

# THE HUMAN RIGHTS SITUATION OF DALITS IN BANGLADESH



Joint NGO Submission related  
to Bangladesh for the  
16th Universal Periodic Review  
session scheduled  
for 22 April - 3 May 2013

**BDERM** Bangladesh Dalit and  
Excluded Rights Movement  
বাংলাদেশ দলিত ও বঞ্চিত জনগোষ্ঠী অধিকার আন্দোলন



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WORKING GLOBALLY AGAINST DISCRIMINATION BASED ON WORK AND DESCENT

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## THE HUMAN RIGHTS SITUATION OF DALITS IN BANGLADESH

**Submitted in October 2012 by:**

Bangladesh Dalit and Excluded Rights Movement (BDERM)

Bangladesh Dalit and Excluded Women Federation (BDEWF)

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In association with the International Dalit Solidarity Network (IDSN)

|                       |                                                                                                                                                                                                               |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BDERM</b>          | is a national platform of Dalit civil society organizations. The platform was formed in April in 2008 and is advocating at national and international level. <a href="http://www.bderm.org">www.bderm.org</a> |
| <b>BDEWF</b>          | is a national network formed in November in 2010, working to advance Dalit and Excluded women's rights. It consists of 10 Dalit women headed organizations from the country.                                  |
| <b>Nagorik Uddyog</b> | is a human rights organization working with Dalit and socially excluded communities to support their human rights struggle. <a href="http://www.nuhr.org">www.nuhr.org</a>                                    |
| <b>IDSN</b>           | is an international network advocating for the elimination of discrimination based on work and descent globally. <a href="http://www.idsn.org">www.idsn.org</a>                                               |

# CONTENTS

|    |                                                                                                                                                                                                                                                                                                                                  |    |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|    | KEYWORDS                                                                                                                                                                                                                                                                                                                         | 3  |
|    | EXECUTIVE SUMMARY                                                                                                                                                                                                                                                                                                                | 3  |
| 1. | NATIONAL CONSULTATIONS IN BANGLADESH WITH CIVIL SOCIETY                                                                                                                                                                                                                                                                          | 4  |
| 2. | THE NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN BANGLADESH                                                                                                                                                                                                                         | 4  |
| 3. | IMPLEMENTATION OF BANGLADESH'S NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS AND COMMITMENTS, INCL. UPR RECOMMENDATIONS                                                                                                                                                                                                    | 5  |
| 4. | INTERNATIONAL AND NATIONAL COOPERATION WITH HUMAN RIGHTS MECHANISMS                                                                                                                                                                                                                                                              | 5  |
| 5. | ACHIEVEMENTS, CHALLENGES AND CONSTRAINTS IN ELIMINATING DISCRIMINATION AGAINST DALIT COMMUNITIES IN BANGLADESH                                                                                                                                                                                                                   | 5  |
| 6. | KEY NATIONAL PRIORITIES TO IMPROVE THE HUMAN RIGHTS SITUATION OF DALITS IN BANGLADESH                                                                                                                                                                                                                                            | 6  |
| 7. | CAPACITY-BUILDING AND TECHNICAL ASSISTANCE THROUGH BILATERAL, REGIONAL AND INTERNATIONAL COOPERATION IN BANGLADESH                                                                                                                                                                                                               | 7  |
| 8. | UPR RECOMMENDATIONS TO THE GOVERNMENT OF BANGLADESH<br>Guaranteeing constitutional rights and human rights protection of Dalits<br>Research and data<br>Quota systems and special measures<br>National Human Rights Commission and specialized agencies<br>Cooperation with UN human rights mechanisms<br>Civil society dialogue | 7  |
|    | <b>Annex I :</b> Implementation of UPR recommendations to Bangladesh (2009-2012)                                                                                                                                                                                                                                                 | 9  |
|    | <b>Annex II:</b> UN recommendations on caste-based discrimination in Bangladesh                                                                                                                                                                                                                                                  | 18 |
|    | <b>Annex III:</b> Country visits to Bangladesh by UN Special Procedures                                                                                                                                                                                                                                                          | 22 |
|    | <b>Annex IV:</b> Lobby meetings, seminars and press conference held by Bangladesh Dalit and Excluded Rights Movement (2010-2012)                                                                                                                                                                                                 | 23 |
|    | REFERENCES                                                                                                                                                                                                                                                                                                                       | 24 |

**KEYWORDS**

Dalits, minorities, discrimination, equality, caste, work, descent, rule of law, access to justice, segregation, exclusion, women and children's rights, bonded labour, housing, and education.

**EXECUTIVE SUMMARY**

1. In this joint NGO submission, the Bangladesh Dalit and Excluded Rights Movement (BDERM)<sup>i</sup>, Bangladesh Dalit and Excluded Women Federation (BDEWF)<sup>ii</sup>, Nagorik Uddyog<sup>iii</sup> and the International Dalit Solidarity Network (IDSN)<sup>iv</sup> provide alternative information about the human rights situation of the Dalit community; one of the most politically, economically, socially and culturally excluded minority groups in Bangladesh. Discrimination on the basis of caste, work and descent is a root cause of extreme poverty among an estimated 5.5 million Dalits in Bangladesh, and its manifestations constitute severe impediments to reaching the Millennium Development Goals in the country.
2. The submission follows the structure stipulated in the general UPR guidelines, and builds on the observations in the UPR submission prepared for the first review of Bangladesh (2009)<sup>v</sup>, as well as a mid-term assessment report prepared in 2011.<sup>vi</sup> It provides documentation on new developments and the implementation of UPR recommendations from the first review in 2009, in accordance with Human Rights Council resolution A/HRC/RES/16/21.
3. When Bangladesh was reviewed for the first time by the UPR Working Group at its 4th session in February 2009, no states made specific recommendations on the protection of Dalits or caste-based discrimination despite civil society inputs on this situation. Several other relevant recommendations were however made concerning the protection of minority religions and vulnerable groups, poverty eradication, access to justice, the functioning of the National Human Rights Commission, equal access to health care and education, violence against women, and cooperation with human rights mechanisms.<sup>vii</sup>
4. Following the review, a coalition of NGOs called the "UPR Forum" expressed regret at the Government's failure to provide any clear time bound or actionable commitments on the declarations it has made, including lack of references to specific measures for ensuring women's rights, minority rights, adequate shelter, or for investigating allegations of human rights violations.<sup>viii</sup>
5. Since the first review, several UN human rights bodies have made recommendations on enhanced protection Dalits and "marginalized and excluded" groups in Bangladesh (see Annex I). Such observations have been made by UN Special Rapporteurs (water and sanitation, extreme poverty, contemporary forms of racism, and violence against women), the UN Committee on the Elimination of Discrimination Against Women (2011), and the Committee on the Rights of the Child (2009).
6. In the first UPR cycle, the GoB has taken some positive steps to allocate funds for Dalits in Bangladesh. However, the Government has still not fully recognized the scope of human rights violations based on caste, work and descent in the country, and has not taken any comprehensive action to address the situation.
7. The main recommendation in this submission is therefore that the Government of Bangladesh (GoB) enforces constitutional and policy measures to address

this situation, including the enforcement of special legal measures to protect the human rights of Dalits, and that the GoB develops a national action plan to effectively eliminate discrimination against Dalits and other excluded groups in society.

