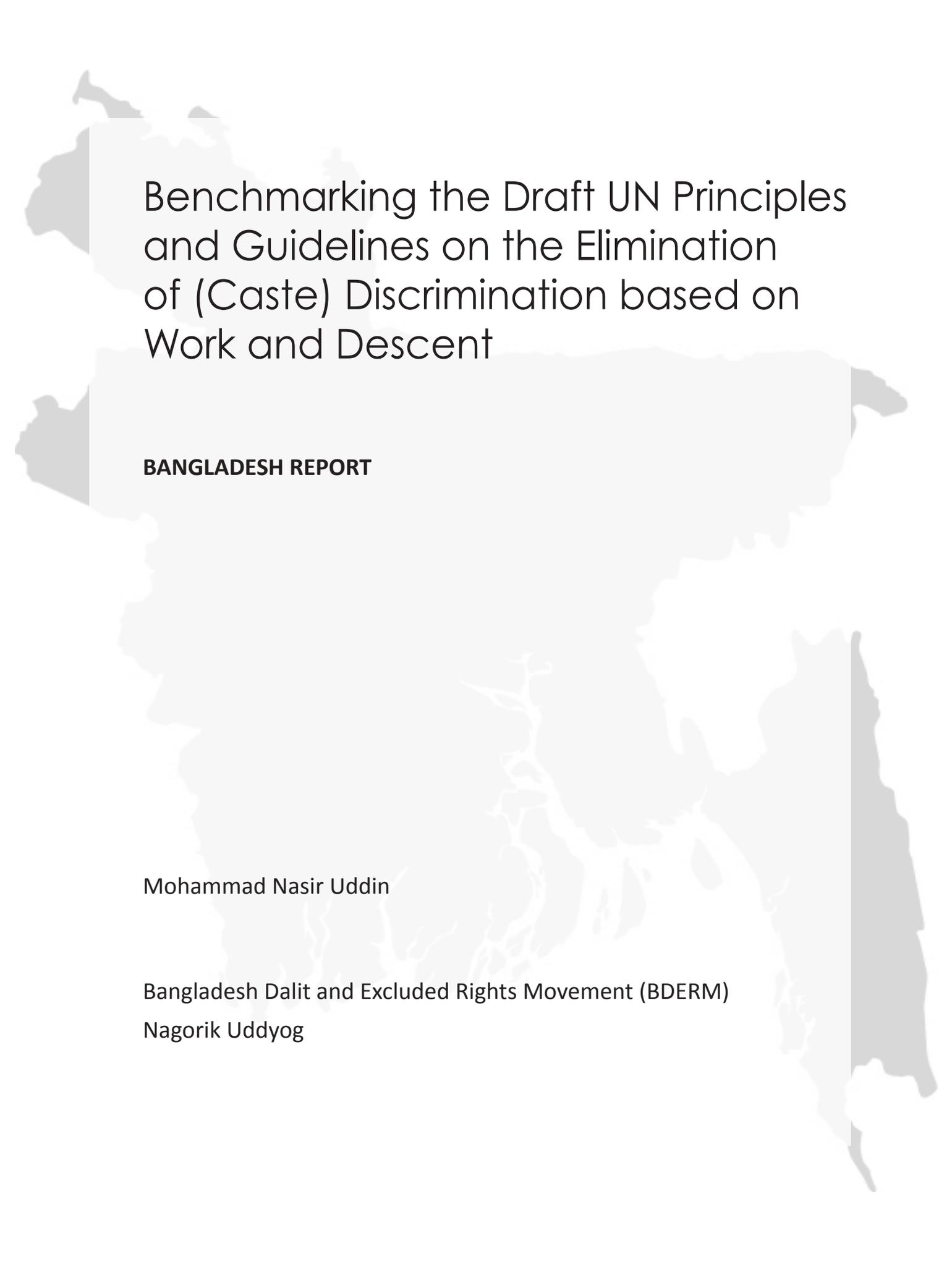


Benchmarking the Draft UN Principles and Guidelines on the Elimination of (Caste) Discrimination based on Work and Descent



BANGLADESH REPORT

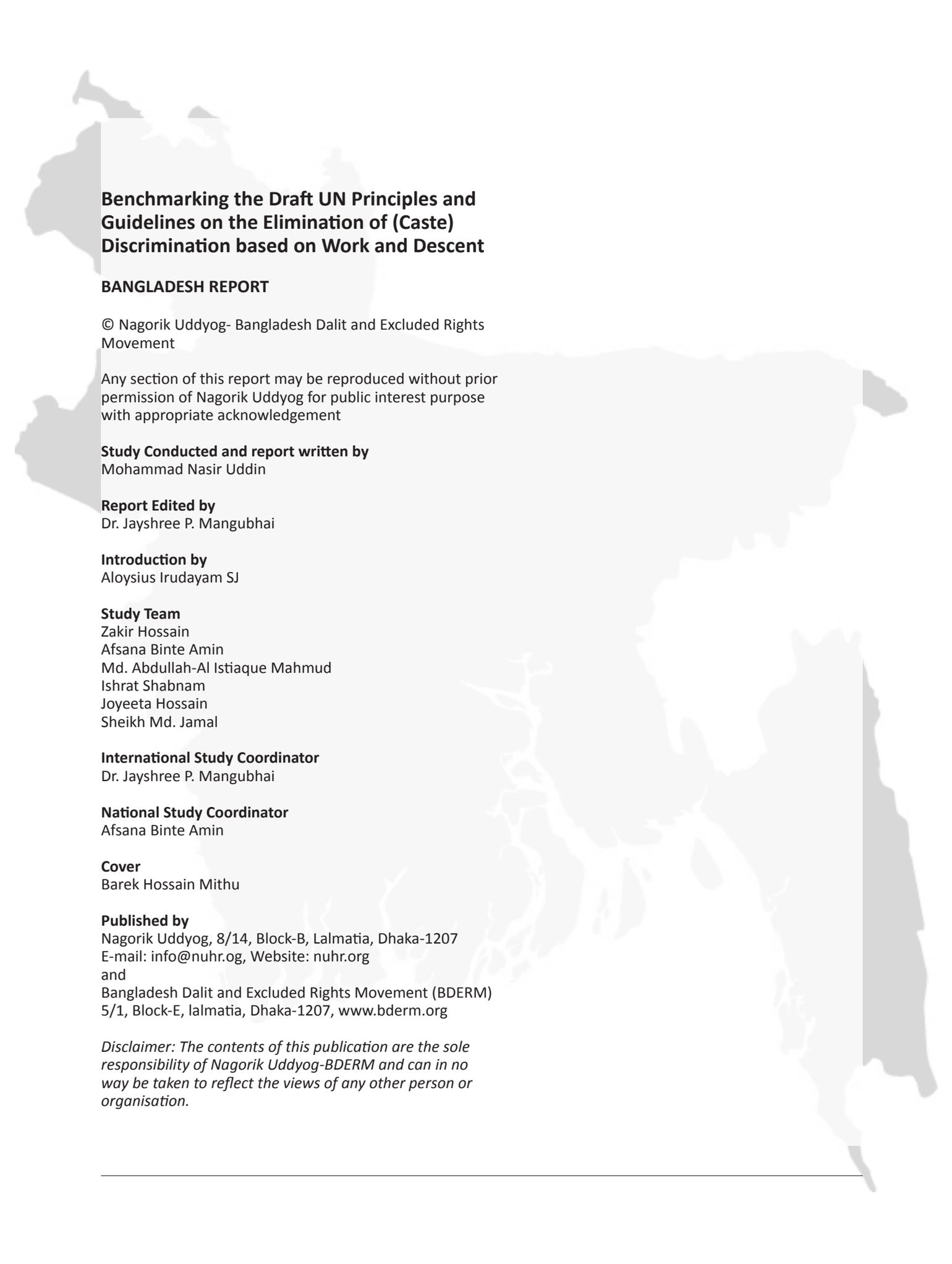


Benchmarking the Draft UN Principles and Guidelines on the Elimination of (Caste) Discrimination based on Work and Descent

BANGLADESH REPORT

Mohammad Nasir Uddin

Bangladesh Dalit and Excluded Rights Movement (BDERM)
Nagorik Uddyog



Benchmarking the Draft UN Principles and Guidelines on the Elimination of (Caste) Discrimination based on Work and Descent

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গবেষণা প্রতিবেদনটির সার-সংক্ষেপ

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ABBREVIATIONS

A		CWCCI	CHITTAGONG WOMEN CHAMBER OF COMMERCE & INDUSTRY
ADP	ANNUAL DEVELOPMENT PROGRAM	D	
AIDS	ACQUIRED IMMUNE DEFICIENCY SYNDROME	DHRD	DALIT HUMAN RIGHTS DEFENDERS
ASK	AIN O SALISH KENDRA	DPP	DEVELOPMENT PROJECT PROFORMA
B		DPHE	DEPARTMENT OF PUBLIC HEALTH ENGINEERING
BARD	BANGLADESH ACADEMY FOR RURAL DEVELOPMENT	DRR	DISASTER RISK REDUCTION
BAIRA	BANGLADESH ASSOCIATION OF INTERNATIONAL RECRUITING AGENCIES	DSS	DEPARTMENT OF SOCIAL SERVICES
BBS	BANGLADESH BUREAU OF STATISTICS	DU	UNIVERSITY OF DHAKA
BCCSAP	BANGLADESH CLIMATE CHANGE STRATEGY AND ACTION PLAN	DWA	DEPARTMENT OF WOMEN AFFAIRS
BDERM	BANGLADESH DALIT AND EXCLUDED RIGHTS MOVEMENT	E	
BDF	BANGLADESH DALIT FORUM	EPB	EXPORT PROMOTION BUREAU
BDHR	BANGLADESH DALIT HUMAN RIGHTS	F	
BDWF	BANGLADESH DALIT WOMEN FORUM	FMRP	FINANCIAL MANAGEMENT REFORM PROJECT
BINP	BANGLADESH INTEGRATED NUTRITION PROGRAMME	FWCW	FOURTH WORLD CONFERENCE ON WOMEN
BLAST	BANGLADESH LEGAL AID AND SERVICES TRUST	G	
BMC	BUDGET MANAGEMENT COMMITTEE	GA	UN GENERAL ASSEMBLY
BNHRC	BANGLADESH NATIONAL HUMAN RIGHTS COMMISSION	GED	GENERAL ECONOMICS DIVISION
BRDB	BANGLADESH RURAL DEVELOPMENT BOARD	GoB	GOVERNMENT OF BANGLADESH
BRDC	BEGUM ROKEYA DOCUMENTATION CENTRE	GRB	GENDER RESPONSIVE BUDGETING
BSCIC	BANGLADESH SMALL AND COTTAGE INDUSTRIES CORPORATION	H	
BWCCI	BANGLADESH WOMEN CHAMBER OF COMMERCE AND INDUSTRY	HIV	HUMAN IMMUNODEFICIENCY VIRUS
BWG	BUDGET WORKING GROUP	HNPS	HEALTH, NUTRITION, AND POPULATION SECTOR PROGRAMME
C		HRC	UN HUMAN RIGHTS COUNCIL
CA	CHRISTIAN AID	HTDSA	HUMAN TRAFFICKING DETERRENCE AND SUPPRESSION ACT
CAT	CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT	I	
CBD	CASTE BASED DISCRIMINATION	ICCPR	INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
CED	CONVENTION AGAINST DISCRIMINATION IN EDUCATION	ICERD	INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION
CEDAW	CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN	ICESCR	INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
CERD	COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION	ICPD	INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT
CPC	CIVIL PROCEDURE CODE	IFIs	INTERNATIONAL FINANCIAL INSTITUTIONS
CPCTWCP	SAARC CONVENTION ON PREVENTING AND COMBATING TRAFFICKING IN WOMEN AND CHILDREN FOR PROSTITUTION	IDSN	INTERNATIONAL DALIT SOLIDARITY NETWORK
CRPC	CRIMINAL PROCEDURE CODE	INGO	INTERNATIONAL NON-GOVERNMENT ORGANIZATION
CRC	CONVENTION ON THE RIGHTS OF THE CHILD	ILO	INTERNATIONAL LABOUR ORGANIZATION
CSO	CIVIL SOCIETY ORGANIZATION	J	
CSR	CORPORATE SOCIAL RESPONSIBILITY	JMS	JATIYA MOHILA SANGSTHA
		L	
		LCB	LAW COMMISSION BANGLADESH
		LGI	LOCAL GOVERNMENT INSTITUTES

