

Joint NGO submission related to the review of Bangladesh for the
fourth cycle of the Universal Periodic Review

Situation of Dalits in Bangladesh

Main submitting organization



In collaboration with:



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This NGO report has been jointly prepared by:

BANGLADESH DALIT AND EXCLUDED RIGHTS MOVEMENT (BDERM) is a national platform, founded in 2008. The platform has been carrying out campaigns against caste-based discrimination by mobilizing the Dalit community and rights activists since its inception. BDERM dreams of an equal society free from caste-based discrimination. BDERM works at both the national and international level and is presently working actively in 56 districts in Bangladesh and has made a huge impact in bringing Dalits' issues to the forefront.

NAGORIK UDDYOG (NU) (Citizens' Initiative) was founded in 1995. Since its initiation, this Bangladeshi human rights and development organization has been working relentlessly to build a self-sustained egalitarian society. The main focus of this organization is to engage the community in establishing human rights at the local and national levels and increase the access to justice of communities left behind. NU works towards protecting the rights of women, children, Dalits, minorities and informal sector workers. They also protect and conserve the environment and input into the democratic & development process.

PARITTRAN is a non-governmental organization created in 1993 by a group of Dalit students and is based in Lakshmanpur, Bangladesh. As a community-based organization, it works to promote the well-being of marginalized and disadvantaged communities notably Dalits, Indigenous peoples, children, youth and women. Parittran has developed comprehensive programmes to ensure the inherent rights of marginalized people are respected. Parittran works on evidence-based advocacy, civil society strengthening, legal assistance, capacity building, ensuring sexual and reproductive rights and promoting equal access to education. The organization has a nationwide presence throughout 54 district committees, 8 divisional committees and a central committee.

DALIT has been working since 1998 for the empowerment of Dalits and socially excluded segments in society to improve their socio-economic status through education, health, human resource development and gender development. Dalit also works towards securing women and girls' rights, youth and girls' empowerment, promotion of ayurveda medicine, better livelihood options, WASH, climate change adaptation, access to justice, food security, emergency response and knowledge and capacity development. Its motto is to uphold self-respect and human rights as well as establish the dignity of Dalits and people from marginalized communities.

THE INTERNATIONAL DALIT SOLIDARITY NETWORK (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 Dalit led organisations in caste-affected countries, Dalit Solidarity Networks and international associates. BDERM, Parittran and Dalit are members or affiliates of IDSN. IDSN holds Special Consultative Status with the United Nations Economic and Social Council.

I. INTRODUCTION

1. Bangladesh has completed three cycles of the UPR, in 2009, 2013 and 2018. During the first review, in 2009, Bangladesh received 45 recommendations covering minority protection, poverty eradication and access to justice and public services. None of the recommendations directly addressed caste discrimination or protection of Dalit rights.
2. During the second cycle, two recommendations out of 196 addressed Dalit rights and/or caste-based rights violations. A further nine recommendations referred to the rights of vulnerable groups.
3. During the third cycle only two recommendations or questions directly addressed Dalits and lower castes, which were not accepted. Eight recommendations were made on ethnic and religious minorities and the Anti-Discrimination Bill. The recommendations supported by Bangladesh included three on the Anti-Discrimination Bill made by Georgia, Thailand and South Africa, and three on ethnic and religious minorities by South Africa, Austria and France. During the review, the State representatives did not make direct reference to Dalits but commented on the Anti-Discrimination Bill, stating that they would consider two drafts of the bill – one prepared by the Law Commission and one from the National Human Rights Commission.
4. This joint submission focuses on the third review cycle recommendations concerning ethnic and religious minorities and the Anti-Discrimination Bill which were accepted by the Government of Bangladesh (GoB). The observations are based on government data and reports, independent studies and recommendations by the UN.

II. BACKGROUND

5. Out of the total population of approximately 169 million, the estimated number of Dalits in Bangladesh range from 3.5 to 6.5 million. Caste systems and what is broadly referred to as ‘untouchability’ practices are most commonly associated with Hinduism, but in Bangladesh these traditions and practices have also been adopted by sections of the Muslim majorityⁱ.
6. Historically, Dalits have been oppressed by dominant groups in society while the majority are underprivileged and struggle for job opportunities. Like caste-affected communities in other South Asian countries, Dalits in Bangladesh are often forced to undertake specific types of labour as a consequence of their assigned caste status and are most commonly associated with the profession of "Jat sweepers" or “Horijon”. As a result of their limited access to employment, Dalits almost exclusively work in ‘the service sector’, performing jobs considered to be ‘unclean’ in urban areas such as street sweeping, manual scavenging and burying dead bodies. Many Dalits are stigmatised as a result of their profession and experience isolation and social exclusionⁱⁱ. Within the Hindu community, the Dalit population

remains especially marginalised and subject to discrimination, not only by the majority population, but also by more affluent, dominant-caste Hindus who may, for example, exclude them from certain rituals and shared spaces such as temples, restaurants and marketsⁱⁱⁱ.