8. Although there are no official statistics, it is estimated that there are about 5.5 million Dalits in Bangladesh.<sup>ix</sup> Caste systems and prejudice against so-called "untouchables" are traditionally regarded as part of traditional practices and originate from Hindu scriptures; but in Bangladesh these traditions and practices have also been adopted by sections of the muslim majority. In Bangladesh, members of the "low castes" increasingly refer to themselves as Dalits - the "downtrodden" people - to emphasize the fact that they have been exploited, oppressed and excluded through generations.
9. The multiple forms of discrimination experienced by the Dalit community in Bangladesh and its active perpetuation and tolerance by the state are in violation of fundamental human rights obligations.<sup>x</sup> This has been recognized in a comprehensive UN study on "discrimination based on work and descent", which the former Commission on Human Rights mandated in April 2005 in resolution 2005/ 109.<sup>xi</sup>

## **1. NATIONAL CONSULTATIONS IN BANGLADESH WITH CIVIL SOCIETY**

10. BDERM, BDEWF, and Nagorik Uddyog representatives have raised the Dalit rights issue in different national level consultations organized by the National Human Rights Commission (NHRC) and other human rights organizations (see Annex IV). BDERM and Nagorik Uddyog are members of the national coalition of human rights organizations, called the Human Rights Forum-Bangladesh.
11. In early 2012, the Ministry of Foreign Affairs invited civil society to a briefing on UPR report preparation, but the Dalit situation was not recognized by the GoB as a serious human rights situation in the country and which should be addressed as part of the review.
12. While some positive developments have taken place over the last years, it is therefore hoped that the second UPR will serve as a catalyst for the state's full recognition of caste-based discrimination as a serious human rights issue that needs to be comprehensively dealt with by the GoB.

## **2. THE NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN BANGLADESH**

13. The Constitution of Bangladesh declares the equal rights for all citizens and prohibits discrimination by the state on the grounds of religion, race, caste, sex or place of birth in article 28 (1). The principle of non-discrimination is also enshrined in other articles.<sup>xii</sup>
14. Despite this constitutional guarantee, political, economic and social exclusion on the basis of caste is practiced over the entire country. Social exclusion is manifested in the physical structure of both rural and urban areas throughout the country. Dalits are not allowed to rent or build houses outside these designated localities. They are regularly denied entry to the temples and religious activities of non-Dalits, to tea shops and restaurants, and to houses of non-Dalits.

### **3. IMPLEMENTATION OF BANGLADESH'S NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS AND COMMITMENTS, INCL. UPR RECOMMENDATIONS**

15. As a signatory to the core international human rights treaties, the GoB has the obligation to promote and protect human rights for all, including those discriminated on the grounds of caste, work and descent.
16. Although none of the recommendations from the first UPR specifically concerned Dalits, many would have been of great significance to improving their human rights situation, if implemented. However, in most cases the implementation of the recommendations is completely absent for the Dalit community. In Annex I, the submitting stakeholders of this report provide alternative information on the status quo of a selected number of UPR I recommendations (2009), most of which were accepted by the GoB.
17. To address these severe protection gaps for some of the most excluded groups, UN member states are urged to make concrete, time-bound recommendations in the second review at the 16th UPR session (see section 8).

### **4. INTERNATIONAL AND NATIONAL COOPERATION WITH HUMAN RIGHTS MECHANISMS**

18. With a view to upholding its international obligations to eliminate all forms of discrimination, the Government is urged to duly consider and implement recommendations by UN human rights bodies on the elimination of caste-based discrimination (Annex II). In particular, the GoB should take proper follow up action on the joint mission report of the Independent Expert on the question of human rights and extreme poverty, and the Independent Expert on water and sanitation after their visit in late 2009.<sup>xiii</sup>
19. The GoB should issue a Standing Invitation to all Special Procedures, and follow up effectively on pending requests for visits (see Annex III). In particular, visits by the Independent Expert on minorities issues and the Special Rapporteur on adequate housing could help overseeing and promoting the situation of marginalized communities, including Dalits, in Bangladesh.
20. Several periodic reports by the GoB to the UN Treaty Bodies are severely overdue, including reports to the CAT, CCPR, CESCR, and CERD.<sup>xiv</sup> The GoB is urged to comply with its reporting obligations to the Treaty Bodies, and to include information on Dalits and disaggregated data based on caste in its periodic reporting to the Treaty Bodies.

### **5. ACHIEVEMENTS, CHALLENGES AND CONSTRAINTS IN ELIMINATING DISCRIMINATION AGAINST DALIT COMMUNITIES IN BANGLADESH**

21. With regard to achievements, the GoB should be commended for taking some action to address the situation of Dalits since the first UPR. On 7 June 2012, the GoB announced that it was allocating BDT 146.1 million for Dalit, gypsy and eunuch communities in national budget of current fiscal year 2012-13. Earlier, in the fiscal year of 2011-12, the GoB allocated BDT 100 million for housing development for Dalits in the national budget.
22. Despite these positive commitments, Dalit rights continue to be severely impaired. Key challenges to the full enjoyment of fundamental human rights for Dalits in Bangladesh include lack of access to education; extreme poverty issues; health and housing problems; and unequal access to work. There is still

a serious need for producing disaggregated data on caste, and further research.

23. The worst affected are the Dalit women who suffer from multiple forms of discrimination. They are yet to be empowered to take an active part in the socio-cultural, economic and political arena in the community and the country. Discrimination against Dalit women and children should be prevented and measures should be taken to empower them through national initiatives, such as income generating schemes. A newly formed Bangladesh Dalit and Excluded Women's Federation (BDEWF) has formulated a list of demands, incl. the need for ensuring basic health services, scholarships for students, social safety-net programmes, and political inclusion of Dalit women at local and national level.<sup>xv</sup> Government action to promote Dalit women's rights should take a point of departure the demands of the BDEWF, and should include consultations with Dalit women on the need for enactment of special measures for their enhanced protection.
24. Regarding access to education, most Dalits have no formal education and only few make it to the higher education institutions. According to a national study in 2006<sup>xvi</sup>, 64% of Hindu Dalits have no education at all. More than 80% of Dalits experience discrimination in admission to school.<sup>xvii</sup> Therefore, scholarships should be allocated for Dalit children.
25. In terms of equal access to employment, a large number of Dalits are employed in the public/private sectors as sweepers and cleaners with very low pay. The Dalit and excluded communities continue to work in some of the most menial, low paid dangerous jobs in Bangladesh, such as cleaning toilets, sweeping streets, and emptying the septic tanks of others. They generally do not get equal treatment and legal protection when a crime is committed against them, as most cases are settled or negotiated through informal authorities often arbitrarily or on a discriminatory basis.
26. Access to adequate housing and land remains another huge barrier for improving the socio-economic status of Dalits. The majority of Dalits is landless and live in either slum "colonies" or in houses built with straw and mud in rural areas, often on common land, under constant threat of eviction, or government-owned land. Therefore, Dalits should be leased government land on a long-term basis and supported by loans to build housing, and strong social mobilization should be generated to uphold the status of Dalit professionals.