M		RMG	READY MADE GARMENTS
MJF	MANUSHER JONNO FOUNDATION	RTI	RIGHT TO INFORMATION
MDG	MILLENNIUM DEVELOPMENT GOAL	S	
MMR	MATERNAL MORTALITY RATE	SAARC	SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION
MNCS	MULTI NATIONAL COMPANIES	SHAREE	SELF HELP ASSOCIATION FOR RURAL PEOPLE THROUGH EDUCATION AND ENTREPRENEURSHIP
MP	MEMBERS OF PARLIAMENT	SMIDEC	SMALL AND MEDIUM INDUSTRIES DEVELOPMENT CORPORATION
MoE	MINISTRY OF EDUCATION, BANGLADESH	SOP	STANDARD OPERATIONAL PROCEDURE
MoHA	MINISTRY OF HOME AFFAIRS, BANGLADESH	SSNP	SOCIAL SAFETY NET PROGRAMMES
MoHFW	MINISTRY OF HEALTH AND FAMILY WELFARE, BANGLADESH	T	
MOHPW	MINISTRY OF HOUSING & PUBLIC WORKS, BANGLADESH	TBP	NATIONAL TIME-BOUND PROGRAMME
MoF	MINISTRY OF FINANCE, BANGLADESH	TIP	TRAFFICKING IN PERSONS
MoI	MINISTRY OF INFORMATION, BANGLADESH	TNCs	TRANSNATIONAL COPERATIONS
MoLGRDC	MINISTRY OF LOCAL GOVERNMENT, RURAL DEVELOPMENT AND COOPERATIVES	TPP	TECHNICAL PROJECT PROPOSAL
MoLJPA	MINISTRY OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS, BANGLADESH	U	
MoLE	MINISTRY OF LABOUR AND EMPLOYMENT, BANGLADESH	UDHR	UNIVERSAL DECLARATION OF HUMAN RIGHTS
MoP	MINISTRY OF PLANNING, BANGLADESH	UIE	URBAN INFORMAL ECONOMY
MoRA	MINISTRY OF RELIGIOUS AFFAIRS, BANGLADESH	UN	UNITED NATIONS
MoSW	MINISTRY OF SOCIAL WELFARE, BANGLADESH	UNDP	UNITED NATIONS DEVELOPMENT PROGRAMME
MoWCA	MINISTRY OF WOMEN AND CHILDREN AFFAIRS, BANGLADESH	UNDOC	UNITED NATIONS OFFICE ON DRUGS AND CRIME
MTBF	MEDIUM TERM BUDGET FRAMEWORK	UNESCO	UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION
MWC	MIGRANT WORKERS CONVENTIONS	UNGC	UNITED NATIONS GLOBAL COMPACT
N		UNHCHR	UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS
NAPA	NATIONAL ADAPTATION PROGRAMMES OF ACTION	UNICEF	UNITED NATIONS CHILDREN'S FUND
NASCIB	NATIONAL ASSOCIATION OF SMALL AND COTTAGE INDUSTRIES OF BANGLADESH	UPR	UNIVERSAL PERIODIC REVIEW
NCWCD	NATIONAL WOMEN AND CHILDREN DEVELOPMENT COUNCIL	V	
NGO	NON-GOVERNMENT ORGANIZATION	VDP	VILLAGE DEFENCE PARTY
NHRI	NATIONAL HUMAN RIGHTS INSTITUTION	VGD	VULNERABLE GROUP DEVELOPMENT
NNP	NATIONAL NUTRITION PROGRAMME	VGDUP	VULNERABLE GROUP DEVELOPMENT FOR ULTRA-POOR
NU	NAGORIK UDDYOG	W	
NSAPR	NATIONAL STRATEGY FOR ACCELERATED POVERTY REDUCTION	WASAs	WATER SUPPLY AND SEWERAGE AUTHORITIES
O		WATSAN	WATER AND SANITATION
OCCs	ONE STOP SERVICE CENTRES	WEAB	WOMEN ENTREPRENEUR ASSOCIATION OF BANGLADESH
OHCHR	OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS	WFP	WORLD FOOD PROGRAMME
OP	OPTIONAL PROTOCOL	WHO	WORLD HEALTH ORGANISATION
OPCAT	OPTIONAL PROTOCOL TO THE CONVENTION AGAISNT TORTURE	WSSD	WORLD SUMMIT FOR SUSTAINABLE DEVELOPMENT
OSH	CONVENTIONS ON OCCUPATIONAL SAFETY AND HEALTH		
P			
PC	PENAL CODE		
PIB	PRESS INSTITUTE OF BANGLADESH		
PID	PRESS INFORMATION DEPARTMENT		
PLAGE	POLICY LEADERSHIP AND ADVOCACY FOR GENDER EQUALITY		
PTIs	PRIMARY TRAINING INSTITUTES		
R			
RAB	RAPID ACTION BATTALION		
RDA	RURAL DEVELOPMENT ACADEMY		

FOREWORD

'Discrimination based on work and descent' is yet to become a significant constituent of dominant public discourse in Bangladesh. The issue has not received much attention even within the academic arena of the country. Here 'caste' is seen more as an Indian phenomenon than as a characteristic of our own society. The very term 'Dalit' is fairly a new coinage in Bangladesh context. Members of citizenry are still not ready to accept the fact that practices of 'untouchability' or 'endogamy' are quite prevalent among the groups of people living in both rural and urban settings. On the whole, there is a 'culture of denial' in relation to recognizing caste practices. However, a number of recent studies have started to debunk the hollowness of such conceit by bringing forth evidences of discriminatory beliefs, values and practice. We are not caste-less, might be that we are caste-blind! This 'blindness' – or, perhaps, 'selective silence' we should say – needs to be challenged and deflated aptly. Caste is still there and casteism we live through – we ought to recognize.

It is true that caste-situation in Bangladesh is significantly different from that of India and Nepal. Since it is a nation of majority Muslim population, caste cannot be said to permeate all aspects of socio-economic life, as is the case in India and Nepal. Therefore, along with recognizing caste as a ubiquitous socio-cultural phenomenon of South Asia, it is also important to highlight the fact that casteism is neither structured nor experienced the same way everywhere. Caste identities are irreducibly socio-historical in nature and Bangladeshi Dalits have been experiencing it by remaining trapped for centuries in a highly complex psycho-social division that is unique to Bangladesh society. Caste system in Bangladesh exemplarily embodies the paradox of similarity and difference.

It is important to highlight the fact that caste reality in Bangladesh is far from fixed or uniform. There are many salient features that distinguish Bangladesh's Dalits from their counterparts in India. One of those features is the 'double consciousness' experienced by many untouchables here. Bangladeshi Dalits find themselves to be absolute strangers in their own homes and communities as a consequence of their forced migration, centuries ago, from Hindu-dominated India to Muslim-dominated East Bengal. One of the reasons for chronic dearth of literature on casteism in the country is the failure to recognize the idiosyncrasy of Bangladesh's Dalit community. This also explains, to a considerable extent, why no significant action has so far been taken on the part of the government or development agencies to quell caste-based discrimination.

We know that the issue of caste-based discrimination did not come to feature the agenda of international human rights community until the beginning of this century. In August 2000, the then-UN Sub-Commission on the Promotion and Protection of Human Rights passed resolution 2000/4 on Discrimination based on Work and Descent, which declared that discrimination based on work and descent is a form of discrimination prohibited by international human rights law. In less than four years the Sub-commission produced a working paper and two expanded working papers, culminating to the appointment of two Special Rapporteurs to undertake a comprehensive study on the issue. The U.N.'s 'Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent' are the outcome of that initiative taken up by the sub-commission.

The formulation of these Draft Principles and Guidelines is a significant step forward based upon which further work can be undertaken to bring about country- and context-specific analysis as well as appropriate laws and policies for eradicating caste based discrimination. The principles and



guidelines are based on existing international human rights principles and obligations which governments have already signed and ratified. A comprehensive framework of state obligations to remove caste based discrimination from all areas of life is provided in the draft whilst outline is made for other stakeholders – including U.N. and other international agencies, non-governmental organizations, educational institutions, and the market actors – to undertake general and specific measures to reach the same goal.

This study, undertaken by NagorikUddyog and BDERM, is an effort to ‘benchmark’ the status of Bangladesh’s implementation of the Draft Principles and Guidelines. This study is of historical significance as it takes on a comprehensive and systematic analysis of the situation as regards caste-based discrimination currently prevalent in the country. It also extensively reviews the relevant international obligations along with charting the measures taken so far at national level. It also points at the gaps in measures and identifies the impact that the limited measures undertaken thus far have got to make on the lives of the community members.

The study provides an across-the-board overview of Bangladesh’s human rights obligations to address caste-based discrimination under international law whilst this brings the fact to light that national laws and policies do not show much sensitivity as yet. The study is an important achievement as it constitutes the outcome of dedicated efforts undertaken with a view to illuminate an issue that has not been appropriately explored in the past.

This study surely will pave the pathways to greater social justice by questioning the silence and apathy that dominate our national attitude as regards the structural inequalities that are kept in force on account of work and descent based discrimination. Policy making and law framing with appropriate understanding of the gaps and achievements would also be possible now. Most importantly, the study will contribute to inform and accelerate the work of those organizations and individuals who endeavour to bring caste based inequalities to an end.

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PREFACE

In recent decades Bangladesh has achieved commendable success in bringing about positive changes in different realms of life, particularly in achieving social development. One important aspect of this change has been that the government of the country has gradually become more responsive about the condition of the people who live in the margin. Along with government, society at large also has become more aware and sensitive. Initiatives taken by government have contributed to take constituents such as women and children into the fold in more inclusive way. However, in case of caste hierarchy and inequality, Bangladesh is yet to take any bold step forward. This is despite constitutional commitments to the values and principles of equality, that every individual is equal before law and deserves conditions to realize her/his full potential. We therefore live with inherent contradictions between the right to non-discrimination and dignity in law, and discrimination and indignities as a daily reality for more than 6.5 million Dalit citizens in the country.