7. In Bangladesh, Dalits also face discrimination in their access to housing and land. They are segregated in colonies and unhygienic slum areas and are often systematically excluded from access to water and sanitation^{iv}. While most non-Dalits in the capital boil or filter their water, the economically deprived and discriminated Dalits have little or no access to safe water sources. Though numerous measures by the GoB have been made to improve water and sanitation services for the general population in urban as well as rural areas, it has had little effect on the country's Dalits^v. The majority of Dalits are landless, and their houses are often located in abandoned fields or on khash (government owned) land near roads or pastures. Dalits face widespread poverty, ostracization and food insecurity and are subject to land grabbing, violence and forced conversion^{vi}. Dalit students face exclusion from many educational institutions along with discriminatory practices such as being forced to clean classrooms, fetch water or compelled to sit on separate benches.

III. IMPLEMENTATION OF UPR RECOMMENDATIONS

A) ENJOYMENT OF EQUAL RIGHTS AND SOCIAL AND ECONOMIC INCLUSION

8. During the 2018 third cycle, the GoB accepted three recommendations regarding anti-discrimination legislation.

147.25 Further accelerate the process of adoption of the anti-discrimination legislation (Georgia)

147.26 Expedite the formulation of the Elimination of Discrimination Act (Thailand)

147.27 That the anti-discrimination law be drafted to protect the rights of marginalized communities and that it be consistent with the 2030 Agenda for Sustainable Development (South Africa)

Status of implementation

a) Anti-Discrimination Bill

9. The Constitution of Bangladesh declares equal rights for all citizens and prohibits discrimination on the grounds of religion, race, caste, sex or place of birth^{vii}. However, Bangladesh still has no laws or institutional frameworks for addressing 'untouchability' and caste-based discrimination practices. Responding to the persistent and widespread discrimination against Dalits in Bangladesh, in 2013 Bangladesh Law Commissions engaged with Dalit human rights defenders and organisations working on Dalit issues to introduce anti-

discrimination legislation. The draft act (Anti-Discrimination Act) was submitted to the Ministry of Law, Justice and Parliamentary Affairs in April 2014 by the Law Commission. Subsequently, the National Human Rights Commission of Bangladesh (NHRC) submitted another Draft in 2018.

10. On 5 April 2022, the 'Anti-Discrimination Bill 2022' was placed in Parliament for approval. The Bill had been sent to the parliamentary standing committee of the Ministry of Law, Justice and Parliamentary Affairs for further review and comments. Although this Bill is supposed to prevent discrimination, Dalit communities have raised several issues with the draft legislation. The Bill itself does not specifically mention nor define the communities or individuals that it is meant to protect. The Bill does not make discrimination a punishable offence, neither is untouchability covered as a form of discrimination.^{viii} Civil society groups fear that the proposed system would create a long trial process, forcing people to complain to the District, Divisional and National Committees. Another key aspect that is missing from the Bill is a provision prohibiting hate speech. Civil society working for the improvement of vulnerable and minority groups face significant hate speech online and in the media, however the Bill does not criminalise this practice.^{ix}

b) Inclusion of Dalits in the national social and economic development plans

11. In 2012, the Prime Minister issued a Directive calling for special measures to include Bede, Dalit and Harijan communities in the Social Safety Net Programme, enhance food security and allocate funds for housing. The 2014 Bangladesh National Social Protection Strategy (NSPS) expressed a commitment to end social and economic discrimination through legislative and other measures, including access to basic services - education, health, nutrition, family planning and water supply and sanitation. In the 2012-13 fiscal year, the GoB allocated over 6 million BDT for scholarships, income generation training and social security, including old age and maternity allowance for Dalit people. In 2013-14, the area of outreach increased from 7 districts to 21, with allocation of around 80 million BDT. Additionally, in 2014-15 around 90 million BDT was allocated to the programme, aiming to benefit 14,427 Dalit people. The increasing budget allocations, while not yet sufficient to meet the high needs of Bede, Dalit and Harijan communities, does demonstrate an increasing recognition of the needs of these communities by the State. Although the Ministry of Social Welfare enacted the “Dalit Harijan Bede (Gypsy) Development Program Policy” in 2013, the current Department of Social Services eliminated the title of the program and uses the term ‘backwards community’ rather than Dalit, Harijan and Bede.
12. The GoB has also enacted a National Strategy for Water and Sanitation on Hard-to-Reach Areas and Hygiene Promotion Strategy aimed at delivering context-specific equitable and inclusive sanitation and hygiene. Regrettably there is no official data regarding the implementation status of the programme on the access to safe drinking water and sanitation.