## **6. KEY NATIONAL PRIORITIES TO IMPROVE THE HUMAN RIGHTS SITUATION OF DALITS IN BANGLADESH**

27. First of all the GoB should ensure effective enforcement of existing legislation protecting Dalits in Bangladesh from attacks and harassment, including prompt and adequate investigation into cases with the perpetrators being swiftly brought to justice and held accountable for their crimes.
28. To effectively implement the Government's human rights obligations, the NHRC should furthermore address the Dalit issue as a priority agenda by requesting a national study on discrimination on grounds of caste, work and descent.
29. The key national priorities to improve the situation of Dalits in Bangladesh should be set in a comprehensive national action plan to eliminate caste, work and descent based discrimination. In this process, the GoB may decide

to make use of a comprehensive UN framework to address caste discrimination - the draft UN principles and guidelines to elimination discrimination based on work and descent -and endorse it in the Human Rights Council as a model framework for developing a comprehensive national action plan to eliminate caste discrimination.<sup>xviii</sup> Examples of how specific paragraphs can be used as a framework for addressing specific Dalit rights' concerns are included in the assessment of the implementation of UPR recommendations (Annex I).

## **7. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE THROUGH BILATERAL, REGIONAL AND INTERNATIONAL COOPERATION IN BANGLADESH**

30. The following capacity-building and technical assistance initiatives are recommended to effectively eliminate discrimination against Dalit communities in Bangladesh:

a) Technical and institutional support to identify and implement constitutional protection measures, policy frameworks and specific legislative measures to promote and protect the human rights of Dalits according to international standards; and establish transparent and accountable monitoring mechanisms on the implementation of anti-discrimination and affirmative action legislation;

b) Technical support for development of national action plans, and guidelines for implementation of development planning and budgeting with a view to enabling those affected by caste-based discrimination to reach the Millennium Development Goals.

## **8. UPR RECOMMENDATIONS TO THE GOVERNMENT OF BANGLADESH**

31. UN Member States are urged to make the following recommendations to the Government of Bangladesh at the 16th UPR session:

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

1. In order to respect and guarantee the constitutional rights of Dalits, the Government of Bangladesh (GoB) 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);
2. GoB should develop and implement a national action plan to eliminate work and descent based discrimination, with a particular emphasis on Dalit women and children and other severely marginalized groups, seeking guidance from the draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent as a guiding framework for such an action plan;

### **Research and data**

3. 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;
4. 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;

5. GoB should undertake a comprehensive study on the human rights situation of Dalits;

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

6. Quota systems for Dalits should be established and implemented in all public educational institutes, and adequate employment opportunities should be reserved for Dalits in all sectors. Administrative initiatives need to be undertaken immediately to create appropriate quota systems as already instructed by the Prime Minister's Office;<sup>1</sup>
7. GoB must provide special guidelines for preventing discrimination against Dalits and other excluded groups during relief and rehabilitation work, including through appropriate measures in disaster management laws, policies and operational plans;

#### **National Human Rights Commission and specialized agencies**

8. GoB should establish a special cell at the Ministry of Women and Children Affairs to prevent and monitor violations against Dalit women and children;
9. The National Human Rights Commission (NHRC) should incorporate the Dalit issue as an aspect of its work as a national human rights monitoring mechanism, and should monitor and investigate cases of discrimination and violence against Dalits and other excluded groups;

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

10. GoB should observe and implement the recommendations by UN treaty bodies and UN Special Procedures with regard to caste-based discrimination (see Annex I); respect its reporting obligations to treaty bodies; and seek guidance from CERD General Recommendation No. 29 on descent-based discrimination (2002) to effectively implement provisions to promote and protect Dalits' human rights in Bangladesh;
11. GoB should extend a Standing Invitation to all UN Special Procedures; should implement the recommendations of the Independent Experts on water and sanitation and extreme poverty on the situation of Dalits (Annex II); and should follow up on the pending requests for visits by several thematic mandates, with a particular emphasis on future visits by the Independent Expert on Minorities and the Special Rapporteur on adequate housing (Annex II);

#### **Civil society dialogue**

12. GoB should ensure that civil society, including Dalits and other marginalized groups, is fully included in the follow up to the review, as well as in the implementation of recommendations and mid-term reporting of the UPR process. Civil society should be given an effective voice in the planning and implementation of programmes and national action plans, e.g. through regular and inclusive consultation with civil society in preparation and follow up to human rights reviews such as the UPR and Treaty Body reviews.

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<sup>1</sup> Letter issued by the Prime Minister's Office on 29 May 2012

**Annex I : Implementation of UPR recommendations to Bangladesh (2009-2012)<sup>xiv</sup>**

The following recommendations were made by States to the Government of Bangladesh during its first review on 3 February 2009, and are contained in paragraph 94 of the report of the Working Group on the Universal Periodic Review (A/HRC/11/18).

| No.* | UPR recommendation (2009) and status quo on implementation (2012)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | State | Response |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|
| 4    | <b>Continue its efforts to protect and promote human rights in compliance with international standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Sudan | Accepted |
|      | <u>Status quo:</u> On paper, Bangladesh has a progressive Constitution which guarantees the equal rights of all citizens; irrespective of sex, caste, religion, ethnicity, or race. Bangladesh has ratified all major international human rights treaties and conventions including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social, and Cultural Rights, and the International Convention on the Elimination of All Forms of Discrimination Against Women. However Dalits and other minority communities across the country continue to experience caste discrimination, social exclusion and practices linked to untouchability. Caste discrimination is a systematic human rights abuse that leads to poverty, violence, inequality and exclusion. Perceived as polluted or inferior, Dalits are prevented from participating in political, economic, social and cultural life. The word 'Dalit' literally means broken or oppressed and has been adopted by people who were formally known as untouchable, outcaste or Harijan across South Asia. |       |          |
| 5    | <b>Continue its efforts to strengthen its national human rights mechanisms and continuously upgrade its laws, policies and institutions in the area of the promotion and protection of human rights</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Egypt | Accepted |
|      | <u>Status quo:</u> In order to eliminate discrimination against the Dalit community, the GoB should declare the practice of 'untouchability' in public and private places against the Dalit community a punishable crime, 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 29 on descent. Furthermore the GoB may decide to make use of a comprehensive framework to address                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |          |