Nagorik Uddyog (NU) and BDERM have been cooperating for years to address the issues of deprivation and sufferings that Dalits here encounter. Through our joint work, we have come to realize the necessity of strengthening collective movement in the country for undertaking campaigns and advocacy activities with a view to bring in change in laws, public policies, social development programmes and in mass outlook. We also have come to appreciate the importance of practical interventions for the ending miseries and deprivation of these most marginalized groups. However, over the years we have got the realization that in Bangladesh context what is of utmost importance is to undertake extensive research to illuminate different aspects of dalits social exclusions.

This report is an outcome of an in-depth study that aimed to ‘benchmark’ the draft UN Guidelines for the Effective Elimination of Discrimination based on Work and Descent (Caste). The report will hopefully work as a important tool in the struggle at both national and international level to bring an end to caste-based discrimination, ‘untouchability’ and violence against Dalits.

Though the focus of this study is to benchmark the status of fulfilment of Bangladesh state’s obligations to effectively eliminate caste discrimination, I am happy to note that this report encapsulates almost all the aspects of Dalit people’s life and struggle in Bangladesh.

I must appreciate the huge amount of research that has been done by the research team to capture the situation of respect, protection and fulfilment of Dalit rights across multiple areas such as education, health, housing, employment, disaster management etc. The study provides a comprehensive outline of where we are today vis-à-vis the elimination of caste-based discrimination, and clearly points to where we need to concentrate most.

Zakir Hossain
Chief Executive
Nagorik Uddyog

Sunil Kumar Mridha
President
Bangladesh Dalit and Excluded Rights Movement (BDERM)



ACKNOWLEDGEMENTS

In undertaking this study we have received help from numerous friends and colleagues. Long discussion and sharing of informed opinion was the key in overcoming the foremost challenge that was to have conceptual clarity as regards the issue among all the team members. Whereas developing a general understanding about 'caste system' was itself a challenge, far more arduous a task was to develop conceptions about the idiosyncrasy of caste and dalithood in Bangladesh context. In fact, this 'conceptual challenge' remains quite formidable for everyone – academic, researcher, or practitioner – who wishes to engage with the plight of Dalits in Bangladesh.

Who are the 'Dalits' in Bangladesh? Should we use the term in a country context which is dominated by majority Muslim population? Is caste system in Bangladesh similar to caste system in India or Nepal? How do we explain the fact that there are caste-like features among the Muslims of the country? Is it not too early to talk about framing laws and policies for protecting the rights of 'Dalits' whereas no 'national consensus' has developed as yet about the basic aspects of 'Dalit people' living in the country? Is there adequate secondary literature available based on which we can draw up a 'benchmark'? – There were questions like these that we had to straighten out as much as possible. It was in this venture that we got support from our revered colleagues.

Dr. Farzana Islam was always a source of inspiration as she was always ready to embark on long passionate discussions. Zakir Hossain, Executive Director, NU was never willing to give up; his resilience would keep us moving. Had Zakir Hossain not been there as an unwavering supervisor, this report would perhaps never have come to light!

I would like to convey warm thanks and gratitude to leaders of Dalit movement in Bangladesh who showed us the way to remain optimistic even in the face of extreme adversity. Mukul Sikder, Bodhanki Solomon, Bibhutoosh Roy, Moni Rani Das, Bheempalli David Raju and Sunil Kumar Mridha are among the many who provided us valuable thoughts and insights. We are also thankful to the young 'human right defenders' and other activists who passionately took part in long group discussion sessions.

Afsana Binte Amin, Abdullah-Al Istiaque Mahmud, Ishrat Shabnam and Joyeeta Hossain – though they are the members of study team – deserve to have special mention here because of their relentless devotion.

Our international editor and coordinator Dr. Jayshree P. Mangubhai kept her cool and fought the odds with calmness. Many thanks to her!

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INTRODUCTION

The 2001 World Conference against Racism in Durban, South Africa was a watershed event for Dalits, like for many discriminated peoples and communities in the world, in two respects.

First, it brought recognition among the international community of the existence of caste-based discrimination in South and East Asia, and later in the African region. Although the caste system has been studied and documented in the past by many scholars, the profile of Dalit communities in different social contexts as well as the nature, extent and forms of caste discrimination and violence practised against them has not been sufficiently studied and documented, or spoken about, or made known to the international community. It was the spark of Durban that stimulated the academics, activists, government and media milieu. Since then, there have been many observations, recommendations, principles and guidelines that have been suggested for the *effective elimination of discrimination based on work and descent globally*. This was mainly owing to the advocacy efforts done by such agencies as the international Dalit solidarity networks and the international human rights advocacy organizations jointly with Dalit activists and organizations in the affected countries. This spark of Durban needs to continue to spread swiftly and strongly.

Second, the WCAR, followed by later events, brought the realization, in howsoever small or great a measure, among the governments in the South and East Asian regions that this issue of caste based discrimination cannot be neglected and therefore needs to be addressed urgently. This was largely due to the continuous rights assertions of Dalit communities, as in India, Nepal and Japan. It was also due to the awareness generated and questions raised by the international community on the prevalence of and protracted response to this issue. Hindsight

tells us that the stance taken to hold the state accountable has been paying dividends gradually. However, the task still remains too important to be left incomplete and too enormous to be done singlehandedly by any one of the South and East Asian countries.

It is against this background of the progress made so far in order to attain the goal of rights and dignity for all Dalits that the gaps need to be identified for careful and critical scrutiny, the tasks listed for planning and the agenda of action formulated for action in future. Hence, a 'benchmark' study on the ***“National Mechanisms and their Impact in addressing Discrimination based on Work & Descent in Asia”*** is necessary.

Set within the overall framework of the UN mechanisms, especially the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, this study has to be a collective endeavour of the affected countries of Asia.

The purpose of this study is the following:

- (i) To have an overall understanding of the ground reality of the human rights situation of the communities affected by work and descent based discrimination;
- (ii) To access information as to what extent the states Asia have addressed the issue of caste or work and descent based discrimination;
- (iii) To make the Principles and Guidelines country specific and nuanced, so as to be able to contribute to strengthening the national processes by way of providing depth of perception and clear identification of discrimination practices, evolving specific and concrete action programmes and implementation

- 
- mechanisms, and suggesting specific indicators of elimination of caste discrimination;
- (iv) To pave the way for similar study in African countries;
 - (v) To support the wider, long-term objective of a South Asian Convention and Global Convention on the eradication of caste based discrimination;
 - (vi) To justify the Principles and Guidelines as necessary and valid, through objective official data;
 - (vii) To offer recommendations/proposals for addressing this issue of caste based discrimination more adequately and effectively in the affected country.

STUDY METHODOLOGY

This study was conducted over the period of one year, from June 2013 to June 2014.

The study **objectives** were the following:

- (1) To obtain a broad overview of the socio-economic, political and religio-cultural context of the Dalit communities in Bangladesh;
- (2) To identify the international and national legal standards that the Bangladesh state has set for itself to address the rights situation of the communities affected by caste-based discrimination and violence, and the specific policy, programmatic and budgetary measures that have been established;
- (3) To take stock of the status of the implementation of the national standards and measures, and to identify the gaps in both the measures themselves as well as their implementation;
- (4) To offer concrete recommendations both for implementation of national standards and measures, as far as implementation is concerned, and for advocacy efforts to make implementation possible and effective.

In other words, the focus of the research was on analysing state measures – i.e. state obligations – and *not* on status of Dalit rights, status and forms of ‘untouchability’, caste based discrimination and violence, as such. The core research questions therefore were: (i) Are state measures in place as per the draft UN Guideline? (ii) What is the status of national implementation of such measures? (iii) What are the gaps in the measures or in their implementation? (iv) What are the key recommendations to ensure the enactment and implementation

of comprehensive measures in line with the Guideline?

As the draft UN Guidelines are extensive, a **sample** of 22 guidelines was chosen for in-depth research. These were guidelines chosen across the 12 major categories of guidelines, namely:

1. Combating segregation
2. Physical security and protection against violence
3. Access to justice and equal political participation
4. Equal employment opportunity and free choice of occupation
5. Forced, bonded and child labour
6. Health
7. Adequate food, water, and housing
8. Education
9. Public awareness raising and elimination of discriminatory customs
10. Multiple discrimination against women
11. Humanitarian and development assistance
12. Market Enterprises & Financial Allocations.

If a category had only one guideline, that guideline was chosen for analysis. If, however, a category had multiple guidelines, two guidelines were chosen from that category on the basis of the following criteria:

1. Does the issue **exist** or not for Dalits in the country?
2. Is the issue **relevant** for Dalits in the country in terms of strengthening state performance? In other words, the issue covered under the guideline might exist, but the state does consider it important and so no state measures are put in place; or the issue covered under the guideline exists and state measures in place, but there is no proper implementation.

3. Is **adequate data/info** available or not?

The study was based on **secondary data collation and analysis** alone. Official data and research from government sources was primarily used. Only if these were not available on a guideline topic, then data and studies from civil society organisations and media reports were used to supplement this data. National data sources thus included: Constitutional provisions; Laws; Executive policies; Policies on Women/Children; Government Schemes; Budget provisions; Development Plans; reports from Statutory bodies such as commissions, authorities, etc.; Annual Reports of various government ministries and departments; Corporate principles; etc.

Certain **principles were adhered to in collecting, collating and analysing the data**. *One* was that care was taken to ensure that information on measures and their implementation for Dalit women and children was provided across the guidelines, and not just for the gender specific guidelines. *Second* is that attention was paid to the diversity within the Dalit community in the country – e.g. the different sub-castes of Dalits, or different religions of Dalits. *Third* was that only the latest data and information available was included. In some cases, however, only old data dating back a decade was available and was therefore included. *Fourth* is that each guideline was examined in relation to the others, so as to lessen the overlap in terms of data and information provided for each guideline.

The **framework for each analytical report on a specific guideline** was divided into 11 sections as follows:

1. *Specific Aspects covered by the Guideline:* detailing what exactly the guideline was asking a state to do
2. *International Standards & Mechanisms:* providing justification for the Guideline by linking it to the international human rights laws to which the state was signatory
3. *International Recommendations:* detailing the various recommendations by UN treaty and other bodies on considering the Bangladesh government's reports to treaty bodies or visits by UN representatives or recommendations issued by treaty bodies

4. *National Standards, Measures and Mechanisms:* detailing the various government laws, policies, programmes/ schemes, budgetary measures and institutional mechanisms in place in fulfillment of the guideline
5. *Recommendations by National Mechanisms:* detailing any official government or commission reports on the topic of the guideline, with specific focus on addressing caste based discrimination
6. *Status of Implementation of National Measures:* detailing the status of implementation of the various government measures and how mechanisms are functioning
7. *Impact on the Beneficiaries:* examining the impact in terms of data showing a changing situation over time, good or bad, for the Dalit community after the implementation of the government measures.
8. *Gaps in Measures and/or their Implementation:* specifying any gaps both in terms of the measures themselves and the way those measures are being implemented or enforced
9. *Dalit Community Response:* providing examples of how Dalit communities and civil society organisations are responding to the issue vis-a-vis the Dalit community
10. *Wider Society Response:* providing examples of how non-Dalit or wider coalitions of civil society organisations are responding to the issue vis-a-vis the Dalit community
11. *Key Recommendations:* specifying recommendations, based on official government or civil society reports or programmes, in order for the state to ensure fulfilment of the guideline.