13. For these initiatives to truly succeed, the long-standing exclusion of Dalit communities from these protections have to be addressed. Dalits have been unable to access these programmes due to the lack of knowledge about their rights and stigma that prevented them from seeking and gaining enrolment. Dalit communities complain that it is non-Dalits that benefit from government programmes. For instance, according to a local media report^x, in the Bhola district the Department of Social Welfare received 25 lacks 92 thousand taka for an educational stipend for 63 Dalit students and an allowance for 580 elderly Dalits. Although the government officials claim there was an appropriate distribution of the funds, the General Secretary of BDERM stated that only 100 of the 580 elderly people receiving the allowance were from the Dalit community.
14. While general schemes to promote the enjoyment of equal rights and social and economic inclusion indirectly address the needs of Dalit communities, they must be accompanied by strategies and corresponding budgetary allocations to meet the specific needs of Dalits. For instance, although 20% of Annual Development Programme Funds have been allocated to the local government institutions to improve sanitation^{xi}, no specific strategy or budgetary allocation has been made to ensure discrimination-free access to safe drinking water and sanitation for Dalits.

c) Housing and eviction

15. Dalits living in so called 'colonies' in urban areas, without adequate water, electricity or sanitation live under constant threat of eviction. In 2019, 108 families were forcefully evicted from the Gopibagh Railway Colony of Dhaka on February 1 and are still living out in the open in miserable conditions^{xii}. As of February 14, 2023, nearly 1,200 residents of the Telegu community living in the Dholpur Colony of Dhaka live in fear of being ousted, after the Dhaka South City Corporation's directive to evict the colony without a rehabilitation settlement^{xiii}. Since Dalits generally cannot rent or build houses outside their designated localities due to their caste and occupational identity, the evicted families face major difficulties when trying to secure housing.
16. The GoB has constructed apartments for Dalit cleaners in some cities. However, these apartments are allocated only for the employees of the city corporations, meaning only Dalits who are registered on a permanent basis or employed as cleaners who are contracted on a temporary basis are allowed to live in these settlements^{xiv}. As a result, the Dalits working in the private or informal sector are deprived of their housing rights. This decision has created further discrimination and conflict among the community. The Dalit community has demanded that housing should be allocated for everyone, irrespective of their employment status. It is also important to mention that the apartments built under these programmes are insufficient to meet the demand.

d) Water and sanitation

17. Dalits are facing a severe water and sanitation crisis in urban and rural areas. In urban areas, Dalit colonies are usually situated around unclean locations on the periphery of society, with overflowing or choked drains, open sewers, lack of latrines and bathrooms and near garbage dumping sites. In urban areas, Dalits largely depend on reservoirs for the preservation of water, which are not cleaned regularly, thereby making water unsafe for direct consumption and causing vector borne diseases. In rural areas, the water crisis is acute due to the lack of water sources, but Dalits are often prohibited from using these common water sources. Moreover, the tube wells allotted are usually situated in a non-Dalit locality. As Dalits do not hold land titles for their housing or land, they are often considered ineligible for an allotment of sanitary latrines by the government. Thus, the lack of developmental assets, coupled with the consistent threat of eviction from government or unauthorised dwellings, makes it an unviable option for Dalits to invest in sanitary latrines. The perceived notions of caste hierarchy have resulted in Dalits' inability to rent or buy their land from other communities to construct houses or sanitary latrines.
18. A 2015 study^{xv} conducted by BDERM and NU found that 89% of rural Dalits use shared (common) latrines and 43% of their toilets are hanging latrines. 90% of the respondents used latrines without a roof or with a broken roof, restricting their use during the rainy seasons. The absence of electricity in the latrines raises safety concerns for Dalit women when using them at night. The latrine sheds are constructed of tin and plastic causing serious privacy issues for girls and women, are unhygienic and pose various health hazards.
19. The study also indicates that in rural Dalit settlements 32% of latrines were of ring slab, 25% pit latrines, 43% hanging or open latrines and 89% of Dalits in rural areas used shared latrines. On average, 16 households or 84 people use one water point in Dalit colonies in Dhaka city, and 8 households or 40 people use one latrine. 21% of Dalit households in rural areas have their own tube wells and 65% share common tube wells. The remaining 14% use surface water for drinking and other purposes. Both in rural and urban areas, many Dalit colonies do not have legal water points and are forced to use unauthorized connections. Additionally, even the most fortunate Dalits cannot even dream of getting 20 litres of water a day, affecting women and children most severely.
20. The national development activities have not yet prioritised the issue of water and sanitation for Dalits. Despite the government initiatives in place, the GoB has a long way to go to ensure dignified life and access to adequate and suitable water and sanitation services to Dalit communities. The lack of gathering of caste disaggregated data on the availability and access to water and sanitation results in the lack of attention to the issue not only from the government but also from civil society, academics and experts.