\*The number has been used according as the original documents (A/HRC/11/18)

| No. | UPR recommendation (2009) and status quo on implementation (2012)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | State                  | Response |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------|
|     | caste discrimination, the draft UN principles and guidelines to elimination discrimination based on work and descent, and endorse it in the Human Rights Council as a model framework for developing a comprehensive national action plan to eliminate caste discrimination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                        |          |
| 7   | <p><b>Take steps to further strengthen the National Human Rights Commission and the Anti-corruption Commission to ensure that they will be able to operate independently and effectively</b></p> <p><u>Status quo:</u> The National Human Rights Commission should incorporate the Dalit issue as an aspect of its work as a national human rights monitoring mechanism. To promote the socio-economic status of Dalits and other excluded groups in Bangladesh, the Government should form a special Dalit Commission or create a special cell in the National Human Rights Commission to oversee the affairs of Dalit and other excluded groups.</p>                                                                                                                                                                                                                                                                                                   | Netherlands, Australia | Accepted |
| 11  | <p><b>Take steps to devise a national strategy for delivering justice, to include the police, the judiciary, civil society and government</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | United Kingdom         | Accepted |
|     | <p><u>Status quo:</u> As a signatory to the core international human rights treaties, the GoB has the obligation to promote and protect human rights for all, including those discriminated on the grounds of caste, work and descent. In effect, legislation protecting Dalits in Bangladesh from attacks and harassment must be enforced effectively and such cases should be investigated promptly and adequately with the perpetrators being swiftly brought to justice and held accountable for their crimes. In particular, the Government should observe its general obligations under the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and seek guidance on how to eliminate this form of discrimination from CERD General Recommendation XXIX on descent-based discrimination from 2002, and the draft UN Principles and Guidelines on the effective elimination of discrimination based on work and descent.</p> |                        |          |
| 12  | <p><b>Issue and implement a standing invitation to all special procedures</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Czech Republic         | Rejected |
|     | <p><u>Status quo:</u> Since the review in 2009, the Government of Bangladesh should be commended</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |          |

| No.    | UPR recommendation (2009) and status quo on implementation (2012)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | State     | Response |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|
|        | <p>for inviting two Independent Experts (water and sanitation, and extreme poverty) to the country. The GOB is urged to extend a standing invitation to all Special Procedures as they serve as an important mechanism to monitor and promote human rights implementation in the country, as was the case of the visit by the two Independent Experts, where they visited Dalit communities in so-called Dalit "colonies" in the slum areas of Dhaka. In particular, visits by the Independent Expert on minority issues and the Special Rapporteur on adequate housing should be given high priority.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |          |
| 13     | <p><b>Continue to place emphasis on poverty alleviation and eradication, on women's empowerment and children's rights</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Singapore | Accepted |
|        | <p><u>Status quo:</u> The GoB should pay adequate attention to the human rights situation of marginalised groups, including Dalit women and children, in all assessments, including census, data collation, planning, and implementation of any human rights, development and humanitarian programmes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |          |
| 15 (a) | <p><b>Continue combating discrimination and violence against women and girls by elaborating effective laws and implementing them effectively and adopt without delay</b></p> <p><u>Status quo:</u> As a signatory to the core international human rights treaties, the GoB has the obligation to promote and protect human rights for all, including those discriminated on the grounds of caste as affirmed in CEDAW General Recommendations 25 and 28. In the Concluding Observations by CEDAW in 2011 (CEDAW/C/BGD/CO/7), the Committee expressed concern "at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women, migrant women, refugee women, older women, women with disabilities and girls living on the streets. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice."</p> | Germany   | Accepted |

| No.    | UPR recommendation (2009) and status quo on implementation (2012)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | State          | Response         |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------|
| 15 (b) | <b>Ensure that women's rights are protected, through effective implementation of existing laws, the development of a comprehensive national action plan to combat violence against women and the adoption of a family code complying with the provisions of CEDAW</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Netherlands    | Accepted         |
|        | <u>Status quo:</u> The GoB should enact and effectively implement laws and develop a comprehensive national action plan to fight violence against women, including Dalit women and other excluded groups. Such framework should be developed in compliance with the obligations under CEDAW, and take into consideration the provisions on caste in CEDAW Recommendations 25 and 28. The development of a national action plan could take general could take guidance from the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, which is a comprehensive framework that proposes general and specific measures to be taken by governments to effectively eliminate caste discrimination. |                |                  |
| 17     | <b>Investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Holy See       | General Response |
|        | <u>Status quo:</u> The GoB must enforce and implement legislation protecting Dalit women and girls in Bangladesh from attacks and harassment effectively and such cases should be investigated promptly and adequately with the perpetrators being swiftly brought to justice and held accountable for their crimes.                                                                                                                                                                                                                                                                                                                                                                                                                                  |                |                  |
| 18     | <b>Take further steps to address discrimination against vulnerable groups</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | United Kingdom | Accepted         |
|        | <u>Status quo:</u> The Dalit community in Bangladesh is considered 'unclean' in society, and are therefore forced to live separately from other so called 'clean' groups in their own neighborhoods; a circumstance exacerbated by the GoB's rule of housing in a particular locality. Dalits are not allowed to rent or build houses outside these designated localities. They are regularly denied entry to the temples and religious activities of non-Dalits, to tea shops and restaurants, to houses of non-Dalits, playgrounds,                                                                                                                                                                                                                 |                |                  |

| No.    | UPR recommendation (2009) and status quo on implementation (2012)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | State             | Response |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------|
|        | movie theatres, burial grounds, social gatherings, music concerts, and cultural events. Dalit sometimes also face severe forms of human rights violations, including abduction, rape, torture, destruction of houses, land grabbing, eviction from land, threats and intimidation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                   |          |
| 21 (a) | <b>Redouble its efforts and allocate more resources to address the problem of violence against women and children in this area, in particular through increasing women's empowerment, public awareness, education and training as well as increase vigilance and monitoring by the relevant authorities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Malaysia          | Accepted |
|        | <u>Status quo:</u> To promote the socio-economic status of Dalits and other excluded groups in Bangladesh, the GoB should form a special Dalit Commission or create a special cell in the National Human Rights Commission to oversee the affairs of Dalit and other excluded groups.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                   |          |
| 21 (b) | <b>Adopt a comprehensive strategy to combat all forms of violence against women and girls</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Liechtenstein     | Accepted |
|        | <u>Status quo:</u> The GoB should adopt a comprehensive strategy to combat all forms of violence against women and girls, taking into consideration specific measures aimed at combating violence and discrimination against Dalit women and other excluded groups. In the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, it is recommended that "National and local governments should introduce and apply special measures to eradicate the persistence of social and cultural stigma of impurity and pollution that de facto precludes marriages between members of affected and non-affected communities and, in some societies, gives rise to violence, collective punishment and social exclusion against couples from different communities" (para. 22). |                   |          |
| 21 (c) | <b>Adopt a comprehensive approach to address violence against women and girls and to take effective measures to protect them</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Republic of Korea | Accepted |
|        | <u>Status quo:</u> The GoB should adopt a comprehensive approach to address violence against Dalit women and other excluded groups. In                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                   |          |

