also be made for creating opportunities for more jobs. Along with annual budgets, five year plans also should make allocations keeping these goals in consideration.
- Efforts should be takes so that discriminatory attitude and practices as well as poverty and other factors that constrain Dalits from accessing education are eliminated from the society.
- Introducing school text book chapters with focus on the fact that our society still has these structural injustices in place and it is responsibility of every civilized individual to actively renounce and counteract such practices.
- Reserving seat in the Parliament and particularly reserving women’s seat should constitute an agenda for action.
- In the National Parliament there might be separate ‘Caucus’ with focus of exclusion and structural inequality.
- Dalits should be given special access to the safety net programmes that governments or other agencies take on.
- Dalits should have membership in different local committees at union council, upazilla and district level.

And, for achieving these goals it is important to forge strong movement. “We never have achieved any good thing without fostering strong movement,” Mr. Hoque said.

VIII. Framing law and ensuring implementation

The constitution of Bangladesh does not provide any specific provision against discriminatory practices though it generally speaks about principle of non-discrimination. Moreover, fifteenth amendment of the constitution might be seen as a setback as it disregarded the existence of indigenous people in the country.

Speakers of the consultation session agreed that our constitution should give recognition to the fact that in our society there are marginal and excluded people such as the Dalits. “Only such recognition can create the ground and rationale for the state to undertake special measures for the marginal people, and to frame laws and implement them where necessary,” Dr. Shah Alam, honourable chairman of Law Commission-Bangladesh, noted.

Dr. Hameeda Hossain said, “In Bangladesh, we, in general, are not willing even to recognize the fact that untouchability and extreme forms of exclusions are practised in our society. We always try to take recourse to Article 28 of the constitution which, itself, is neither adequate nor explicit enough.”

However, it was also noted that mere constitutional guarantee is not enough whereas even constitutional guarantees remain unmet in practice. In terms of framing law, countries in South Asia can draw on the experience of other country; particularly the experience of Nepal might be quite helpful for Bangladesh. International treaties and frameworks might guide the national level actions.

Advocate Babul Rabidas, a grassroots Dalit leader pointed out that, “Though we (Dalits) constitute about 4% of Bangladesh’s population, the constitution of the country only gives indirect recognition and does not provide any strong safeguard or protection for us.” Panna Lal brought forth the somber picture: “Whatever is there in the law books, grassroots experience shows that the condition the Dalits are going through is really dismal”. Mr. Lal argued that at district, Upazila and union parishad level, there are so many committees – such as development coordination committee, law and order committee or NGO coordination committee in which Dalits might be included as member. This will make sure Dalits’ interest is taken into consideration while framing or implementing development programmes or other activities.

A section of the panellists were also sceptical about what we might achieve through enacting law. Ms. Umme Hani Arif said, “We cannot always achieve things by framing laws. Recently we have got laws against domestic violence – but, it has done no good to us.” However, significance of framing law was vindicated when Mr Bhim Pariyar, former OHCHR Official in Nepal put the point this way: “Law cannot do everything; but, law can provide scope for creating pressure on the policy makers and government agencies”. This will also open up

greater scope for the citizens to go to the courts of the countries for seeking remedies if rights are denied. Mr. Pariyar pointed to the advancement that has already taken place at international level.

Ms. Rikke Nohrlind, Coordinator of International Dalit Solidarity Network (IDSN) in her presentations outlined the possible ways in which Bangladesh can draw on the legal achievements that UN and other international agencies have accomplished so far. She emphasized that government, UN Bodies, international organizations, NGOs – all have responsibility to work for uprooting descent and work based discrimination. Bangladesh government is a signatory of CERD and that can guarantee a lot for upholding equity. Moreover, UN has already provided draft guideline in this regard that Nepal has followed significantly. Rikke also stressed that law and policy should be based on data and should be validated in terms of reality. Comprehensive research may pave way for understanding the reality in better way. Moreover, government of Bangladesh can look into the laws and policies undertaken by other caste-affected countries. Aligning government efforts with international standards is important. The initiatives that a government takes should go in line with the principles set by the multilateral agencies such as UN. Rikke also drew attention to the points given below:

- In relation to Universal Periodic Review, the recommendations made the special UN Special Rapporteurs should be taken into consideration.
- Different UN organizations such as UNDP and OHCHR might play more active role
- National Commissions (such as NHRC) has to be made more sensitive and avenues should be explored for ensuring their more active role in eliminating caste discrimination.
- Multiple stakeholder cooperation is needed for the improvement of the situation.
- Bangladesh can take significant lesson from other South Asian country experience particularly from Nepal experience

However, speakers were unequivocal on the point that law framing needs to be complemented with change in attitude and understanding. Along with framing and implementing laws against discrimination, it is also important to pay particular attention to the ways in which intersection of gender and caste take place.

Rakhi Mrong, an grassroots development worker, was explicit in reflecting the attitude of the marginal people. “In the present situation framing anti-discriminatory law is mandatory,” she stated. She also demanded that at least one seat in the National Parliament should be reserved for the most marginal/ Dalit people.

Overall, the speakers and discussants highlighted the following points in relation to framing law and implementation:

- The UN Sub-Commission study and draft Principles and Guidelines, the CERD General Recommendation No. 29, other UN human rights instruments and treaty body recommendations form a valuable base for international as well as country level efforts toward the elimination of caste-based discrimination.
- Prohibition of racial and caste discrimination forms the base of a nation's civilization.
- Bangladesh became independent as a response to contempt of human rights on the ground of racial discrimination. Therefore, the spirit of liberation provides ground for framing anti-discrimination and anti-untouchability laws.
- The government has signed and adopted many international conventions (e.g. Convention on the Elimination of all forms of Racial Discrimination, International Covenant on Civil and Political Rights). We need to follow up government's engagement with related follow up processes.
- Introduction of specific laws that prohibit discrimination, untouchability and violence towards caste affected communities [e.g. Untouchability (Control and Punishment) Act in Nepal and the Prevention of Atrocities Act in India and the proposed amendment to outlaw caste discrimination in the UK Equality Bill 2010] should provide ground for further strengthening of legal measures. Bangladesh can take encouragement from these laws.
- Adopting affirmative measures such as quotas and reservations in parliament and legislative elections, higher education and civil service. Adopting special provisions in relation to education and health.
- Establishing and strengthening statutory bodies such as Dalit Wing at National Human Rights Commission.
- Allocating resources to development schemes and benefits targeting caste-affected communities.
- Security sector reform and training of officials. For example training Bangladesh police officers in how to file cases under appropriate legislation.
- Including the needs and priorities of caste-affected communities' in the development of country strategy papers and plans.
- Possibility of forming Dalit Commission might be explored.
- Land reform and distribution of *khas* land (amending *khas* land settlement policy)
- Reservation in government service and educational rights
- Health scheme
- Food rationing
- Right to employment scheme
- Right to housing scheme
- Right to representation (quota in parliament and local government bodies)

X. Looking at strengths and opportunities and highlighting achievements

Along with discussion on deprivations and sufferings, a number of discussants were eager to shed light on the stronger and positive aspects of Dalit communities. Ms. Manjula Pradeep proposed that a catalogue of best Dalit products might be made and this might be shared across the country. Arrangement of annual fair or exhibition might be a good idea. Such exhibition will celebrate the creativity and arts of Dalit men and women. The fair might be organized at regional level too. Particular purpose of such events would be to highlight the craftsmanship of Dalit people and give encouragement to them.

XI. Institution building for redressing the injustices and safeguarding rights

It was argued that efforts should be taken to make best use of the existing institutions such as National Human Rights Commission and Law Commission. Professor Shah Alam in his address highlighted the importance of dialogues between Law Commission and Human Rights Commission. He stressed that at this stage more focus should be on taking up affirmative actions.

Other discussants were interested to explore the possibilities of establishing Dalit Commission and they said that bridging between international and national level institutional arrangements is very important.

The position that the participants were keen about is that untouchability should become a punishable offence. In India and in Nepal they have enacted protective legislation – we need to think in that line. “Once you have got the legal frameworks, you can take up collective movement and create pressure on the government,” Professor Shah Alam noted.

