

UPR references to caste, 16th session: Bangladesh

Second cycle, session on the 29th of April 2013

Elaborated on the 17th of April 2013

Troika: Etiopia, Pakistan, Czech Republic

[Link to all reports for the UPR Bangladesh, 2nd cycle](#)

Summary of NGO submissions

[Link to report:](#)

16. JS7 urged the government 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.¹

22. JS7 noted that despite constitutional guarantees, political, economic and social exclusion on the basis of caste is practiced. It noted that the worst affected are the **Dalit** women who suffer from multiple forms of discrimination, with more than 80% of **Dalits** experiencing discrimination in admission to school or equal treatment and legal protection when a crime is committed against them. Access to adequate housing and land remained another barrier, the majority is landless. JS7 called for enforcing the law and setting a comprehensive national action plan to eliminate discrimination. JS10 recommended giving quotas for **Dalits** in public education, employment and housing, criminalize 'untouchability' and discriminatory practices.

NGO submissions

[Link to all NGO reports](#)

Submission from National Human Rights Commission:

28. Take steps to protect excluded groups (including **dalits**, transgender, and sexual minority groups) from discrimination.

2.7.5 Other Minorities (p.5)

Excluded groups (including **dalits** and transgender) remain some of the poorest people in Bangladesh and face marginalisation and discrimination. In addition, the NHRC notes that the GoB did not accept recommendations with respect to sexual minorities. The NHRC understands the need for the law to be in harmony with the cultural and social mores of the people. Nevertheless, the NHRC believes that it is now time to ensure that all groups, including those who are transgender, intersex or a sexual minority, are protected from discrimination.

¹ Joint submission 7 (JS7) was presented by the International Dalit Solidarity Network (IDSN), Bangladesh Dalit and Excluded Rights Movement (BDERM), Bangladesh Dalit and Excluded Women Federation (BDEWF) and Nagorik Uddyog (Citizen's Initiative) Dhaka- Bangladesh

Submission of Child Rights Governance Assembly (CRGA), Bangladesh:

Constitutionally Protected Rights:

*The Constitution of Bangladesh contains explicit guarantees of a wide range of civil and political rights considering those as Fundamental Rights. It secures the right of remedy for the violation of these rights by way of a constitutional petition before the Supreme Court. These rights include equality before law, equal protection of the law, non-discrimination on grounds of race, religion, **caste**, sex, or place of birth, special measures for women, children and 'backward sections of citizens', equality of opportunity in public employment, protection of the rights to life and personal liberty, the right to be treated in accordance with law, safeguards as to arrest and detention, prohibition of **forced labour**, protection in respect of trial and punishment, freedom of assembly, freedom of association, freedom of thought and conscience, freedom of expression, freedom of profession and occupation, freedom of religion, the right to property and the right to protection of the home and correspondence.*

Submission of Bangladesh National Woman Lawyers Association (BNWL) (p.7)

*32. The Government of Bangladesh adopted a new National Plan of Action from 2012 to 2014 to combat human trafficking. The Parliament has approved the Human Trafficking Deterrence & Suppression Act of 2012 which attempts to address all forms of trafficking (sexual exploitation, **child labor**, **bonded labor**, organ trade, etc.).*

Submission by ODHIKAR and Asian Legal Resource Center(ALRC) (p.10)

*28. Status of the Minority Communities: The 15th Amendment of the Constitution of Bangladesh has made its Article 28(1) contradictory due to a new insertion of Article 6(2). Article 28 states that "The state shall not discriminate against any citizen on grounds only of religion, race, **caste**, sex or place of birth."*

Submission of Bangladesh Dalit and Excluded Rights Movement (BDERM), Bangladesh Dalit and Excluded Women Federation (BDEWF) Nagorik Uddyog (Citizen's Initiative) in association with the International Dalit Solidarity Network.

As this is our joint submission, references are not displayed. The submission can be read in its full length from the above link.