| No.    | UPR recommendation (2009) and status quo on implementation (2012)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | State     | Response |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|
|        | the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, it is recommended that "National and local governments should take into account the situation of women and girls of affected communities in all measures taken to address discrimination based on work and descent, and explicitly create provisions tailored to ensure the rights of women and girls affected by discrimination based on work and descent wherever possible" (para. 54).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |           |          |
| 22     | <b>Take steps to eradicate child labour such as finalizing the National Child Labour Policy and implementing the plan of action to eliminate the worst forms of child labour</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Australia | Accepted |
|        | <u>Status quo:</u> Bonded labour and child labour represent a human rights problem in Bangladesh. Many Hindu Dalits and Muslim Dalits are, to a larger or smaller degree, bound by loans from employers. The Constitution prohibits forced or compulsory labour; however, the GoB does not enforce this prohibition effectively. There is no law that uniformly prohibits child labour and as a result, the phenomenon is widespread in practice. A labour force survey conducted by the GoB in 1996 revealed the existence of 6.3 million child labourers. In the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent, it is recommended that "national and local governments, corporations, labour groups, and international labour, financial, and development organizations should collaborate to ensure concrete mechanisms for the prevention, identification and eradication of exploitative labour arrangements and the implementation of rehabilitation schemes for forced, bonded and child labourers with special attention to caste-affected communities" (para. 38). |           |          |
| 30 (a) | <b>Continue to implement identified measures, plans and policies focusing mainly on poverty eradication</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Zimbabwe  | Accepted |
|        | <u>Status quo:</u> The GoB has taken some steps to mainstream a Dalit perspective into its development policy, e.g. by including Dalits and excluded communities in the national Poverty Reduction Strategy Paper. However, there is still a serious need for producing disaggregated data on caste.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |           |          |

| No.    | UPR recommendation (2009) and status quo on implementation (2012)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | State   | Response |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------|
| 30 (b) | <b>Create job opportunities and provide social services to face development challenges and combat poverty</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Bahrain | Accepted |
|        | <u>Status quo:</u> The Dalit and excluded communities continue to work in some of the most menial, low paid dangerous jobs in Bangladesh, such as cleaning toilets and emptying the septic tanks of others. Unemployment and underemployment are major issues particularly given the lack of skills, training and education. In a recent survey of the cobbler community it was found that 53% earn between BDT 2,000-3,000 a month. Dalits who live and work in tea plantations face specific forms of discrimination. Many live in bonded labour or are paid extremely low wages (approx BDT 30 per day) and are unable to afford adequate food, health-care or to educate their children. To ensure better access to employment, there should be quotas established for Dalit representation in the private and public spheres as enacted in other caste-affected countries, including reservation of job quotas in government and non-government services. |         |          |
| 32     | <b>Continue the efforts to draw up a national plan to provide health care to all without discrimination</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Bahrain | Accepted |
|        | <u>Status quo:</u> The Dalit community in Bangladesh does not have equal access to health care, and live under horrible conditions. The majority of Dalits live below the poverty line, lagging behind in all development indicators (e.g. maternal mortality rates are much higher amongst Dalit women). In urban areas Dalits usually live in so called 'colonies' in slum like conditions with often three generations of 8-12 people living in one small room. Around 60,000 Dalits living in Dhaka have inadequate water and sanitation. The majority of Dalits is landless and in rural areas live in houses built with straw and mud, often on common land, under constant threat of eviction. The GoB is recommended to endorse and make use of the draft UN Principles and Guidelines as a guiding framework.                                                                                                                                         |         |          |
| 33     | <b>Pursue its positive efforts to promote and protect the right to education, including the education of girls</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Cuba    | Accepted |
|        | <u>Status quo:</u> Despite the GoB's efforts to promote the right to education, most Dalit children do not complete formal education, with the majority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         |          |

| No. | UPR recommendation (2009) and status quo on implementation (2012)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | State   | Response |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------|
|     | <p>attending for only one or two years. According to a 2006 study<sup>xx</sup>, school enrolment rates are as low as 10%, with drop out rates of those that did attend school at around 95%, (national enrolment rates are 85%). Poverty and caste discrimination within schools from both teachers and students are key reasons why Dalit families choose for their children to work rather than attend school. In one survey 82% of Hindu Dalits and 84% of muslim Dalits had experienced discrimination by the time they had started school and many experience discrimination in schools, for example being forced to sit on the floor or to clean toilets. Despite the Government's recent education policy which committed them to educate children in their mother tongue, this is still not being implemented. Also there is no provision made for Dalit children to learn Bangla which is also a major barrier to them attending schools. In 2009, the CRC Committee strongly recommended that "the principle of non-discrimination, as provided for under article 2 of the Convention, be fully and vigorously applied by the state party and integrated into the implementation of all other articles to guarantee, without discrimination, the rights set out in the Convention. The Committee further recommends that the State party take the necessary measures to ensure that efforts to address persistent discrimination and reduce disparities are adequate and effective in the family, schools and other settings, and in particular among marginalized and excluded children, including girls, children of ethnic minorities and refugee children."</p> |         |          |
| 36  | <p><b>Pursue its efforts, despite constraints, with the assistance and cooperation of the international community, to combat poverty, particularly among women, including material and non material poverty (in terms of exclusion)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Algeria | Accepted |
|     | <p><u>Status quo</u>: While the GoB has allocated some funds to promote the situation of Dalits in the national budgets from 2011-2013, the Dalit community in Bangladesh still does not have equal access to health care, and often live under horrible, congested housing conditions. The majority of Dalits live below the poverty line, lagging behind in all development indicators, incl. maternal mortality rates which are much higher amongst Dalit women. In urban areas Dalits usually live in so called 'colonies' in slum like conditions with often three generations of 8-12 people living in one small room.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |          |

| No | UPR recommendation (2009) and status quo on implementation (2012)                                                                                                                                                                                                                                                                                           | State                 | Response        |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------|
|    | Most Dalits in rural areas are landless and live in houses built with straw and mud, often on common land, under constant threat of eviction.                                                                                                                                                                                                               |                       |                 |
| 40 | <b>Build with international support the national capacities to fulfil the reporting obligations to treaty bodies</b>                                                                                                                                                                                                                                        | <b>Egypt</b>          | <b>Accepted</b> |
|    | <u>Status quo:</u> Several periodic reports to the treaty bodies are severely overdue, including the reports to the CAT, CCPR, CDESCR, and CERD. The GoB is urged to comply with its obligations to report to the treaty bodies, and to include information on Dalits and disaggregated data based on caste in its periodic reporting to the treaty bodies. |                       |                 |
| 42 | <b>The full involvement of civil society in the follow-up to this review</b>                                                                                                                                                                                                                                                                                | <b>United Kingdom</b> | <b>Accepted</b> |
|    | <u>Status quo:</u> Civil society, including the Dalit community and other excluded groups, should be fully included in the follow up to the review, as well as in the implementation of recommendations and mid-term reporting.                                                                                                                             |                       |                 |