XII. Networking and coalition building at different levels

(at local/ sub-national, national, regional, international/UN levels)

Mr. Saiful Hoque suggested that South Asian Dalit Civil Society or a platform like this can work as a common platform for fighting the injustices. It is important to let governments know that their activities are being monitored. Similarly, it is also important for the communities to know that they have greater platforms to share their struggle.

At international level, IDSN has been doing relentless work for about ten years now. UN Human rights machinery has become fully aware and sensitized about the exclusions based on work and descent. Rikke Nohrlind in her discussion in different session highlighted how local level movements and international initiatives are being supportive to each other. Through UPR mechanism Bangladesh government has given recognition in the state report that has been submitted to UN working group on UPR to the fact that work and descent based discrimination is still in practice. However, throughout last decade UN bodies have been expressing

continuous concern about the situation and lack of strong measure from government side. She expressed her hope that Office of the High Commission of Human Rights would soon start working Bangladesh. IDSN has learnt through its experience that strong solidarity is an imperative for fighting against rampant exclusions and discriminations.

A number of speakers offered their thinking about the possibility of networking and coalition building at South Asian level. Paul Divakar said, “We have started to share things. This sharing is important but we might work to create a common platform for fostering collective movement at regional level.” He was in favour in creating regional level pressure group which should be formed in a way that we are able to reach and approach the heads of states. He also opined that consultation with the MPs and political parties at regional level might be of great use.

Padam Sundas, Chairperson of SAMATA Foundation, said Nepal experience showed that building bridges with political parties and civil society was crucial in bringing changes. “Most important thing is building effective coalition with civil society, political party and Parliamentarians,” he noted. Now Dalits have representation in the parliament –this was possible due to efforts from civil society organizations. Even it is important to make alliance with other marginal groups. Nepal experience shows that even the indigenous people also make discrimination against the Dalits – therefore it is important to engage in dialogue with them. Mr. Sundas said that he was in favour of taking up joint effort at South Asian level.

Ms Manjula Pradeep reflected on the challenges of forming collective force at regional level. She said that we have got two-fold challenges before us:

1. How to prioritize issues? What do take up as most pressing among the issues and make them into regional issues?
2. How do we address urban-rural diversity?

At this stage of globalization new issues are coming up including the problems of unemployment and trafficking. These problems we can perhaps we can deal more consequentially if we work at transnational level.

For building collective movement or forum at regional level, what we need to do is find out and agree about the ‘common grounds’ that we have. Moreover, we can work at conceptual and understanding level. Sharing information, knowledge and experience is important. We can learn from each other. “Dalit Resource Centre” might also be established. We may shed light issues such as our commonality and differences. Caste-ism is not of similar form in every part of the sub continent. We may ask questions such as this: Is Ambedkar a regional leader? – These critical reflections and sharing would pave way for more collaboration at regional level.

Sonu Khangarani, representative from Pakistan said, "First of all we need to have clear understanding about the situation that prevails at different parts of the sub continent. Census etc. does not give much idea about the reality." He was in favour of creating South Asian forum since such forum will provide opportunity for pursuing things across the border.

Professor Delwar was critical about the prospect of using SAARC as a regional platform for fighting against caste discrimination. "At regional level SAARC has a history of showing unfortunate silence about the issues of human rights. SAARC-centrism will not of much of help. Strong people's initiative would be of more effect", he noted. He also said that qualitative change at regional politics and people's initiative can create a more helpful forum for working together.

Rabindranath Soren reflected on coalition building at national and sub-national level. "We needed to have more political leaders present here in this discussion session. It is the political leaders who have power to change things. They can work for changing the character of state and society. Who are we asking for framing law?" He was clear that networking should reach the most influential people of the polity.