Given the extensive nature of the research, the executive summary reveals the broad patterns that emerge in terms of state measures and their implementation, and the gaps, across all 22 guidelines that were benchmarked.

EXECUTIVE SUMMARY

The draft 'UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent' provide a comprehensive framework of state obligations to remove caste-based discrimination from all areas of life. The guidelines also lay down the responsibilities of development agencies, corporate bodies and market stakeholders in achieving the same goal. The framework is based on international human rights laws, which the Government of Bangladesh has signed and ratified. The guidelines provide a detailed outline of the 'tasks to be done' or 'measures to be taken' following the essence and spirit of human rights treaties and conventions convened under the auspices of the United Nations.

Though the guidelines are still a draft document, states like Bangladesh ought to take them seriously if they are committed to upholding principles of equality, respect for human rights and a society free from caste-based discrimination. Proper appreciation of the conceptual and practical essence of the guidelines can pave the way for the adoption of appropriate legal, policy and budgetary measures. With such appreciation, the Constitution of the country can become more explicit in taking a stand against caste discrimination and for measures towards ensuring equality. National statutes can also come into line by containing non-ambivalent provisions for combating structural inequalities and for endorsing affirmative action. The guidelines can also work directly in informing national planning, policy regimes and both long-term and short-term fiscal allocations.

However, before everything else what is of paramount importance in the Bangladesh context is that the state machinery as well as society at large need to explicitly recognise the fact that discrimination based on caste identity is a salient feature of the social fabric in the country and

that this discrimination is 'unacceptable' and needs to be tackled.

In this benchmark report for Bangladesh, 22 Guidelines are clustered within 12 broad categories: (1) combating segregation; (2) physical security and protection against violence; (3) access to justice and equal political participation; (4) equal employment opportunity and free choice of occupation; (5) forced, bonded and child labour; (6) health; (7) adequate food, water, and housing; (8) education; (9) public awareness raising and elimination of discriminatory customs; (10) multiple discrimination against women; (11) humanitarian and development assistance; and (12) market enterprises and financial allocations. Information for this study has been collected from multiple secondary sources, both government and non-government. The major findings emerging from this study are laid out below.

I. CASTE AND DALITHOOD IN BANGLADESH: THE COUNTRY CONTEXT

a. Widespread Apathy as regards Caste Discrimination: A Situation Apart

Caste hierarchy is perhaps the most prominent feature of the social structure in South Asia. Whereas in India and Nepal the issue of caste discrimination, particularly the dynamism of Dalithood, has gained significant currency and drawn remarkable attention over the years, in Bangladesh the situation is markedly different. Here the issues relating to caste discrimination – and, particularly those relating to 'untouchability' – are yet to emerge as a significant topic in the realms to scholarship, public discourse or polity. Bangladesh society has either taken the practices relating to caste hierarchies for granted, or has allowed them to remain beyond the purview of systematic scrutiny.

Though the presence of apathy and indifference is ubiquitous, the extent of practices of ‘untouchability’ has not become negligible or trivial. Major patterns of marginality and caste discrimination lie in the choice of profession, housing and settlement, access to services and facilities such as education and health, social mobility and interactions. The prevalent public silence has contributed toward the persistence of asymmetries as this has allowed the deplorable aspects of the social structure to remain far away from public engagement. The social structure here is still basically agrarian in nature and traditional Dalit professionals such as fishers, sweepers, barbers, washers, cleaners, blacksmiths, cobblers, weavers and butchers are part of the social, political and economic organization of society that has evolved but remained hierarchical over the centuries. These occupations that basically involve menial work are usually considered to be descent based and members of these communities are looked down upon by the elites, dominant classes and mainstream society. In the system of social stratification these people are ranked low and persistently subjected to prejudices and practices emanating from the caste system and its offshoots. The primarily caste-based system of exclusion, however, takes a complex shape in practice, where class, citizenship and religion become intertwined with caste. Add to this the intersection of these identities with gender and the situation is even more complex. All these structural factors have to be analysed together in order to understand the status of Dalits in Bangladesh.

The lack of sensitivity to the situation of communities facing caste discrimination became overriding in the post-1947 era. Whereas colonial rulers had a direct role in solidifying the unequal social structure and institutionalising caste, the laws and policies they framed were successful in creating tangible awareness about the state of ‘scheduled’ castes and tribes. The lack of interest that the subsequent regimes of the then Pakistan state showed could perhaps be accounted for in terms of the pseudo-religious nationalism that worked as the foundation of the state. However, it is unfortunate that in independent Bangladesh the state machinery as well as society at large has failed to show even the minimum level of

appreciation as regards the sufferings of the country’s Dalit population.

In consequence of historical apathy thus becoming deeply rooted, the state machinery in contemporary Bangladesh has taken no positive steps to combat practices of ‘untouchability’ and associated segregation of Dalit communities. Even non-government agencies or organizations have not paid adequate attention to the plight of caste-discriminated people, despite the size of the Dalit population in the country being quite large. Hence, ‘caste’, ‘untouchability’ or ‘Dalit’ are not the terms that the common person in the country would feel easily connected with; the terms would not evoke any familiar imagery.

Not even in academic discourse is there adequate reference to caste prejudices and practices. The print and electronic media mostly remain silent about caste discrimination and associated violence. One Member of Parliament – a member of the standing committee on education – was quoted in a newspaper as saying: “I am totally unaware about the 70 lakh Dalit people living in the country who are facing sheer discrimination.” Thus exclusionary practices related to Dalit identity are constructed in certain context-specific ways, with the interweaving of multiple identities of caste, class, religion and gender that are not necessarily fully akin to the situations in India or Nepal.

b. Narrow foundations of nationalist ideologies lays ground for public indifference

In Bangladesh there is a conventional wisdom among the dominant classes that caste-based discrimination is an essential attribute of Indian society. Hence, focus does not fall on casteism, that is, discrimination based on work and descent, as the root cause of extreme poverty for an estimated 5.5 to 6.5 million Dalits in the country.

Added to this is the fact that the nationalist ideology that lays the foundation of Bangladesh as a nation-state is quite exclusionary in nature. ‘Bengali’ people as an ethnic group – particularly the ‘Bengali Muslims’ – are at the core of every nationalistic allusion that essentially ignores the ‘minority’ and ‘marginal’ groups of people

that constitute the demography of the country. The nation has got used to identifying itself as 'homogenous', whereas in reality it has significant heterogeneity in terms population, language or societal and cultural characteristics. In such a context, the most pressing factor for the Dalits in this predominantly Muslim country is that here the general civic conscience is characterized by a 'culture of denial'. This denial then gives way to greater public apathy that has been constituted through the historical process.

c. Recent shift: Beginning of Policy Attention

There has not been any substantial systematic study on the practices of 'untouchability', physical segregation and discrimination that people with work- and descent- ascribed identities experience in Bangladesh. Only very recently have a few efforts been undertaken to document the nature and extent of caste discrimination. It might be seen just as the beginning of 'breaking the silence'. However, none of the studies undertaken so far have covered the situation prevailing in different parts of the country; neither has there been any exhaustive narration of the formal and informal ways of enforcing exclusion. Forms of discrimination that affect the lives and livelihoods of millions of Dalit people across the country thus remain beyond the reach of dominant political, academic or market concerns.

For the government and its development partners, as well as for civil society organizations, work and descent based discrimination is relatively new as an 'issue' in Bangladesh context. Therefore, the issue is yet to become a significant constituent of policy regime and development discourse. However, in recent years people subject to work and descent-based discrimination have started to come together, form platforms and raise their voices against systematic and structural injustices. Dalit men and women are gradually forming groups and organizations to highlight and challenge the inhumane conditions that they live in. Some civil society actors are also coming up with interventions to counter the exploitation and deprivation that Dalit people continually experience. It is these trends, and the increasing engagement by Dalit leaders and civil society organisations with state actors, which are paving the way for a slowly growing recognition

of the need for focused policy attention to the situation of Dalits.

d. The size and development status of 'Dalits' in the country: Difficulties in absence of official data

There is no census or other official data available on the demographic or social aspects of people discriminated based on their work and descent. During the latest census in Bangladesh, an advocacy campaign was taken up to ensure the collection of disaggregated data on the Dalit population, but without any success.

However, reliable estimates reveal that around 5.5 to 6.5 million people in the country face caste-based discrimination. Three broad categories of Dalits reside in Bangladesh: *one*, Bengali Dalits who live in villages all over Bangladesh; *two*, Muslim Dalits who again can be found across the country; and, *three*, Dalits who migrated (or were forced to migrate) from India to then East Bengal – now mainly living in urban areas and tea plantations. The forms of discrimination and deprivation that Dalit communities go through are not fully uniform – though the basic forms are similar. People who work as cleaners or sweepers are among the most discriminated and they identify themselves as Harijons. They often live in crowded, segregated settlements with little or no basic amenities. Moreover, they face discrimination due to their caste identity and occupation, for which they are poorly remunerated. On the other hand, Dalits living in the tea plantations face specific forms of discrimination. Many of the plantation workers live in conditions of bonded labour or are paid extremely low wages. They cannot afford adequate food and cannot access healthcare or education for themselves as well as for their children.

One report, compiled by IDSN as part of the Bangladesh UPR submission in 2013, summarizes the basic aspects of deprivation and segregation that Dalit men and women in Bangladesh experience:

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 neighbourhoods; a circumstance exacerbated by the Government of Bangladesh 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, 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.¹

Since national censuses do not represent excluded people properly, efforts need to be undertaken for generating an inclusive census so that reliable, periodic disaggregated data - country-, region-, and district-wise data and statistics - is generated about the demographic and social aspects of the Dalit population. This data is required in order for policy makers to be able to formulate appropriate government measures, including laws, policies, budgets and schemes that specifically target the unique situation and needs of this community.

II. GOVERNMENT MEASURES (OR, ABSENCE OF MEASURES) TO ADDRESS CASTE-BASED DISCRIMINATION

a. Constitutional and Legal Measures

The Constitution of Bangladesh does not have any direct or explicit provisions that prohibit the multiple forms of caste-based discrimination, though Article 28 declares: 'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth'.

The same Article also reads: "No citizen shall, on grounds only of religion, race, caste, sex or place

of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution."

The Preamble of the Constitution, however, lays specific focus on social justice by declaring: "We, the people of Bangladesh, pledge that it shall be a fundamental aim of the State to realise through the democratic process a socialist society, free from exploitation - a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social, will be secured for all citizens".

Articles 26 to 47 of the Constitution guarantee that all citizens, being equal in the eyes of the law, enjoy and exercise human rights and fundamental freedoms such as freedom of movement, freedom of assembly and of association, freedom of thought, conscience and speech and freedom of religion on an equal footing. The Constitution also gives every citizen the right to enjoy equality before the law and equal protection of the law, protection of the right to life and personal liberty, safeguards with regard to arrest and detention, prohibition of forced labour, freedom of (lawful) profession or occupation, etc. In addition to the constitutional prohibition on discrimination, special provisions provide positive discrimination in favour of disadvantaged sections of citizens.

None of these provisions, however, go beyond the mention of caste as one form of discrimination, to make any special reference to Dalits or to explicitly prohibit 'untouchability'; no directives laid down in the Constitution for promoting the economic and social development of excluded groups.