**Annex II: UN recommendations on caste-based discrimination in Bangladesh**

The following observations and recommendations have been made by UN treaty bodies and UN Special Procedures on the situation of Dalits and "marginalized and excluded children" since the first UPR of Bangladesh in 2009<sup>xxi</sup>:

**UN TREATY BODIES**

**Committee of the Rights of the Child, Concluding Observations, 2009 (CRC/C/BGD/CO/4)**

32. While noting the commitment taken by the State party in its Constitution and "Vision 2021" to create an equitable, just and non-discriminatory society, the Committee is nevertheless concerned that the principle of non-discrimination contained in article 2 of the Convention is not fully respected in practice. Girls continue to face discrimination and disparities, particularly with regard to health care, nutrition and early marriage, as do particular groups of children, including refugee children, children with disabilities, children in slums and rural areas and children of ethnic and religious minorities. The Committee is also concerned that children face discrimination on the basis of social origin, or other status of their parents.
33. The Committee strongly recommends that the principle of non-discrimination, as provided for under article 2 of the Convention, be fully and vigorously applied by the State party and integrated into the implementation of all other articles to guarantee, without discrimination, the rights set out in the Convention. The Committee further recommends that the State party take the necessary measures to ensure that efforts to address persistent discrimination and reduce disparities are adequate and effective in the family, schools and other settings, and in particular among marginalized and excluded children, including girls, children of ethnic minorities and refugee children.

The Committee invites the State party to submit the fifth periodic report, by 20 October 2012.

**Committee on the Elimination of all forms of Discrimination Against Women, Concluding Observations, 2011 (CEDAW/C/BGD/CO/7)**

*Disadvantaged groups of women*

37. The Committee is concerned at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women, migrant women, refugee women, older women, women with disabilities and girls living on the streets. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice.
38. The Committee recommends that the State party:
  - a. Collect disaggregated data on the situation of disadvantaged groups of women facing multiple forms of discrimination and adopt pro-active measures, including temporary special measures, to eliminate such discrimination and protect them from violence and abuse.

The Committee invites the State party to submit its next periodic report in February 2015.

**UN SPECIAL PROCEDURES (thematic mandates)**  
**Special Rapporteur on contemporary forms of racial discrimination**

*Annual report for the Human Rights Council, 17th session, June 2011 (A/HRC/17/40)*

49. The Constitution of Bangladesh prohibits discrimination on grounds of race, religion, caste or sex, and states that no one can be detrimentally affected in respect of life, liberty, body, reputation or property (part III, art. 31). The pattern of discrimination against occupational groups related to caste systems has been recognized in the National Strategies for Accelerated Poverty Reduction. In the strategies, the Government envisioned that disadvantaged and stigmatized groups could be included into the mainstream by allowing their participation in socio-economic activities. While this is a strong step, more practical action is needed to redress this discrimination, such as the enforcement of current laws and the creation of a commission mandated to address concerns related to the lower castes.

**Special Rapporteur on violence against women**

*Allegation letter to Government of Bangladesh in Addendum - Communications to and from Governments (A/HRC/17/26/Add.1), 17th session of the Human rights Council, June 2011*

35. On 30 November 2010, the Special Rapporteur, jointly with the Special Rapporteur on freedom of religion or belief sent an allegation letter to the Government concerning MMB, a Hindu woman from Tala Upazila, Satkhira District.
36. According to the information received, MMB was the wife of PB and belonged to the Lower Caste of the Hindu minority in Tala Upazila of Satkhira District. On 20 April 2010, at about 9:00 a.m., MMB went to fetch water from a well near the Tala police station. Allegedly, MMB was then kidnapped by MZG with the help of KG, AZ and SG. On 21 April 2010, a criminal case under section 7/30 of the 2003 Women and Children Repression Act was opened against MZG and three unidentified perpetrators.
37. It was reported that MZG forcefully converted MMB to Islam on 9 June 2010, renamed her as FB and married her in contravention of section 494 of Bangladesh Penal Code. Subsequently, MZG reportedly put mental and physical pressure on MMB to withdraw the abduction case dated 21 April 2010, and also to get money from her parents as dowry. When MMB expressed her inability to procure dowry money from her destitute parents, Mr. MZG started beating her. As a result, MMB died at the house of MZG on 28 October 2010. MZG tried to portray this as a suicide, hanging her dead body in his room and then fled away.
38. On 28 October 2010, the same day, the police recovered the dead body and filed another case against four perpetrators responsible for abatement of murder, including MZG, under section 11(ka)/30 of the 2003 Women and Children Repression Act. However, the police had yet been unable to arrest the perpetrators. The body of MMB was subsequently buried as per Muslim custom.
39. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as further clarification

concerning any complaints that might have been lodged; the results of any judicial investigation; and any plans, policies or legislation instituted to prevent violence against women, in particular forced marriages and dowry related violence.

### **Response from the Government**

40. In a letter dated 30 November 2010, the Government responded to the communication sent on 30 November 2010 indicating that the contents of the communication had been duly noted and forwarded to the concerned authorities in Bangladesh for necessary inquiry and actions.

### **Observations**

41. The Special Rapporteur looks forward to receiving further information from the Government regarding the allegations above and takes this opportunity to recall that the right to marry, only with one's free and full consent, is recognized in the Universal Declaration of Human Rights (Article 16(2)) and that Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women refers to the right of women and men to freely chose a spouse, to enter marriage only with their free and full consent and with the same rights and responsibilities.
42. The Special Rapportuer also wishes to recall the obligation by States under international human rights law to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

### **Special Rapporteur on the issue of human rights obligations related to access to safe drinking water and sanitation**

*Thematic report on Stigma and the realization of the human rights to water and sanitation, A/HRC/21/42 (21st session of the Human Rights Council, September 2012)*

15. People who are stigmatized can find it is almost impossible to escape the stigma. Similarly, some may experience stigma by association, that is, extending beyond a person with a particular attribute. The Committee on Economic, Social and Cultural Rights has found that people may be discriminated against by being associated with or by being perceived as part of a particular group.<sup>6</sup> For example, during her mission to Bangladesh, the Special Rapporteur found that the occupation as "sweeper" is passed down through generations and that people in that occupation feel "trapped" (A/HRC/15/55 and Corr.1, paras. 26, 75 and 76).

### **Joint report from a visit to Bangladesh by the Independent Expert on water and sanitation and the independent Expert on human rights and extreme poverty**

*Mission report - Bangladesh, A/HRC/15/55 (15th session HR Council, September 2010)*

24. Bangladesh has a diverse ethnic, religious and indigenous population. The experts met with various members of different minority groups, and also received reliable information concerning the situation of other groups. They note that some of these groups are victims of discrimination and live in extreme poverty. The experts recall that the Constitution prohibits discrimination on the grounds of "religion, race, caste, sex or place of birth".