The Human Rights Forum, Bangladesh, a coalition of 18 human rights and development organizations formed to prepare a stakeholders' report under the UPR.

*2. The report first notes some positive changes in the economic and social rights of citizens (food security, health, (education). It then discusses serious concerns in terms of civil and political rights, particularly regarding life and liberty (enforced disappearances, extra-judicial killings, impunity of law enforcement agencies, attacks on opposition political leaders and labor rights activists), freedom of association, assembly and expression, independence of institutions (judiciary, ACC, NHRC) and rights of particular groups (HRDs, women, children, workers, IPs, minorities, **dalits** and PWDs). This report also compares the delivery of the Government against commitments made at the 2009 UPR. (p.3)*

Rights of Dalits

*59. The Government recognised **Dalits** and other socially excluded groups (gypsies and eunuchs) by allotting BDT 146.1 million in the National Budget (2012-13). However, there are no laws on protect **Dalit** rights, despite demands from the communities and the NHRC, and some 5.5 million **Dalits** and socially excluded communities were omitted from the 2011 census. Widespread discrimination against **Dalits** includes denial of entry to religious institutions, restaurants, private homes and public places in certain areas. Many **Dalits** are also denied Government services including getting bank loans, education and health care. (p.23)*

Recommendations (p.24)

- Provide quotas for **Dalits** in public education, employment and housing.

- Criminalize '**untouchability**' and discriminatory practices, pursuant to CERD General Recommendation No. 29 (2002).
- Adopt a national action plan to eliminate **work and descent-based discrimination**

Stakeholder's report (compiled by the OHCHR)

Link to report:

71. The independent experts on extreme poverty and on water and sanitation were informed that **Dalits** suffer discrimination in all areas of life, including segregation in accessing housing. Most live beneath the poverty line; earn less than the minimum wage; have no access to education; suffer from numerous diseases; lack access to safe drinking water and sanitation and face discrimination in accessing public-health facilities. The Independent Expert on water and sanitation recommended that Bangladesh adopt an explicit policy to address the situation of **Dalits**; eliminate discrimination against them, and improve the situation of sweepers by ensuring protection of their health while at work and their access to safe drinking water and sanitation in homes.

UNESCO contribution:

5. Moreover Article 28, grants the citizen the fundamental right to non-discrimination "on grounds of religion, race, **caste**, sex or place of birth" in their access to "any educational institution". In the same line but positively, "the State shall adopt effective measures to bring about a radical transformation in the rural areas through (...) the improvement of education" (Article 16).

10. The system of establishment of private universities is regulated by the Non-Government Universities Act No. 34 of 1992: article 5 states that "Private universities shall be open to men and women of any **caste**, religion, race and class", whereas according article 7 (f) "it shall reserve five per cent of the total number of seats fixed for the admission of indigent or gifted students, and all such students shall have opportunity to study without paying fees". The "Bangladesh Open University" was created under the Act No. 38 of 1992. At the same time, the National University was established by the Act No. 37 of 1992. The other laws dealing with education issues mainly cater to private institutions.

UNHCR submission: Input from CEDAW/C/BGD/CO/7 - COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 48th session, 22 March 2011:

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.

National Report: A/HRC/WG.6/16/ BGD/ 1

Link to report:

120. During 2009-12, the GOB has taken initiatives to protect various marginalized segments (**Dalits**, Harijans) of the population from discrimination and stigmatization. The Prime Minister's Office has instructed concerned authorities to reserve minimum 80% quota for their employment in special positions in Government, autonomous and private agencies and special quota in educational institutions. They have also been included in the SSNP and free housing scheme for vulnerable groups [Recommendation 18]

The reference to recommendation 18 in the above concerns the recommendation 18, from the UK, in the 1st UPR of Bangladesh in 2009, and should thus been seen as an update to the 1st review.

“Take further steps to address discrimination against vulnerable groups (United Kingdom)”