Constitutional provisions are in place in Article 29 prohibiting any form of discrimination based on religion. Measures of positive discrimination and government policies for reserving special quotas in public services for religious minorities or denominational institutions are also guaranteed. Article 28(4) also makes special provisions for the advancement of any disadvantaged section of citizens, whereas Article 14 pledges to ensure the emancipation of the 'backward sections'.

The ability of the Constitution to cater to the specific needs of one marginalised and 'backward' section of society can be further

¹ IDSN. (2012). *Discrimination against Dalits in Bangladesh*, IDSN Briefing Note, http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Bangladesh_briefing_note_2012.pdf.

seen from the special provisions for indigenous or 'tribal' citizens. Special quotas for 'tribals' are provided in public employment and admission to educational institutions.

The Civil Procedure Code (CPC) and the Criminal Procedure Code (CrPC) provide for equal rights for all citizens of the country irrespective of caste, race, religion or colour in protecting the individual against any form of discrimination or violence.

From 2012, the National Human Rights Commission, Bangladesh (NHRC) and the National Law Commission, along with some civil society organizations (Nagorik Uddyog, BDERM, RDC, MJF), have collaborated to draft a law with a view to combat different forms of discrimination, including caste-based discrimination. The draft has been submitted to the Ministry of Law, Justice and Parliamentary Affairs on 29 April 2014. In a seminar on 22 March, the Hon'ble Minister of the above ministry has committed to take necessary measure to pass the Act.

b. No specific safeguards or affirmative action for Dalits

No affirmative action has so far been taken to improve the condition of Dalits in line with Articles 14 and 28(4) of the Constitution. Moreover, no quota or reservation has been made in government jobs for Dalits. However, in 2012 a directive was given by the office of the Prime Minister, following which the Ministry of Local Government has taken a decision to reserve at least 80% employment in cleaning jobs in all municipalities for Dalits. However, the implementation and impact of such a measure are yet to be monitored. The University of Dhaka has also instituted 1% admission quota for Dalit students from the academic year 2013-14. Similarly, the Central Admission Committee of Islamic University, Kushtia has approved a quota for Harijon/Dalit students from the academic year 2014-15.

c. Policies, Plans and Schemes

None of the national policies or major statutes, such as the National Education Policy 2010, Health Policy 2011, National Women Development Policy 2011, National Housing Policy 2008, National Water Policy, Water Act 2013, etc. make any reference to caste-based

discrimination and 'untouchability', and the measures required to address this problem.

Social Safety Net programmes do not have any special provision for people facing caste discrimination. However, the Prime Minister gave directives in May 2012 to include Dalits, *Bedes* (river gypsy), Harijons and other marginalized communities in these programmes. Following the directive, in the 2012-13 financial year the Ministry of Social Welfare took initiatives to implement some projects and programmes to improve the socio-economic conditions of Dalits, Hijras, Bedes, Harijons and other 'low' caste communities. The government allocated Taka 167.5 million for this purpose. The Executive Committee of the National Economic Council (ECNEC) has also approved a project in October 2012 for the construction of 1148 flats in Dhaka for cleaning and sweeping workers, many of whom are Dalits/ Harijons.

d. Budgetary Allocations

Only in recent times, the Government of Bangladesh has started to show concern over the condition of Dalit communities. However, well organized and extensive programmes or projects are yet to be undertaken for improving the socio-economic conditions of Dalits and, therefore, budgetary allocation remains quite small. Taka 167.5 million was allocated in the 2012-13 financial year, which actually decreased to Taka 123.0 million in the 2013-14 financial year. In the 2013-14 financial year, budget was for mainstreaming the Hijra, Dalit, Harijon and Bede communities by providing education stipends to their children, imparting skills training to adults, involving these communities in income-generating activities and providing allowances to seniors, disabled and insolvents (low income groups). In the national budget of 2014-15, the government has allocated Taka 50 crore for building houses. No public data is available, however, to show how these funds have been spent and how many Dalit individuals and families have benefitted.

e. Institutional Mechanisms

In Bangladesh there are no specialized institutions to safeguard or oversee Dalits' welfare, such as a National Dalit Commission. In recent times, because of advocacy by Dalit

organizations, the National Human Rights Commission and Law Commission of Bangladesh have become exposed to issues of caste-based discrimination in the country, and have visited sweeper colonies in Dhaka. UNDP is supporting the National Human Rights Commission in strengthening its capacity through a project which has an in-built focus on caste-based discrimination. The National Human Rights Commission also has designated one of its commissioners to take special care of Dalit issues. Otherwise, a recent UNICEF report on Social Exclusion has focused especially on some of the aspects of 'untouchability' that Dalit communities face.

III. IMPLEMENTATION OF GOVERNMENT MEASURES

As already noted, Dalits of Bangladesh are yet to get full recognition of their identity and the policy making forums of the country, including the legislature, are yet to take note of or give consideration to the level of deprivation, exclusion and extreme poverty that this social group lives through. In sum, Dalit communities of the country are yet to emerge as a 'policy constituent'. Hence, there are few measures in place to ensure the rights of the community, and for what little measures there are in place, no public information is made available on the level of implementation. What one can say is that the budgetary allocations made and the schemes undertaken by the government in recent fiscal years are quite insignificant in relation to the grave situation that prevails at the Dalit community level. Moreover, the impact of the allocations and schemes is yet to be systematically assessed. However, based on field level observations and reports from grassroots activists, it can be postulated that at the community level the deprivations that Dalits face have not changed in any substantial way.

At the same time, particularly in recent years their levels of awareness and understanding have increased and in many cases Dalits have started to break away from the shackles of conventional caste prejudices and practices. However, this change is mostly due to the overall dynamism that Bangladesh society and economy. The

initiatives taken by Dalit and other civil society organisations have also played a role in bringing about this slow transformation.

IV. SIGNIFICANT GAPS

General:

- The Constitution of Bangladesh does not make any specific reference to practices related to caste-based discrimination and segregation, such as a prohibition on 'untouchability' practices that restrict people from freely accessing shops, restaurants, barber shops, hotels and places of public bathing, or places of worshiping. Nor are there any guidelines for promoting the improvement in the economic and social conditions of work and descent based communities.
- National censuses and government surveys do not take account of caste-based social groups and, therefore, there is no reliable official disaggregated data or information at either the national or state levels about the exact population of Dalits, nor the extent of caste disparities in such areas as development and security of life. There also has not been any comprehensive data or survey on social and economic discrimination built into any of the current Government of Bangladesh statistical data collection tools, which could also be disaggregated by caste and gender. This makes any specific planning for Dalits and Dalit women, and targeted interventions in terms of development and financial assistance for this excluded community, difficult.
- No affirmative action has been taken so far to improve the socio-economic conditions of Dalits in line with Article 14 of the Constitution. There is no quota or reservation in government jobs for Dalits. The government has not taken any steps to expand the categories of reserved posts to include Dalits.
- Major government policies, such as the

national housing policy, water policy and education policy, do not categorically forbid practices of 'untouchability' and caste discrimination. On the one hand, certain policies are framed through a universalist perspective of provisioning for all communities, such as the National Food Policy and National Water Policy. No emphasis is thus placed on socially excluded communities such as Dalits, nor in setting a norm of non-discrimination in place when dealing with access to these basic amenities. On the other hand, other policies like the National Housing Policy obligate the government to ensure essential, emergency and limited rehabilitation/housing among 'ultra poor', 'uprooted' people and to ensure pure drinking water and sanitation for slum dwellers and ultra-poor people. Within this broad targeted policy, no mention is made about socially excluded groups such as Dalits; nor is non-discrimination prescribed as a norm.

- No specific measures have been created for Dalit women; nor is there mention of Dalit women within general gender/women's measures. Even though the National Women's Development Policy mandates special attention to the rights of women from 'backward groups', this has not been translated into specific programmes as yet that benefit Dalit women.
- The current budgetary allocations for some welfare measures for mainstreaming the Hijra, Dalit, Harijion and Bede communities is inadequate in comparison to the extent of deprivations faced by the communities. In the absence of official assessments of the expenditure and impact of such measures, it is not possible to assess the effectiveness of such financial outlays.
- Though the state has made periodic submissions to UN system as regards different treaties and covenants, it has not taken sincere measures particularly to operationalize the directives of CERD as

regards widespread sensitisation on non-discrimination based on caste. The spirit of CERD Recommendation XXIX is yet to resonate in Bangladesh's legal and policy regimes. This gap needs to be repeatedly brought to the government's notice.

Security of Life and Access to Justice:

- Given the current lack of recognition in law and policy of Dalits as a separate social group requiring special protection, there have been no government steps taken to encourage Dalits to register complaints of caste-based discrimination and violence. Moreover, no police station maintains any separate registrar to record the complaints made by Dalits. This enables the nature and extent of caste-based violence to remain hidden.
- Despite several laws and policies for the elimination of all forms of physical and mental violence against women in Bangladesh, there is little understanding of the additional vulnerabilities of Dalit women to such violence. Hence, no special mention is made of the nature of intersectional caste and gender violence and exploitation.
- Notwithstanding the Constitution of Bangladesh's provision for equality of all citizens before the law, no law or policy has included any specific provision for ensuring access to legal justice for Dalits as a systematically excluded group. This includes the lack of an entitlement to legal aid and other measures to promote Dalits' access to justice.

Employment and Labour:

- The Government of Bangladesh and Local Government Institutions have not made substantial and systematic efforts to create alternative employment opportunities and open up access to markets for Dalits. Moreover no policy or programme has yet been taken up that can facilitate the transition of different Dalit communities from their traditional occupations to market-based employment.

- No comprehensive legislation has been enacted to ensure the rights to decent work, a living wage and basic labour rights for Dalit communities. Neither do the existing laws on employment and labour rights specify in any place caste equality and special protection for Dalits to ensure their decent and dignified work.
- Manual scavenging – which in the Bangladesh context means manual sewerage work, and occasionally involves manual clearing of solid human waste, particularly in semi-urban and rural contexts – is widely practised but there is no government focus nor plan of action to eradicate this ‘inhumane’, ‘unhygienic’ and ‘risky’ occupation.
- None of the laws, policies and programmes on forced, bonded or child labour currently being implemented by the Bangladesh government make any reference to caste vulnerabilities to these forms of prohibited labour. There seems to be a lack of understanding on the close correlation between being poor and being vulnerable to discrimination, and between being subject to multiple and persistent forms of discrimination at work and being vulnerable to forced labour or child labour.
- The Bangladesh government has not yet adopted any specific policy regarding the elimination of descent-based work, which is also a form of forced labour.
- IFIs, MNCs, TNCs and other market entities that work in Bangladesh are not – as much as it can be understood from their annual reports and other official documents – aware or sensitized about the extent of discrimination that is practised in Bangladeshi society on the basis of caste. Therefore, they do not follow any principle of ‘affirmative action’ while recruiting employees.

Living Conditions, Health and Education:

- No mention is made in any government policy, law, budget or programme regarding

targets or goals for ensuring availability and non-discriminatory access to healthcare, sanitation and basic hygiene standards for Dalits.