e) Health

21. Dalits face discrimination in accessing medical amenities in public, private and even in NGO-facilitated centres. The study undertaken in 2014^{xvi} shows that 21% of Dalits face discrimination in getting medication from hospitals. 15% of the respondents said that doctor and dispensary did not provide them adequate treatment or medicine due to their caste and professional identity. 26% said that a doctor or a midwife refused to visit a patient in their house.
22. Currently there is no official recognition that specific groups, like Dalits, are particularly vulnerable to ill-health, and therefore deserve special protection and access to health entitlements. Health surveys and research programmes on the national public health situation do not pay special attention to child and maternal health conditions in the colonies and settlements where Dalit communities live. The issues faced by Dalit communities in accessing affordable health care remain unreported and unattended to.
23. The need for sexual and reproductive health and rights (SRHR) is especially acute for adolescents within Dalit communities in the coastal area (Hard to reach zone). Dalit communities struggle to get SRHR support due to long distances to health centres. The Situation Report (2022) of Dalit & Civil Society by Dalit Khulna, revealed that approximately 78% of women within Dalit communities in the coastal zone use unhygienic traditional methods for menstrual hygiene management that causes of spread the infectious disease.
24. The concentration of Dalits in the southern part of Bangladesh is especially high in the coastal area and their suffering is increasing due to the impact of climate change. Sometimes, Dalit women and girls face unsafe health outcomes and are not able to meet their personal hygiene needs in shelters during disasters as the GoB and NGO do not consider personal hygiene issues when designing response programmes.
25. Cleaners, or sweepers, suffered disproportionately under the general holidays declared by the GoB in the efforts to curb the spread of COVID. Almost all of them became jobless, leading to hunger, rising rates of domestic violence and increasing their vulnerability of infection. Although the GoB instituted a social safety net programme in 2013 that provided financial support to marginalised communities, this programme widened its coverage in 2017, diluting the support available to the community.^{xvii} In the 2021 study, 29% of Dalit respondents stated that they lost their job due to COVID and 85% of Dalit respondents lost their income.^{xviii}

f) Political participation and employment

26. Dalit people lack political empowerment and are not represented at any level of the current political parties, with the exception of the tea garden areas. The 2014 study^{xix} shows that 94% of Dalits have no link with any of the political parties. Only 4% are involved in their local unit but have no role in the decision making. While 99% of Dalits can vote, 8% have experienced harassment in exercising this right. 91% of respondents shared that they or their family

members never run, even in a local government election. Post the 2014 election, Dalits experienced a deadly surge of violence, which resulted in rape, abduction, killing, displacing and vandalising Dalits' houses and wealth.

27. Political parties in Bangladesh operate under the 'Representation of Peoples Order, 1972'. It sets the rules and regulations for the parties but does not specify membership criteria, other than requiring a 33% quota for women at all committee levels of the political parties by 2020. There are no specific legislative mechanisms, ensuring marginalised communities' participation in political parties, other than the right to vote. The 41 registered political parties have failed to include ethnic minorities or other excluded communities in their membership.
28. Moreover, Dalit communities face discrimination in mainstream employment sectors. The 2014 study^{xx} found that 59% of employed Dalits face discrimination in their workplace as a result of their caste identity, 30% were deprived of any privileges of the job, paid lowest and often verbally abused. 24% had to work extra time and 40% had been warned not to touch others' things in the workplace.
29. The GoB declared an 80% quota in sweeping job for the Jat Horijon community, however, the GoB has currently adopted an outsourcing mechanism which results in the serious exclusion of sweepers from getting access to sweeping jobs at municipal and other government institutions.
30. The Ministry of Expatriates' Welfare and Overseas Employment issued a 5% reservation for Dalits due to effective advocacy of local Dalit organizations. Since 2021, skills training has been implemented by a Technical Training Centre, but due to lack of links to employment institutions, and a lack of Dalit-friendly recruitment policies in both private and public sectors, Dalits face chronic unemployment.

Recommendations:

- *Take immediate action to pass and ensure effective implementation of the draft Anti-discrimination Act with the following revisions:*
 - *Make discrimination a punishable offence;*
 - *Change the title of the law to "The Elimination and Abolition of Discrimination Act";*
 - *Define Dalits or marginalized/backward communities, those who are discriminated against and who the law should protect;*
 - *Expand the bill to cover cases of discrimination in marital relations and protect against the deprivation of property and other rights in arranged marriages;*
 - *Prohibit the use of discriminatory sayings and disrespectful words both on and offline;*