25. The experts met with groups of people who identify themselves as Dalits. The caste system was described as an occupational system, whereby people, according to their descent, undertake certain professions that are generally considered to be menial. The experts were informed that these people suffer discrimination in all areas of life, including segregation in their access to housing. Most live beneath the poverty line, earn less than the minimum wage and have no access to education. Dalits also suffer from numerous diseases, not least because of their lack of access to safe drinking water and sanitation, and they sometimes face discrimination in their access to public-health facilities.
26. In their meetings with Dalits, the experts perceived an overwhelming feeling of their being "trapped". Dalits feel they have no opportunity to seek other jobs, since their families have had these occupations for generations and because they lack adequate education. Pervasive discrimination against them keeps them poor, uneducated, in terrible living conditions and in menial jobs. While the Government of Bangladesh does not make specific reference to the situation of Dalits in its National Strategy for Accelerated Poverty Reduction, it recognizes the pattern of discrimination against occupational groups related to caste systems. The strategy indicated the need to understand further the situation of these groups and to promote targeted policies aimed at improving their living conditions. The Government should explicitly recognize the discrimination experienced by Dalits and take more concrete steps to redress it, including through the enforcement of existing laws and the establishment of a special commission with a mandate to address concerns particular to Dalits. The National Human Rights Commission also has a central role to play in combating discrimination based on caste. [...]
58. The independent expert is concerned that very little attention is paid to ensuring the safe treatment and disposal of wastewater. She notes that there is a tradition of manual scavenging in Bangladesh, which poses serious health concerns (see paragraph 76 below). She was impressed by the efforts made by non-governmental organizations to find technological solutions for hygienically emptying pit latrines, such as the Vacutug. Apparently, the contents of the pits are currently emptied directly into waterways, jeopardizing the quality of that water. The Dhaka Water Authority reported to the independent expert that it only had one sewage treatment plant for a population of 10 million. The sewage load in Dhaka is estimated to be 100 times greater than the capacity of the plant. Despite the known problems with treating wastewater, construction of new habitations continues in Dhaka, with increasing connections to a sewage network that has a limited capacity for treatment. The Water Authority explained that five new sewage treatment plants are needed in Dhaka, and that two of these plants are currently under consideration for construction. Given the fact that the Government has to use surface water as an alternative source of drinking water, the construction of these five treatment plants is urgent.

### **Dalits**

75. The independent expert is concerned about discrimination against sweepers, who are predominantly Dalits. This occupation has been passed down through the generations; although non-Dalits are starting to take the job of sweeper, however, traditional sweepers are resisting this trend, because they claim they are not eligible for other jobs. The work of the sweeper is to clean out sewers and septic tanks. They are employed by the municipality and

private employers. In rural areas, the job of sweepers is akin to manual scavenging, which is the process of cleaning out dry toilets manually. In Dhaka and other areas, where sewerage and septic tanks are used, the job is to clear blocked pipes and empty septic tanks.

In both cases, the workers have no protective gear and are subjected to considerable health risks. They reportedly suffer from diarrheal diseases and dysentery. One woman explained that the men need to get drunk to be able to bear this work.

76. Sweepers are also subjected to discrimination in the community. The children of sweepers are reportedly ostracized by teachers at school, and feel forced to hide their origins. The independent expert visited a community of sweepers and saw that they had no access to water or safe sanitation. They used a hanging latrine, which emptied out directly into a passing stream. In another Dalit slum, two water points reportedly served 12,000 people. The women and girls have to carry the water up several flights of stairs, which poses a serious threat to their physical well-being. In addition, the women's toilets had a hole in the ceiling where boys watched the girls, depriving them of all privacy. The toilets were in a deplorable state, with faeces covering the entire area. Most Dalits live in rural areas, where they reportedly face similar problems of inadequate housing and the constant threat of eviction.

The Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation calls on the Government:

125. (d) To adopt an explicit policy to address the situation of Dalits, and to eliminate discrimination against them; and to take special measures to improve the situation of sweepers, including by ensuring the protection of their health while at work, and that they have access to safe drinking water and sanitation in their homes.

### **Annex III: Country visits to Bangladesh by UN Special Procedures**

The following UN Special Procedures (thematic mandates) have confirmed or requested visits to Bangladesh<sup>xxj</sup>:

#### Forthcoming visits:

- SR on violence against women (Second period of 2012 or early 2013\*)

#### Visit agreed upon (in principle/under consideration):

- SR on adequate housing and SR on freedom of religion

#### Requested country visits

- (R in 2003) SR on the right to freedom of opinion and expression;
- (R in 2006) IE on minority issues;
- (R in 2006, reminder in 2008 and 2009) SR on extrajudicial, summary or arbitrary executions;
- (R in 2007) SR on independence of judges and lawyers;
- (R 2008) SR on contemporary forms of slavery;

- (R in Sep 2008) SR on racism;
- (R in Aug 2008 and follow up request in Nov 2008) SR on contemporary forms of slavery;
- (R sent 7 June) SR on IDPs

**Annex IV: Lobby meetings, seminars and press conference held by Bangladesh Dalit and Excluded Rights Movement (2010-2012)**

- a) In January 2011, BDERM leaders met Prime Minister Sheikh Hasina, her sister Sheikh Rehana and her niece Tulip Siddiq at Prime Minister's Government residence. The BDERM leaders discussed the overall situation and some solutions to the current Dalits problems through her representative. Besides, BDERM has been submitted a memorandum to the finance ministry demanding special allocation on funds in the national budget to develop the housing facilities of Dalit communities.
- b) In March 21, 2011, BDERM and Nagorik Uddyog had organized a seminar titled 'Work and Descent Based Discrimination: Socio-economic Impact and Way Forward' at the Press Club in Dhaka. Dalit leaders, NGO activists, researchers, civil society representatives, political activists, journalists and the fulltime member of the NHRC spoke among others at the seminar. Sensitization of policy makers to combat the work and descent based discrimination and take necessary policy measures to uphold the rights of Dalit and socially excluded peoples has been discussed in the seminar.
- c) Bangladesh Dalit and Excluded Rights Movement (BDERM) and Nagorik Uddyog jointly organised a seminar, titled "Regarding the Development of Dalit and Excluded Communities - What needs to be done in the upcoming budget", at Dhaka Reporters Unity on 5th May in 2012. The seminar highlights the demand of allocation in the national budget to solve the crisis of housing facilities, lack of sufficient water supply and hygienic sanitation facilities in Dalit colonies. Law makers, political activist, civil society representative, Dalit leaders discussed the issues in the seminar.
- d) Move for inclusion a special provision in the constitution: On 29th of October in 2010, BDERM urged the parliamentary committee on amending the constitution and the government to include a special provision in the constitution to ensure the social security, citizen rights and human dignity of Dalit and socially excluded peoples. Through a series of program like memorandum submission to the committee, human chain and press conference BDERM pursued its claims. BDERM's leaders meet the co-chair of the amending committee and handed over a memorandum on 5th October, organized human chain on 8th October and press conference on 29th October in 2010. Former justice of the apex court of Bangladesh, Human Rights activist and Dalit leaders spoke in solidarity of this demand.
- e) On 2nd August in 2012 BDERM and Bangladesh Dalit and Excluded Women Federation (BDEWF) organized a seminar titled "Vulnerability of Dalits in Bangladesh: Social Justice and Search for Act". The seminar has been organized with the assistance of Nagorik Uddyog. The chairman of NHRC Bangladesh, acting chairperson of Law commission, the advisor to the former Caretaker government, law makers, Dalit leaders, NGO representatives, Human Rights activist, journalist discussed the seminar. The discussants emphasized the necessity of a law that can protect the rights of Dalit and uphold their dignity in the society.