- *Despite a constitutional pledge to build an inclusive nation, exclusion from land resources is entrenched as far as Dalits are concerned.* The current rules make it virtually impossible for Dalits to get a share of government allocations and schemes in relation to land distribution and rural housing. One main reason is that many Dalits or their ancestors are not peasants, connected to agrarian professions. This is an issue that needs to be clearly identified, talked about and then resolved. Even if Dalits were not connected to agrarian professions in many cases, they deserve to have a minimum level of land ownership as they are among the most vulnerable groups of people in the country.
- Education programmes and policies to date talk about access and equity and refer to the backwardness of ‘tribal’ people and of women and poorer section of the population. No specific mention is made of Dalit communities, nor special provisions made to ensure their educational development on par with the rest of the country’s population.

Disaster Management:

- Neither the Government of Bangladesh nor international organizations working in the country in disaster recovery and development programmes have much awareness or understanding on issues of caste discrimination in disaster relief and recovery. Hence, measures such as social equity audits and caste analysis frameworks to tackle exclusion and discrimination in development and disaster recovery programmes are not at all present.
- National mechanisms for disaster management, relief and rehabilitation do not refer to Dalits, nor provide grievance redress mechanisms that Dalits can access in case of facing any discrimination while access disaster relief and rehabilitation programmes.

V. SIGNIFICANT RECOMMENDATIONS

General:

- In Bangladesh the first and foremost necessity for eliminating caste discrimination in access to public spaces and services, and physical segregation is to give recognition to the fact that caste-based discrimination is part of its social fabric and needs to be addressed. Without this ‘recognition’ no fruitful action can be effectively taken. Hence, public campaigns and information sharing must be undertaken to create a ‘discourse’ on the Dalit situation in the country and to promote the elimination of caste discrimination and ‘untouchability’ practices.
- A law should be enacted prohibiting caste discrimination and the denial of equal access to public places and services, and laying down punishment for such practices. In this regard, the government should prioritise the enactment of the Anti-Discrimination law proposed by the Law Commission, in consultation with the National Human Rights Commission and civil society organizations.
- The government should promote discussions between officials and Dalit communities and leaders in order to examine the scope for expanding the existing ‘affirmative action’ regimes to include the community for their development on par with other Bangladesh citizens. It is necessary to have a better understanding on how quota system reform might be put to the better service for Dalits, especially in the areas of public and private sector employment and education.
- Disaggregated data – national, state, district and community/group-based data - is required on different demographic aspects of Dalit communities, including their population, education and employment status. With such data in hand, the government should engage in a participatory process to enable the creation of targeted measures that meet the fundamental development and other needs of Dalits.
- As an immediate measure, a special survey and study should be commissioned by the government to produce data as regards different disadvantaged groups of women, including Dalit women.
- The government should integrate trainings for all government officials and police at the national, district and local government levels on to understand the heterogeneity of Bangladesh society, gender and caste awareness, and how to particularly address the specific vulnerabilities of Dalits and Dalit women.
- All mediums of public communication, including television documentaries, dramas and movies should be utilized to portray positive images about Dalits, both Hindu and Muslim, and to debunk the adverse perceptions of this community.
- More systematic work should be done by religious, cultural, educational and media institutions to build the capacities of Dalits – via inclusion initiatives in such institutions, building their skills to be able to document their life histories and struggles, by engagement with the communities to build understanding and promote harmony among castes and religions.
- All inter-governmental organisations, including international financial institutions, should ensure that development or assistance projects which they support take into account the socio-economic situation of Dalits. International Financial Institutions should incorporate caste and gender disaggregated analysis into corporate social development strategies and poverty and social assessments in order to ensure equal benefits to Dalits. Prior to approval of projects and in on-going projects, in consultation with Dalit NGOs and academics, these institutions should investigate the effect of their proposed policies and programmes on caste discrimination and ensuring equal access and enjoyment of basic entitlements, and seek ways to strengthen Dalit communities in new and on-going projects through anti-discriminatory and pro-Dalit measures.
- A monitoring mechanism in the form of a Dalit Commission or Equity and Inclusion

Commission should be created to monitor the situation of Dalits in all arenas, including access to any government measures intended to protect and promote their rights.

Security of Life and Access to Justice:

- The government should issue strict guidelines as to the conduct of police in registering and investigating crimes of discrimination and violence against Dalits. It should be made mandatory that all complaints of caste-based discrimination and violence be immediately registered by the police, and that police officials not resort to investigations without the proper registration of the case.
- Legal awareness programmes must be introduced among Dalit communities, so as to make them aware of their rights and support them in accessing legal remedies for any discrimination or violence done to them. In this regard, the government should link with community-based organisations in order to reach to communities. Dalits have to be convinced that it not their 'destiny' to routinely become subject to discrimination, ill-treatment and violence.
- The government should amend the Legal Aid Rules in order to incorporate mandatory provision of legal aid to Dalits who need to access justice.
- Laws and policies to address violence against women need to be re-examined in order to make specific reference to Dalit women and girls, or multiple discrimination and violence, and should outline protection measures that are particularly applicable to them.

Employment and Labour Rights:

- A comprehensive employment law, covering both public and private sector employment, with a special emphasis on Dalits, must be developed. This legislation should specify reservations for Dalits in employment in the public and private sectors.
- Comprehensive legislation as well as time-bound plans for the complete eradication of

manual scavenging must be formulated and implemented, which also provide for the rehabilitation of those engaged in manual scavenging into decent, skilled work.

- With the implementation of economic policy reforms, labourers are at the receiving end. Hence, social security provisions for Dalit workers in the unorganised sectors need to be enacted and implemented by the government.
- To break away from caste shackles, one effective way would be to seek out a livelihood through professions that 'tradition' does not attribute to a Dalit. Vocational training, basic education and competent linking up with the market could be basic forms of support. Adequate and targeted vocational training initiatives need to be developed to equip Dalit youth with gainful and decent employment. This must be coupled with methods to reach information on such initiatives to Dalit communities in rural and urban areas, in order to facilitate their access to such opportunities.
- The government should review its programmes to eliminate prohibited forms of labour - bonded, forced and child labour, including trafficking - and report on both how many Dalits are victims of these forms of labour as well as how many Dalits become beneficiaries of the various government efforts in this regard.

Living Conditions, Health and Education:

- Major livelihood-related policies such as health, nutrition, water, sanitation, land and education policies in Bangladesh need to categorically refer to the disadvantageous condition of the Dalits and provide a framework for improving their access to such basic entitlements.
- For populations such as the sweepers, *methors*, tea-workers and others there need to have specialized health and medical centres established to cater to their health needs. City corporations and municipalities have the responsibility to ensure the physical and mental health of the sweepers and other Dalit workers. They must take up specialized

programme strategies for the Dalits in this regard.

- It is important to assess the severity of the problems in Dalit colonies across the country and, accordingly, develop a time-bound plan of action to ensure that adequate, appropriate and discrimination-free housing, water, food and sanitation facilities are provided to all Dalit households. Dalit communities should be allowed to participate in the evolution of this plan of action.
- The government should ensure that all infrastructure programmes supported by the government facilitate Dalit communities to access water, food, sanitation, land, irrigation and social infrastructure proportionately and without discrimination.
- With proper policies and programmes from the government, the district administration in particular districts can take up specific programmes for improving the overall housing and living conditions of Dalits. This can be done in collaboration with the Local Government Institutions and the Directorate of Public Health Engineering (DPHE) under the Ministry of Local Government.
- A national survey should be undertaken to identify which social groups have access to land and which do not. Based on this survey, all Dalits without title to their 'ancestral' homestead land should be identified and a process started to grant them title. Moreover, targeted land allocations of *khas* lands can be made in order to ensure the prioritising of land entitlement grants to landless groups such as Dalits. The land title should be granted in women's names, or as joint title. Moreover, all lands allotted to Dalits should not be transferable under any circumstances to non-Dalits.
- The government should constitute an 'Equity Working Group' within the Education Ministry to continually devise and monitor targeted education schemes for Dalits. These schemes should be devised in consultation with Dalit communities and CSOs. Schemes would include scholarships allocated for

Dalit children in order to encourage their schooling and higher education.

- The government should identify and develop activity-based modules to promote diversity, equity and social inclusion in classrooms and schools, and these should be included in teacher training modules. Time should be allocated within the school schedule for such processes and activities.
- Government officials need to have a comprehensive understanding about the issue of caste discrimination. Discussions on caste, stratification and the politics of exclusion can be included in the curricula of training organizations such as BPATC, Judicial Training Academy and Police Academy and other civil services related academies and centres.

Disaster Management:

- The government authorities, through community resource mapping exercises like infrastructure audits, should assess the livelihood patterns, specific vulnerabilities and needs in Dalit localities. This would enable the authorities to set up mechanisms of direct warning signals and would help in devising needs-based employment generation programmes for Dalits recovering from disasters.
- State agencies should collaborate with CSOs to develop tools based on participatory methods and principles of social equity audits, for monitoring/ auditing the extent of social equity and inclusion of Dalits in disaster response and risk reduction programmes. This should be coupled with procedures laid down so that the inclusion of Dalits and other vulnerable groups is ensured as a non-negotiable entitlement in disaster management.
- The National Plan for Disaster Management should be amended to contain a grievance redress mechanism in case of denial or discrimination in access to disaster relief and rehabilitation materials.

GUIDELINE GUIDELINE 21 : PHYSICAL SEGREGATION

National and local governments should ensure access to public places, including community centers, hospitals, schools, places of worships, and water resources, by those of the affected communities; take measures to eliminate and prevent segregation in employment, housing and education and to ensure protection from violence against those who cross the boundaries of segregation.

THE COUNTRY CONTEXT

There is no systematic study on the practices of 'untouchability' and 'physical segregation' that people discriminated on account of work and descent experience in Bangladesh. Only very recently a few efforts have been undertaken to document the nature and extent of segregation; however, none of the studies have covered situation that prevail in different parts of the country; neither have there been any exhaustive narration of formal and informal ways of enforcing exclusion and repugnance.

As Bangladesh society has historically remained indifferent about the practices of 'untouchability', public discourses have reflected the same kind of muted attitude as regards the practices of subordination and segregation. It has been the norm of the society to take the customary practices for granted. 'Caste', 'untouchability' or 'Dalit' are not terms that common people would feel easily connected with; the terms do not evoke any familiar imagery. Newspapers and other public media are not well conversant in taking note of and reporting the events of 'untouchability' that take place purely on account of caste prejudices.

With the presence of silence on caste ubiquitous, the extent of the practices of untouchability has not become negligible or trivial. This lack of sensitivity became paramount in the post-1947 era. Whereas colonial rulers had direct role in solidifying unequal social structure and institutionalizing caste, the laws and policies they framed was successful in creating tangible awareness about the state of 'scheduled'

castes and tribes. The lack of interest that the subsequent regime showed could perhaps be accounted for in terms of the pseudo-religious nationalism that worked as the foundation of Pakistan state. However, it is unfortunate that in independent Bangladesh the state machinery as well as society at large has failed to show even the minimum level of appreciation as regard the sufferings of Dalit population of the country.

Many (e.g. Arefeen, 2007) have argued that the caste practices that have evolved in this part of the sub-continent have complex origins. In particular, it requires special attention to understand how the caste system of stratification has come to affect the social system of Bengali Muslims. However, to explain the nature and extent of social stratification of the region there have not been much academic efforts either. Because of this inadequacy, it is difficult to have a historical view about the practices of 'untouchability' in the country (Arefeen, Helaluddin Khan (2007) 'Bangladesher Muslim Shamajik Storbinyasher Dhara' ('Dynamics of Muslim Social Stratification in Bangladesh') in *Somaj Nirikkhon* (Journal of Social Studies) Volume 14).