- *Ensure the representation of Dalits in Government standing committees and all social political committees and forums at the micro, macro and central level.*
- *Include reservation/affirmative action/job quota for Dalits.*
- *Eliminate the outsourcing system for sweeping jobs to ensure access of Jat Horijons and re-implement the 80% job quota for the sweeper community.*
- *Ensure the Dalit community is represented in Parliamentary caucuses as well as establishing a seat reservation for Dalits in parliament.*
- *Include Dalit communities and the principle of non-discrimination in the National Sanitation Strategy and National Strategy for Water Supply and Sanitation.*
- *Ensure inclusion of Dalit communities in the National Strategy on Water and Sanitation for Hard-to-Reach Communities by undertaking needs assessments, including through comprehensive surveys of urban Dalit colonies.*
- *Ensure special and adequate budget allocations for Dalit colonies with the aim towards closing the gap between them and other communities in their access to basic services and goods necessary for development and improved living conditions.*
- *Allocate a specific budget for Dalits and other excluded communities in the national social safety net programme and ensure full access for Dalits to the programme.*
- *Allocate constructed apartments to all urban Dalits irrespective of their employment by municipalities/city corporations.*

B) EMPOWERMENT OF DALIT COMMUNITIES, PARTICULARLY WOMEN AND CHILDREN

31. While there were no specific recommendations on Dalit women, as Dalits are often relegated to the informal labour sectors, the below recommendation from Serbia applies strongly to the Dalit community.

147.121 Strengthen the existing national monitoring mechanisms aimed at protection of women workers from all kinds of discrimination, in particular those working in informal sector (Serbia)

Status of implementation

a) Discrimination against Dalit women and girls

32. The Constitution of Bangladesh prohibits discrimination on the basis of *caste or sex* and establishes equal rights for women in all spheres of state and public life^{xxi}. Aimed at activating these constitutional protections, the National Women's Development Policy 2011 calls for

the government to pursue the special programmes aimed at advancing the rights of women from marginalised communities, including on the basis of caste^{xxii}.

33. However, despite these advances and protections, Bangladeshi women are still impacted by gender-based discrimination rooted in patriarchal attitudes and biases. At the intersection of gender, caste and class-based discrimination, Dalit women are particularly vulnerable to untouchability practices and violence. They face multiple forms of discrimination in every sphere of life including family, society and the workplace. Inside their own communities, they suffer because of their gender identity, and from the outside they face multiple forms of discrimination and violence due to their womanhood and Dalit identity. Dalit women and girls often face physical and sexual assault, including rape and killing, as well as sexual harassment both within and without their own communities. In a 2021 survey of Bangladesh minorities, Dalits were found to be more likely to face sexual and gender-based violence because of their minority identity (11%).^{xxiii}
34. Dalit women rarely participate in decision making processes, in both internal and external spaces. To date, the government has no official data on the status of Dalit women in the country.
35. While the GoB has initiated programs for the improvement of Dalit living conditions, there are few legal, policy, budgetary or programmatic interventions designed to meet the particular needs of Dalit women. There is little understanding of the additional vulnerabilities of Dalit women, including gender-based violence and exploitation, due to their caste and gender. The rights and entitlements of Dalit women are not specifically addressed by any of the government mechanisms to ensure their development and empowerment.

b) Education

36. Literacy and access to quality education remains a significant concern in Bangladesh. Although primary education is compulsory, school enrolment has not reached a satisfactory level yet, especially among Dalit children. In the 2021 survey, 14% of Dalit respondents stated that they could not access education at all.^{xxiv} School dropout rates are very high among Dalit children and Dalit boys and girls rarely continue their education beyond primary school. Caste-based discrimination is a significant cause of low school admission and retention of the Dalit children^{xxv}.
37. Dalit children study in a hostile environment, regularly facing abusive words, teasing and taunting on the basis of their caste identity. It has a significant impact on the impressionable minds of Dalit children, leading to dropouts from the primary level of education. The study undertaken in 2014^{xxvi} found that around 26% of the respondents face obstacles in getting admission in the non-community schools due to their family and caste identity. In many cases, Dalit children have to hide their identity to get admission to schools. The study found that

30% of Dalit students experienced abuse or hatred from their classmates and others, including teachers. Moreover, 6.5% of the respondents said they still had to sit on separate benches in school.

38. Dalit students are also deprived of educational privileges and entitlements like scholarships/stipends and opportunities to participate in cultural programmes, sports and other recreational activities. Additionally, early marriage is a significant factor to Dalit girls' backwardness in education. A study from 2014^{xxvii} indicates that 76% of the respondents said that child marriage is prevalent in their community and girls get married before reaching 18 years of age. Dalit girls also often face sexual and psychological harassment in educational institutions, which discourages them from attending schools or colleges. The recent study^{xxviii} shows that only 5.9% of Dalit girls complete a secondary level education and a limited number of Dalit girls have completed a Higher Secondary Certificate.
39. The Government's education programme is supposed to focus on marginalised communities' education, yet it does not have any specific programmes for Dalit children^{xxix}. According to the Dakar Framework for Action^{xxx}, the State makes a serious commitment to include the excluded, and if this inclusion is not forthcoming, clearer analyses must be made to ensure full inclusion. However, challenges in education faced by Dalits are not considered a serious issue in comparison with other ethnic minorities. No innovative or special measures have been initiated by the Government in accordance with the Dakar Framework for Action.
40. Although an affirmative action quota was introduced for Dalit students in public universities, the lack of legal recognition of their identity prevents them from taking this privilege. In 2014-15 academic year, many Dalit students were refused a certificate from the Deputy Commissioner as there was no official gazette published recognising Dalit as a separate identity. Consequently, in 2015-16 academic year, the number of Dalits seeking admission under the quota privilege has significantly reduced. A 1% quota for Dalits is reserved for admission to public universities, however, other public and private universities like medical or engineering universities, do not have the same. Currently, only 19 universities offer a quota for Dalit students. The number of students estimated to have been enrolled into the university utilizing these quota provisions is only 50 during last 5 years. Due to the economic vulnerability of Dalit community, Dalit students often cannot even meet the minimum access requirements.^{xxxi}