With respect to networking and coalition building the points that was acclaimed by the discussants include:

- Coalition building between Dalits and non-dalits, CSOs and citizenry at large
- South-South and regional cooperation
- Taking Non State Actors (NSA) as major driver of change
- Going beyond government channels and building bridges between citizens
- Having trust in people's initiative
- Networking at local/ sub-national, national and regional levels
- Make friendship with political leaders who are most influential in framing laws and policies
- Strengthening lobbying with the civil society
- Taking in joint efforts and creating common platform at international level

XIII. Advocacy and lobbying

(Strategizing the movements in a way that greater citizenry is taken on board)

Mr Mazhar in his paper highlighted the international level achievements. We have got already. 2009 UN guideline is the result of unremitting efforts for years. UN expert reports have highlighted this issue. IDSN has been doing excellent work for long. Turning the issue into public discourse is very important. Ms. Manjula argued that it was possible in India and the

similar thing needs to be done in Bangladesh. Breaking the silence and questioning the culture of 'taken for granted' are among the important agenda in Bangladesh context. Making best use of Media is very crucial in today's context as Dr. Hameeda Hossain noted, "We need to reach out the media effectively".

XIV. Fighting differences and inequalities within the community

(Particularly overcoming *gender discrimination*)

Emphasis was given on the importance of forging unity across diversities. Despite variation in situation among different Dalit communities, it is important for them to develop solidarity and fight against discrimination in unified way.

Identifying the forms of 'untouchability' that are practised even within the Dalit communities is important. This will then lead to the exploration of the impediments and constraints that hold back solidarity building amongst the Dalit groups.

Rabindranath Soren was critical about the state of solidarity with Dalit population in Bangladesh. He said that in terms of organization building and forging collectivity Dalits in Bangladesh are in very fragile state yet. "The community misses clear understanding about its situation and the course of action necessary to be taken up. What the government has done recently by throwing in some money in the budget could turn into an issue for creating more faction. Dalit men need to come forward and take strong position." he noted.

Speakers were critical about men-women relationship in the Dalit communities. One speaker said the Dalit men that they needed stop coming home after being badly drunk with *haria*. Other speakers were concerned about the divide between urban and rural population. Focus was also on issues such as: sharing experiences and eliminating differences; mending the problems within the Dalit *panchayet* system; addressing the issues such as men-women divide, gendered violence, and masculine anarchy.

XV. Dalit women's struggle

There was a session dedicated to analyzing women's situation. Franziska Korn, keynote paper presenter said, "First of all, Dalit women will have to be convinced about what they want to do and what they want to be. Do the Dalit women get the opportunity to speak for their own? Who do speak for Dalit women? Do the women feel that they should have a collective forum?" It was noted that Dalit women have to have strategies for their own struggle. They need to have clear vision as to what the obstacles are there in the way of their empowerment.

Moni Rani Das, chairperson of Bangladesh Dalit and Excluded Women's Federation, said "At times it appears as if husbands are the main constraints in women's struggle. For a Dalit woman it involves more challenges than a Dalit man to become active in movement. However, to do movement you always have to make some sacrifices. ... I went to many parts of the world. I went to India – to Gujrat. There I saw that women are having time even tougher than us. However, they have unity among them. That is their strength. We will have to work for this."

"We will have to change our family and society. If our own/ intimate society changes, state will not prove to be any big obstacle before us. We will have to go beyond the conventional professions. If we are able to be in professions such as physicians or advocates, we will overcome many predicaments."

Sonu Rani Das, another young leader of Dalit women, said, "Dalit women should come out of their own reclusive realm. They need to talk to others – have to open up their views about the world." She noted that creating opportunity for education was vital – particularly opportunity to go for higher education is an imperative.

"We see so many men coming up to attend gatherings like this? Why cannot women come here? This we need to think about." Sonu reflected. She also highlighted the problems with Dalits' own *panchayet* system. It is particularly important to fight against dowry and early marriage. We have to give up our prejudice. "Elakar panchayet amar dike chokh pakiye takay. [Local panchayet leaders stare at me] ... they need to understand that my efforts are for the advancement of my community," Sonu observed.

Manjula Prodeep brought in regional perspective with regards to Dalit women's struggle. She said for women it was important to break the silence, speak out and raise voice. Then they can go for building movement at national level as well as regional level. She urged the importance of arranging South Asian Women Convention. "Take the movement forward with equal participation of both men and women," she appealed to the participants. Ms Rikke Nohrlind said that Dalit men should express full solidarity to Dalit women

XVI. Doing more research

Panellists and discussants agreed about the importance of taking up more research so that it is possible to map the reality and chart the benchmark situation.