## REFERENCES

- i The Bangladesh Dalit and Excluded Rights Movement is a national advocacy platform consisting of both Dalit and other excluded communities across Bangladesh. See <http://www.nuhr.org/BDERM/Default.aspx>
- ii BDEWF is a national network formed in November in 2010, working to advance Dalit and Excluded women's rights. It consists of 10 Dalit women headed organizations from the country.
- iii Nagorik Uddyog (NU) is a human rights organization working with Dalit and socially excluded communities to support their human rights struggle. [www.nuhr.org](http://www.nuhr.org)
- iv International Dalit Solidarity Network (IDSN) is an international network advocating for the elimination of discrimination based on work and descent globally. [www.idsn.org](http://www.idsn.org)
- v Joint UPR submission "The human rights situation of Dalits in Bangladesh" related to the 4th UPR session, February 2009, prepared by BDERM, NU and the International Dalit Solidarity Network: [http://idsn.org/fileadmin/user\\_folder/pdf/Old\\_files/un/pdf/UPR\\_Bangladesh.pdf](http://idsn.org/fileadmin/user_folder/pdf/Old_files/un/pdf/UPR_Bangladesh.pdf)
- vi Mid-term assessment report, UPR Bangladesh, submitted to UPR-Info by BDERM, NU and IDSN (2011): [http://idsn.org/fileadmin/user\\_folder/pdf/New\\_files/UN/UPR/UPRInfo\\_midterm\\_Bangladesh\\_IDSNDERM-NU.xls](http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/UPR/UPRInfo_midterm_Bangladesh_IDSNDERM-NU.xls)
- vii See list of most relevant recommendations in mid-term assessment report by BDERM, NU and IDSN (2011): [http://idsn.org/fileadmin/user\\_folder/pdf/New\\_files/UN/UPR/UPRInfo\\_midterm\\_Bangladesh\\_IDSNDERM-NU.xls](http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/UPR/UPRInfo_midterm_Bangladesh_IDSNDERM-NU.xls)
- viii See UPR Forum press release (4th February 2009): [http://idsn.org/fileadmin/user\\_folder/pdf/New\\_files/UN/pressrelease\\_4Feb\\_BangladeshUPR\\_01.doc](http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/pressrelease_4Feb_BangladeshUPR_01.doc)
- ix Caste-based discrimination in South Asia: A study of Bangladesh. Conducted by Prof. Iftekhar Uddin Chowdhury. IIDS Working Paper Studies, Vol III Number 07, 2009: [http://idsn.org/fileadmin/user\\_folder/pdf/New\\_files/Bangladesh/Caste-based\\_Discrimination\\_in\\_Bangladesh\\_IIDS\\_working\\_paper\\_.pdf](http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Caste-based_Discrimination_in_Bangladesh_IIDS_working_paper_.pdf)
- x As proclaimed by the Universal Declaration of Human Rights and, inter alia, by the ICCPR, ICESCR, ICERD, ICEDAW, CRC and the International Labour Organization Convention No. 111 and CERD General Recommendation no. XXIX.
- xi The UN Sub-Commission study on discrimination based on work and descent is the first UN study to comprehensively address the nature, scope and magnitude of this form of discrimination. When the former Commission on Human Rights mandated two Special Rapporteurs with the task of preparing a comprehensive study on this issue in 2005, it was the first occasion on which the UN's leading human rights body sought to address the entrenched form of caste discrimination that affects an estimated 260 million people on a global scale. The outcome of the study was the formulation of a set of draft UN Principles and Guidelines for the effective elimination of discrimination based on work and descent, which were published by the Human Rights Council in May 2011. Read more about the background and outcomes of the study: <http://idsn.org/international-advocacy/un/sub-commission-study/>
- xii Other articles concerning non-discrimination in the Constitution of Bangladesh are articles 10 (participation of women); 27 (equality before law); 28(4) (mandating affirmative action or 'special measures' by the state for the 'advancement of any backward section of citizens'); and 29 (equality of opportunity of all citizens in respect of employment or office in the service of the Republic).
- xiii Joint mission report, A/HRC/15/55. See also extracts from the report in Annex I.
- xiv See OHCHR chart on reporting states (downloaded 27 Sept 2012): <http://www.ohchr.org/Documents/HRBodies/ReportingStatus2012.xls>
- xv See list of demands by the Bangladesh Dalit and Excluded Women's Federation, Summary Report on Dalit Women's Rights Conference 2012.
- xvi Caste-based discrimination in South Asia: A study of Bangladesh. IIDS Working Paper Studies, Vol III Number 07, 2009 (see reference above)
- xvii They are often unmotivated to seek higher education given the biases that prevent them from accessing employment, even at the lowest levels, in the public and private sector even after graduating from high schools or colleges. Their low literacy rate has been a major hindrance for the Dalits to develop their communities and has also inhibited them in looking for alternatives or changes to their traditional occupations.
- xviii The draft UN Principles & Guidelines for the effective elimination of discrimination based on work and descent were published by the Human Rights Council in an annex to a report (A/HRC/11/CRP.3) at its 11th session in May 2009. As an overarching principle the draft P&G establish that all states, including Bangladesh, have a duty to make sincere efforts to dispel the prejudicial beliefs that constitute, support and reinforce discrimination based on work and descent, including notions of "untouchability", pollution and caste superiority or inferiority, as well as to prevent actions taken on the basis of such beliefs. The principles and guidelines suggest the specific measures to be implemented for the effective elimination of this form of discrimination, including all necessary constitutional, legislative, administrative, budgetary and judicial measures and appropriate forms of affirmative action and public education programmes to prevent, prohibit and provide redress for discrimination based on work and descent in both public and private spheres; and ensure that such measures are respected and implemented by all state authorities at all levels.
- xix See responses to more recommendations in mid-term assessment report by BDERM, NU and IDSN (2011): [http://idsn.org/fileadmin/user\\_folder/pdf/New\\_files/UN/UPR/UPRInfo\\_midterm\\_Bangladesh\\_IDSNDERM-NU.xls](http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/UPR/UPRInfo_midterm_Bangladesh_IDSNDERM-NU.xls)
- xx A survey study conducted by Dr. Iftekhar Uddin Chowdhury, Professor, Sociology Department in Chittagong University.
- xxi Based on the comprehensive compilation of UN recommendations on caste-based discrimination prepared by IDSN (latest updated version is from September 2012): [www.idsn.org/UNcompilation](http://www.idsn.org/UNcompilation)
- xxii According to OHCHR webpage (visited 26 Sept 2012): <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsca-e.htm>

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