Recommendations

- *Collect official disaggregated data on the status of Dalit women in terms of their access/enjoyment of education, employment, reproductive health, land, etc.*
- *Initiate programmes designed to meet the particular needs of Dalit women, including training on Income Generating Activities provided under the Social Safety Net Programme*

as well as business initiative training with capital fund as provided by the Ministry of Women and Children Affairs.

- *Take immediate action to end discrimination and ‘untouchability’ practices in schools. These actions should include a directive from the Ministry of Education prohibiting discrimination based on any social identity including caste. In educational institutions, train teachers about caste-based discrimination, and include information on Dalits in school textbooks.*
- *GoB should pay adequate attention to the human rights situation of marginalised groups, including Dalit women and children, in all assessments, including in the planning, and implementation of any human rights, development and humanitarian programmes.*
- *GoB should establish a special cell at the Ministry of Women and Children Affairs to prevent and monitor violations against Dalit women and children.*
- *The Planning Ministry should undertake to involve the Dalit community in all Ministries, Departments and offices to ensure the effective implementation of the development programme. They should also ensure the full participation of Dalit representatives in the allocation and monitoring of Social Safety Net Programmes.*

C) PROTECTION OF MINORITIES

41. The following three recommendations made in the third review cycle address non-discrimination of minorities, which include Dalits. These recommendations were accepted by the GoB:

147.155 Continue implementing the legal, policy and administrative measures to protect the rights of ethnic minorities (South Africa)

147.156 Ensure the effective investigation and sanctioning of all cases of violence against religious minorities (Austria)

147.157 Guarantee the protection and rights of persons belonging to minorities (France)

Status of implementation

42. In some cases, local government officials have collaborated with civil society organisations to activate the existing state mechanisms to end discrimination and ‘untouchability’ practices. Most of the Dalit rights CSOs in a 2021 study reported getting support in comparison to the other communities.^{xxxii} For instance, based on a social media post mentioning that the Dalit community is not being allowed to have access to the local restaurants in Lalmonirhat district, the National Human Rights Commission (NHRC) proactively issued a letter on January 4, 2023 to the local authority to organize a meeting engaging Dalits and non-Dalits to prevent this kind of discrimination. The meeting took place on January 15, 2023. However, this type of discrimination remains prevalent across the country.

43. Despite these emerging initiatives, approximately 5.5 million Dalits in Bangladesh continue to suffer from multiple forms of discrimination and ‘untouchability’ practices due to the lack of sufficient protection. They face discrimination in housing, exclusion from community religious and cultural functions, denial of access to restaurants and communal water sources, ‘untouchability’ in schools, difficulties in accessing legal protections and are limited to some of the most menial, low wage and dangerous jobs in Bangladesh^{xxxiii}. A common ‘untouchability’ practice is found in tea shops. Dalit access to some tea shops has increased, vendors are still serving tea to Dalits in marked teacups which remain sperate and discarded after use.^{xxxiv}
44. GoB has no specific strategy for the effective investigation and prosecution of violence against religious minorities. In 2016, the country experienced widespread violence and discrimination against religious minorities, of which some Dalit communities were the worst affected^{xxxv}. More than 30 cases of violence were reported in the media, more than 500 houses, crops, shops and businesses were destroyed through arson and other means, and due to looting and intimidation many were forced to flee their homes and communities. While the GoB did investigate and took action in response to the attacks on the Dalit Community in Malopara, Chapatala Village, Ayoyanagar Upazila, Jessore District, the case is still under trial some seven years later, at the Jessore District Judge Court, awaiting the verdict. Similarly, the case of a gang rape triggered by post-election violence in Monirampur Upazila, Jessore District is also awaiting a trial and verdict in the Jessore District Judge Court. In October 2021, during Durga Puja, there were multiple instances of communal attacks on Hindu communities^{xxxvi}. Investigations into these incidents remain incomplete and no trials have yet commenced^{xxxvii}.
45. Also, Parala Rishipolli of Manirampur Upazila, Jessore district, faced a communal attack^{xxxviii} on 31 January 2016, which left 15 Dalits injured and under threat of eviction and 19 houses of Horijan families in Bonchaganj, Panchagar district destroyed by arson. Such communal attacks were unabated in different parts of the country lacking appropriate legal actions by the State. Even when the perpetrators were arrested with the help of Dalit organisations, they were quickly released on bail. For example, the case of Arpita Das, a 12-year-old Dalit girl, who was raped and murdered on 28 June 2013, has not yet been settled and the accused have threatened the victim’s family if they do not withdraw the complaint.
46. A study from 2014^{xxxix} reveals that caste and professional identity were the major reasons for the lack of access to justice for Dalit communities. 39% of the respondent shared that they face violence due their caste and professional identity, yet they rarely register it with police or judicial sector. 66% of the Dalit respondents stated that they do not seek assistance from police at all and 47% of the respondent who sought police assistance did not get justice. In a survey from 2021, 18% of Dalit respondents stated that they could not access legal services at all.^{xl}