In general there is a view among the educated class that compared to the past, Bangladesh society has now become less strict in enforcing segregation. They also like to believe that the severity and frequency of disgrace and stigma that Dalits experience has lessened over time. In the absence of reliable historical account, it is not possible to ascertain whether these views are well founded or mere indicative of educated middle class's quest for contentment.

In consequence of historical apathy thus becoming deeply rooted, the state machinery in contemporary Bangladesh has taken no positive steps for combating the practices of ‘untouchability’ and relevant segregation. The society also has paid least attention to the issue.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

The Government of Bangladesh, along with its local government institutes (LGI), should take specific legal, policy-wise, programmatic and budgetary steps so that Dalits are assured of equal access, non-discrimination, freedom of right exercise, and security of life in different respects:

- *access to public places*: they should not be barred from freely accessing and using all public places and facilities such as community centers, hospitals, schools, places of worships, and water resources;
- *elimination of segregation in employment, housing and education*: all the Dalit people in Bangladesh are to be entitled to have free and unbridled access to employment, housing and education; there should not be any custom, value, norm or procedure that isolate and segregate them; anyone who tries to such prejudices should be punished;
- *prevention of segregation in employment, housing and education*: government to have measures in place to prevent any differential treatment in access and enjoyment of employment, housing and education
- *protection from violence against Dalits who cross the boundaries of segregation*: they are to be entitled to state protection from violence for contravening any caste-based norms and customs of segregation; to be entitled to proactive measures from the state to change caste norms on segregation.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. (*Article 2 (2) General Assembly Resolution 47/135, 1992*)
- States Parties should prohibit and eliminate racial discrimination in all its forms and guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of: [...] the right to marriage and choice of spouse; the rights to work, to free choice of employment; [...] the right to housing; the right to public health, medical care, social security and social services; the right to education and training; the right to equal participation in cultural activities; the right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks. (*Article 5, ICERD*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- States should undertake to prevent, prohibit and eliminate practices of segregation directed against members of descent-based communities including in housing, education and employment. (*CERD General Recommendation XXIX 2002, para 15*)
- Measures should be taken against discriminatory practices of local authorities or private owners with regard to residence and access to adequate housing for Dalits. (*CERD General Recommendation XXIX 2002, para 39*)
- State parties should secure for everyone the right of access on an equal and non-discriminatory basis to any place or service intended for use by the general public. (*CERD General Recommendation XXIX 2002, para 16*)

- State parties should take steps to promote mixed communities in which members of affected communities are integrated with other elements of society and ensure that services to such settlements are accessible on an equal basis for all. (*CERD General Recommendation XXIX 2002, para 17*)
- With regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee considers that the term “descent” does not refer solely to race or ethnic or national origin, and is of the view that the situation with respect to castes falls within the scope of the Convention. The Committee therefore recommends that the State party include in its next report relevant information about the enjoyment of the rights contained in article 5 of the Convention by all groups, including castes. [*CERD. (2001). Concluding Observations on Bangladesh report. UN Doc. CERD/C/304/Add.118, para. 11*]

4. NATIONAL STANDARDS AND MECHANISMS

- Articles 26 to 47 of the Constitution of Bangladesh guarantee that all citizens, being equal in the eyes of the law, enjoy the inherent right to exercise these fundamental rights. These further provide for a foundation for enjoyment and exercise on an equal footing by all citizens of human rights and fundamental freedoms such as freedom of movement, freedom of assembly and of association, freedom of thought, conscience and speech and freedom of religion.
- Article 27 of the Constitution clearly spells out that all citizens of Bangladesh irrespective of religious affiliation enjoy equal rights and privileges and are entitled to equal protection under the law.
- Article 28(4) of the Constitution makes special provisions for the advancement of any disadvantaged section of the citizenry.
- The Civil Procedure Code (CPC) and the Criminal Procedure Code (CrPC) provide for equal rights for all citizens of the country

irrespective of caste, race, religion or colour in protecting the individual against any form of discrimination or violation of human rights.

5. RECOMMENDATIONS BY THE NATIONAL MECHANISMS

- Since ‘untouchability’ or caste based segregation do not feature either in the Constitutional provisions or texts of other laws and public policies, there exists no national level measures for combating the physical segregation that Dalits experience. The bottom-line is that due to non-recognition of ‘untouchability’, the condition of Dalits never gets any special attention in legal-judicial, public policy or social development discourses. Hence, to date no national recommendations have been made against untouchability practices.
- In 2014, an Act is in the process drafted by the Bangladesh Human Rights Commission and National Law Commission. This law aims to combat different forms of discrimination, including caste-based discrimination. The Chair of the National Law Commission and former Chief Justice ABM Khairul Haque has said in a seminar held in March, 2014 that they would send the draft of the anti-discrimination law to the government within two weeks. “Three years have already passed since the start of the project and if we take more time to send the draft, people facing discrimination will suffer more”. (The Dhaka Tribune, March 23, 2014: <http://www.dhakatribune.com/law-rights/2014/mar/23/anti-discrimination-law-draft-be-sent-govt-within-two-weeks#sthash.xijsoEaZ.dpuf>)

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

No national measures have been taken to combat the physical segregation that members of Dalit communities experience. Therefore, there is no scope to review the implementation of the measures. Discriminatory practices remain uncared for and continue unbridled. However, there has been some change in understanding and attitude over the years. This shift has basically happened as part of social progress that

has taken place in course of time. The customary ways of subordination and exclusion are still in practice at substantial level in both institutional and non-institutional levels.

7. GAPS IN THE MEASURES

Gaps in Law and Policy:

- The Constitution does not make any specific reference to practices related to caste based discrimination. Neither the Constitution nor any other law particularly prohibit the practices of untouchability that bar and restrict people from freely accessing shops, restaurants, barber shops, hotels and places of public bathing, or places of worshipping.
- The national housing policy, water policy and education policy do not categorically forbid practices of untouchability and caste segregation.
- National censuses and surveys do not take account of segregation and therefore there is no reliable data or information about the extent of norms and practices that are in force.

Situation in the Absence of Specific Measures:

In the absence of national measures to ensure non-discriminatory access to public places and to combat caste-based segregation, the following situation prevails among Dalits:

- In most cases, Dalits live in 'ghettoes' separated from main settlements in the cities and villages. This structural separation reinforces their stigmatized identity. They are routinely ostracized for their presence in public places and denied to have houses rented in outside their particular settlement. (Parvez, Altaf and Romen Biswas. (2008). *Boichitro O Samajik Bonchona: Bangladesher Prantik Jonogosthir Akkhyan (Diversity and Social Exclusion: A Tale of Marginalized Community in Bangladesh)*. Dhaka: BDERM and Nagorik Uddyog;) and (Chowdhury, Iftekher Uddin. (2008). *Dokkhin Asiay Jati-Borno Boishommyo: Poriprekhit Bangladesh (Caste-Based Discrimination in South Asia: Perspective Bangladesh)*. Chittagong: Centre for Social Research)

- Dalit men, women and children are forced to remain confined to the filthy, crowded and unhygienic quarters that they have been living for generations (Kamal, Prof Mesbah, Dr. Monirul I Khan, Dr. Khaleda Islam, Ms Shreen Khan (2012), *Dalit in Bangladesh A Study of Deprivation* (e-book: <http://www.calameo.com/books/0014748560a3b2175a665>), BDERM 2011), *Bangladesh Dalit and Excluded Rights Movement Work Statement, 2011* (http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/BDERM_2008_-_2011_Report_web_version.pdf) and (Chowdhury, Iftekhar Uddin. (2009). 'Caste Based Discrimination in South Asia: A Study of Bangladesh', *Indian Institute of Dalit Studies, Working Paper Series, Volume III, No. 7, New Delhi*). It is acceptable for a tea stall owner to disallow a tea garden worker to sit in his shop benches as the worker is considered to be polluted; in many districts Dalits are not allowed to enter and have hair cut in a dominant caste barber shop. They also are barred from entering *mandirs* (places of worship). (Experience shared by the participants of the FGDs conducted as part of this study)
- In schools Dalit children are not allowed to attend classes only because of their identity; they also have to put up with regular verbal taunting while going to or coming back from school. In most cases Dalits have no platform to resist such actions. When they try to oppose there barriers, they are inflicted with more violence and stigma. (Experience shared by the participants of the FGDs conducted as part of this study; (Chowdhury 2008, *ibid*).
- One report compiled by IDSN as part of the Bangladesh UPR submission, 2013 summarizes the basic aspects of deprivation and segregation that Dalit men and women in Bangladesh experience:

"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, 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." (IDSN. (2012). *Discrimination against Dalits in Bangladesh*, IDSN Briefing Note, http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Bangladesh_briefing_note_2012.pdf)

- "Dalits are often prevented from entering the homes of non-Dalits – 29.2% of Hindus and 45.3% of Muslims report moderate to strong discrimination in this regard. Resistance only increases if they should ask to use the toilet; moderate to strong discrimination is experienced by 39.4% and 34.7% respectively. Dalit children are the victims of similar discrimination in the toilets of public schools. 30% of the interviewed Hindu Dalits have never met resistance when wanting to enter a house to greet the mother of a newborn baby in the community: the corresponding figure for Muslims is 28%. Newly-wed couples are even more inaccessible to Dalits: only 9.7% Hindu and 22.7% Muslim Dalits have not experienced discrimination in their attempts to extend congratulations. 46.3% and 70.7% of Hindu and Muslim Dalits respectively have had to carry plastic bags for non-Dalits whom they have met at the market. This is just one of the practices of dominance. Others include having Dalits touch the feet of non-Dalits with their foreheads — a degrading act that is particularly enjoyed by the intimidator when others are present to watch. And so the discrimination continues throughout

life and even after death: 40.6% of Hindu and 53.7% of Muslim Dalits have met with discrimination at public graveyards when trying to bury members of their family." (Chowdhury, Iftekhar Uddin. (2009). *Caste Based Discrimination in South Asia: A Study of Bangladesh*, Indian Institute of Dalit Studies, Working Paper Series, Volume III, No. 7, New Delhi)

- A recent study conducted among respondents from 16 Dalit communities found that segregation and discrimination based on work and descent is still quite common in different parts of the country. 'Untouchability' is becoming less severe but yet it is practiced widely, with 38% of survey respondents still experiencing 'untouchability' in everyday life. They find it difficult to have a sit in hotels and restaurants to have meal. Restaurant owners and others think that they should not be accommodated there as they belong to 'lower' caste and are untouchable. Furthermore, 30% of respondents reported that in hotels and restaurants tea-pots, glasses and plates are kept 'separate' for them; they are not allowed to use the pots, cups and plates that are used by others. And 38% of respondents said that they are not allowed to sit along with other guests in social events such as wedding ceremonies (Parvez, Altaf and Mazharul Islam, (2013), *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprisshota* (Dalits in Bangladesh: Discrimination, Exclusion and Untouchability) Nagorik Uddyog and BDERM, Dhaka).
- "Many Hindu Dalits' and, to a lesser degree, Muslim Dalits are denied access to a vast number of public and private facilities, including water sources. This pattern is repeated when it comes to religious facilities and practices and other social functions such as community feasts, weddings and funerals. Things touched by Dalits are often sprinkled with water to make them pure again." (IDSN. (2008). *Dalits of Bangladesh: Destined to a Life of Humiliation*, Second Edition.