Recommendations

- *Take immediate action to establish a National Dalit Rights Commission tasked to monitor the situation of Dalits in all areas, including employment and access to any of the government measures intended to protect and promote their rights, and ensure significant Dalit representation on such a Commission.*
- *Establish clear and effective strategies to prevent and investigate violence against religious minorities and Dalits, and prosecute the perpetrators.*

IV. GENERAL RECOMMENDATIONS

- In order to respect and guarantee the constitutional rights of Dalits, the Government of Bangladesh should enact a law against “untouchability practices” recognizing it as a criminal offence, using model legal acts from other caste-affected countries (e.g. India and Nepal), and on the basis of existing human rights frameworks, such as the CERD General Recommendation No. 29 on descent-based discrimination (2002);
- GoB should develop and implement a national action plan to eliminate caste-based discrimination, with a particular emphasis on Dalit women and children and other severely marginalised groups, seeking guidance from the draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent as a guiding framework;
- GoB should include disaggregated data on caste in the next census and other data collection, and ensure advance categorization of affected communities in all data collection;
- GoB should undertake a comprehensive study on the human rights situation of Dalits;
- GoB should give special attention to the primary and tertiary level education of Dalits, including discrimination free access and equal employment opportunities post education;
- GoB should address the situation of Dalits in their access to a good standard of housing and land ownership, provide improved housing facilities to Dalits in the urban areas and stop forceful evictions without adequate rehabilitation;

Endnotes

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- ⁱ IDSN Briefing note on Bangladesh, 2015: <http://idsn.org/wp-content/uploads/2015/08/IDSN-briefing-note-Bangladesh-2015.pdf>
- ⁱⁱ A/HRC/31/56 (pp. 14)
- ⁱⁱⁱ Minority Rights Group: Under threat: The challenges facing religious minorities in Bangladesh (2016). Available at: http://minorityrights.org/wp-content/uploads/2016/11/MRG_Rep_Ban_Oct16_ONLINE.pdf (p. 9)
- ^{iv} A/HRC/31/56 (pp. 16)
- ^v Equity Watch: Access to Water, Sanitation and Hygiene (WASH) for Dalits in Bangladesh: Challenges and Ways Forward. (2015) (p. 27).
- ^{vi} Minority Rights Group: Under threat: The challenges facing religious minorities in Bangladesh (2016). http://minorityrights.org/wp-content/uploads/2016/11/MRG_Rep_Ban_Oct16_ONLINE.pdf (p. 9)
- ^{vii} Article 28(1)
- ^{viii} The Daily Star: The Anti-Discrimination Bill 2022: What experts say (2022). <https://www.thedailystar.net/law-our-rights/news/the-anti-discrimination-bill-2022-what-experts-say-3024531>
- ^{ix} Parittran: Report on Consultation Meeting in the title of “Anti-Discrimination Bill-2022; 'Expectations of Dalit Community' at Divisional and in National level (2022) <https://www.parittran.org/report-on-anti-discrimination-bill-2022-expectations-of-dalit-community-a-national-consultation-meeting/>
- ^x The weekly Dipbani, January 27, 2016
- ^{xi} Bangladesh Country Paper, Fifth South Asian Conference on Sanitation, <http://www.sacosanv.gov.np/sacosan>, Access date 23 March 2015
- ^{xii} <https://www.tbsnews.net/feature/homeless-harijans>
- ^{xiii} <https://www.thedailystar.net/news/bangladesh/news/no-eviction-without-rehabilitation-3247201>
- ^{xiv} <https://bangladeshpost.net/posts/govt-housing-for-cleaners-11322>
- ^{xv} Equity Watch 2015, Access to Water, Sanitation and Hygiene (WASH) for Dalits in Bangladesh: Challenges and Way Forward, Nagorik Uddyog and BDERM
- ^{xvi} Parvez, Altaf and Mazharul Islam, 2014, Bangladesher Dalit Somaj: Boishommyo, Bonchona o Osprishota (Dalit Communities in Bangladesh: Situation of Discrimination, Exclusion and Untouchability).
- ^{xvii} Impact of Covid 19 on Dalits in South Asia, 2020, <https://idsn.org/wp-content/uploads/2023/03/Impact-of-Covid-19-on-Dalits-in-South-Asia.pdf> (P. 32-32)
- ^{xviii} Baseline Study, Empowering left behind minority communities to effectively participate in the development process of Bangladesh project, June 2021, <https://idsn.org/wp-content/uploads/2023/03/Baseline-Study-Empowering-left-behind-minority-communities-to-effectively-participate-in-the-development-process-of-Bangladesh-project-June-2021.pdf> (p. 51)
- ^{xix} Parvez, Altaf and Mazharul Islam (Nagorik Uddyog and BDERM), 2014, Bangladesher Dalit Somaj: Boishommyo, Bonchona o Osprishota (Dalit Communities in Bangladesh: Situation of Discrimination, Exclusion and Untouchability).
- ^{xx} Ibid.
- ^{xxi} Article 28. Constitution of Bangladesh, http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367
- ^{xxii} Paragraph 38.1, Constitution of Bangladesh, http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367

-
- ^{xxiii} Baseline Study, Empowering left behind minority communities to effectively participate in the development process of Bangladesh project, June 2021, <https://idsn.org/wp-content/uploads/2023/03/Baseline-Study-Empowering-left-behind-minority-communities-to-effectively-participate-in-the-development-process-of-Bangladesh-project-June-2021.pdf> (p. 33)
- ^{xxiv} Ibid. p 38-39.
- ^{xxv} Parvez, Altaf and Mazharul Islam, 2014, Bangladesher Dalit Somaj: Boishommyo, Bonchona o Osprishota (Dalit Communities in Bangladesh: Situation of Discrimination, Exclusion and Untouchability).
- ^{xxvi} Ibid.
- ^{xxvii} Parvez, Altaf and Mazharul Islam, 2014, Bangladesher Dalit Somaj: Boishommyo, Bonchona o Osprishota (Dalit Communities in Bangladesh: Situation of Discrimination, Exclusion and Untouchability).
- ^{xxviii} Rowshan, Rabeya, Riazuddin Khan (2016), Bringing Dalit Women to the Forefront: Realities and Challenges, Nagorik Uddyog & BDERM
- ^{xxix} Equity Watch 2014, Challenges and Prospects for Dalits Securing their Rights to Education in Bangladesh, Nagorik Uddyog, BDERM
- ^{xxx} See here:<http://resourcecentre.savethechildren.se/library/dakarframework-action-education-all-meeting-our-collectivecommitments>
- ^{xxxi} Page 776-777, five-year plan by the Planning Ministry of Bangladesh July 2020 - June 2025, http://plancomm.gov.bd/sites/default/files/files/plancomm.portal.gov.bd/files/68e32f08_13b8_4192_a_b9b_abd5a0a62a33/2021-02-03-17-04-ec95e78e452a813808a483b3b22e14a1.pdf
- ^{xxxii} Baseline Study, Empowering left behind minority communities to effectively participate in the development process of Bangladesh project, June 2021, <https://idsn.org/wp-content/uploads/2023/03/Baseline-Study-Empowering-left-behind-minority-communities-to-effectively-participate-in-the-development-process-of-Bangladesh-project-June-2021.pdf> (p. 43)
- ^{xxxiii} Parvez, Altaf and Mazharul Islam, 2014, Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprishota (Dalits in Bangladesh: Discrimination, Exclusion and Untouchability’).
- ^{xxxiv} Parittran, 2023
- ^{xxxv} See here:<http://www.thedailystar.net/attack-on-hindus-in-jessore-was-planned-6783>
- ^{xxxvi} Page 51, Zakir Hossain and Santa Islam, 2022, International Human Rights Obligations and Their Implications for Minorities: A Study on Bangladesh, <https://thesouthasiacollective.org/wp-content/uploads/2023/03/SASM2022.pdf>
- ^{xxxvii} Prothom Alo (online) 1 October 2022. <https://en.prothomalo.com/bangladesh/f2iluu96cl> (English version)
- ^{xxxviii} See here: <http://www.prothom-alo.com/bangladesh/article/756043>
- ^{xxxix} Parvez, Altaf and Mazharul Islam, 2014, Bangladesher Dalit Somaj: Boishommyo, Bonchona o Osprishota (Dalit Communities in Bangladesh: Situation of Discrimination, Exclusion and Untouchability).
- ^{xl} Baseline Study, Empowering left behind minority communities to effectively participate in the development process of Bangladesh project, June 2021, <https://idsn.org/wp-content/uploads/2023/03/Baseline-Study-Empowering-left-behind-minority-communities-to-effectively-participate-in-the-development-process-of-Bangladesh-project-June-2021.pdf> (p. 42)