Copenhagen: International Dalit Solidarity Network)

Begum, in reviewing the human rights situation with respect to 'socially excluded' communities of the country, speaks of the following incident: On 1 September 2007, when *Tutia Bashfor*, of the sweeper community of Munshipara in Syedpur Pouroshobha in Nilphamari district went to Hirarlala Temple on Dinajpur Road to pray during the Radha Janmashtami Puja, she was turned away by other devotees. The community then submitted an application to the President and Secretary of Syedpur Hindu Kallyan Porishod. The latter apologized to everyone present and said that incidents of this kind would not be allowed in the future. They obtained permission to visit the temple along with other caste Hindus. ((Begum, Suraiya (2006) 'Rights of the Socially Excluded' in *Yearly Human Rights Report 2006*. Ain o Salish Kendra: Dhaka. Available at: <http://www.askbd.org/Hr06/Socially%20Excluded.htm>, [Last Accessed 25 June, 2014]

- On April 3, 2010 one of the leading Bengali dailies (Daily Prothom-alo) reported an

incident in which Dalit pupils in a school were expelled from the Independence Day celebration programme by the school teachers. The incident took place in Bhojgaati Government Primary School in Monirampur upazilla under Jessore district. The headmaster of the school, with support from other teachers, forced around 70 Dalit students to leave the commemoration site as he shouted to them, "You are of lower caste people (*choto jaat*). You must get out from here..." The students have boycotted classes protesting the incident.

- On July 4, 2010 Daily Prothom-alo published two incidents from Rajshahi district. The headmaster of Mundumal High School is a Dalit and he went to a restaurant to take his meal. The restaurant people refused to serve him food by saying, "We don't have second grade plates and pots to serve you. So, we cannot give you food". Another incident happened in the same District. In Tanore Degree College students' of Santal background were forced to leave their college accommodation as their pots, plates and other utensils were segregated from what other students were using.

Examples of Physical Segregation:

Case 1: In April 2012, Nirmal Chandra Das entered a roadside restaurant in northern Bangladesh's Gaibandha district and asked for a cup of tea. He was refused point blank by the owner. The reason: Nirmal was a Dalit. Meanwhile, the owner's pet monkey sipped from a cup. "A monkey could drink tea in the restaurant, but I was refused," Nirmal ruefully told an event at the National Press Club in Dhaka recently. "This has been our fate for centuries. We're not human beings. We're Dalits. I'm sure when I die, there'll be a separate funeral pyre for my cremation." As general secretary of the Harijan Unity Council, Nirmal has been waging a campaign for equal rights and human dignity for his community for years, but to no avail. In Bangladesh, Dalits are often barred from entering restaurants and saloons. Even when allowed entry, special dishes are earmarked for them. To drink tea, they are obliged to carry their own cups with them.

As there is no law regarding untouchability and social discrimination, we cannot file a case asking for resolution," Bodhanki Solomon, a leader of the movement for establishing rights for the deprived communities, told Khabar. There are no reliable statistics on the Dalit population in Bangladesh. However, according to the Nagarik Uddog and Research and Development Collective, a non-government organisation, the number is probably around five million. At Bangladesh's largest Dalit colony, in the capital's Old Dhaka section, families are crowded into one-room shacks made of straw and tin. Naked children squat in the open to defecate, and the area is ringed with fly-infested open sewers. Dalit children cannot attend schools outside their colony and they can only mingle with others in the society by keeping their identity hidden. A resident of the colony, B. Oppa Rao, said the local Dalits work mainly as sweepers and trash collectors for the Dhaka City Corporation, earning a monthly salary of six to twelve thousand taka (\$75 to \$150). Many others work for non-government organisations, but earn much less --between two and four thousand taka (\$25 to \$50).

[http://khabarsouthasia.com/en_GB/articles/apwi/articles/features/2012/05/02/feature-02]

Case 2: On 18 February, the Daily Kaler Kantha published a news titled “Restaurant e Rishider Dhoka Nished ” (Rishis’ are not allowed in the restaurant). The report states that the Rishi community of Dholgram, Jessore facing the effect of untouchability and CBD and they are forbidden entering the local restaurants. The General Secretary of BDERM Mr. Bibhutosh Roy draws attention of the EIDHR project team on the issue and a fact finding mission was conducted by the project along with Charaibeti Topshili O Adibashi Kollayan Sangha (CSO) and BDERM. The team found that the community facing this inhuman rights violation day after day and finds no changes in their fates. The issue is hanging around since 2013, when in response of specific application of Surja Das (rishi community leader) the then DC of Jessore issued an order for further investigation and the then Superintendent of Police/ Police Commissioner submitted an investigation report on the fact and informed Mr. Das on an Official Letter. But, the situation still remains unchanged. In recent time, the UNO of the locality arranged separate utensils for the rishi community which further stigmatized the community.

The team decided to share their views in front of civil society and get rid of this disgrace and insult in presence of the Deputy Commissioner (DC) of Jessore along with the community leaders. Thus a Consultation Meeting was organized and held on 26 February, 2014 at the Conference Hall of Circuit House, Jessore under the project where a total of 50 participants including DC Jessore Md. Mostafizur Rahman as Chief Guest, Dalit Leaders, Civil Society representatives, Journalist, Political leaders and Teachers. Due to Upozila Election Activities the venue of the event was transferred from Conference Hall of DC Office, Jessore to present one. In the consultation the DC Jessore Mr. Mostafizur Rahman stated firm stand against untouchability and CBD and also promised to take administrative actions against specific complains on untouchability in Jessore. He also proposed on Mass Circulation on the issue in newspapers. He also promised to organize a meeting to resolve the issue involving the victim community members, Dalit leaders, local perpetrators and members of civil society after Upozila election.

But, instead of a peaceful solution, some of the Dalit young created another problem. One day, a group of young Dalits suddenly entered in different restaurants and all on a sudden started eating food from those restaurants. The owners tried to prohibit them and a fighting started among two groups. As a result law enforcement agency entered there and put some community members in Jail along with the local Union Parishad Chairman. However, the community leaders tried to mitigate the issue. On 18 April 2014, a ‘Peace Building’ meeting was held at the community where the Union Parishad Chairman, restaurant owners, community members, Dalit leaders, and members of civil society participated. But the meeting did not conclude with a permanent solution. The Muslim leaders highlighted this as a ‘Hindu’ issue and said they do not have much to do. The UP Chairman said that as it is a traditional practice, it would take time to abolish.

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Organizations like ‘FAIR’, ‘Bangladesh Harijan Oikya Parishad’ and ‘BDERM’ are working to highlight the fact that in Bangladesh caste based discrimination is in practice. They also work for ending such segregation and discrimination in access to public places.
- In 2013 FAIR and Bangladesh Harijan Oikya Parishad, supported by Manusher Jonno Foundation (MJF), organized a seminar in

Jatiya Press Club for discussing progress in drafting law against discrimination. Dr Mizanur Rahman, chairperson of NHRC spoke on the seminar and stressed the relevance of an anti-discrimination law to establish dignity of the marginalized people. “We have already started the work and discussed the matter with the law commission. We will jointly formulate the law. We demand that the government pass the law in parliament,” Professor Rahman said in the seminar.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

One of the positive aspects as regards 'wider society response' is that newspapers are becoming sensitized about the issue. One evidence is the editorial "Dalit Community is sizeable" published by The Daily Star on April 14, 2012, which stated:

"It is appalling to note that as many as 5.5 million members of Dalit and Harijan communities barely exist on the peripheries of the mainstream society. They lead a subhuman life in the sense that they are clearly neglected, marginalised and excluded in the national scheme of things. A country emerging from the ashes of a hard-fought war to establish an egalitarian society can ill afford such discriminatory treatment to a particular community on the grounds of their origin. More so, when our Constitution proclaims equality of all citizens, irrespective of caste, creed and faith in the eye of the State."

[<http://archive.thedailystar.net/newDesign/news-details.php?nid=230151>]

Annexure:

The issue in News (News link: <http://archive.thedailystar.net/newDesign/news-details.php?nid=81635>)

10. KEY RECOMMENDATIONS

- In Bangladesh the first and foremost necessity for fighting caste discrimination in access to public spaces and physical segregation is to give recognition to the fact that caste based discrimination is part of its social fabric and needs to be addressed. Without this 'recognition' no fruitful action might be taken effectively.
- Specific laws should be enacted for prohibiting caste segregation and denial; of equal access to public spaces.
- The Penal Code of the country should have specific section ensuring punishment for such practices.
- Dalits should be given encouragement by the government and other organizations for raising voice against the practices of untouchability.

Laws against Dalits to be repealed

Says law minister

A colourful procession was taken out from Mahanagar Natyamancha in the city yesterday to mark the International Day for Elimination of Racial Discrimination. Law Minister Shafique Ahmed yesterday said discriminatory laws against Dalit and Harijan communities will be repealed, if there is any.

“If you can show me any laws discriminating against your (Dalit and Harijan) communities, such laws will no longer remain in the law books. I will repeal those,” he said. If necessary, new laws will be enacted to remove discriminations and obstacles both the communities have been facing during admission into educational institutions and in the professional fields, he assured.

“Every citizen of the country has equal rights. So, no one will face any discriminations for economic, educational and social reasons,” he said.

The minister made these assurances at the concluding ceremony of a 10-day campaign organised on the occasion of the International Day for the Elimination of Racial Discrimination. The National Committee to Celebrate the International Day for the Elimination of Racial Discrimination in association with Manusher Jonno Foundation (MJF) organised the programme at Mahanagar Natyamancha in the city.

Speaking as the chief guest, the minister said that legal rights of Dalit and Harijan communities will be ensured to establish their rights as people of these communities also participated in the liberation war and sacrificed their lives.

The law ministry is going to set up a directorate soon for providing legal and economic assistance for these marginalised people, he added. In his keynote paper, PARITTRAN Director Milon Das said though the constitution ensures equal rights of every citizen, but Dalit and Harijan communities are deprived of education, health care, habitation and employment facilities and living in a humiliating condition.

There are about 55 lakh Dalit and Harijan people, who are known as untouchables in the society, live under marginal conditions in the country. Milon demanded enactment of laws eliminating racial discrimination against them, formulation of a national development policy for incorporating the communities in the mainstream development programmes and ensuring their participation in all social activities.

Speaking as the special guest, lawmaker Rashed Khan Menon said Dalit and Harijan communities live in inhuman conditions. The constitution ensures their rights, but it is not implemented properly, he said, urging the community members to launch their own organisational move on the rights.

Prof HKS Arefin said this is not racial discrimination, rather the discrimination is ideological and involved with religion, adding that mere formulating a law is not enough, the prevailing social structure that deprives them of their rights need to be changed.

Narrating difficulties the women of the communities face, Dipali Das, a member of Dalit community, said the condition of women in the country is volatile and the condition of women of Dalit community is worst. “We want to live like other human beings. We have the right to franchise and we want to live with self-dignity. Let us give the right,” she said.

GUIDELINE 22 : PHYSICAL SEGREGATION

National and Local governments should introduce and apply special measures to eradicate the persistence of social and cultural stigma of impunity 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.

THE COUNTRY CONTEXT

The prohibition on inter-caste marriages is at the core of caste system and in Bangladesh; this restriction is imposed on both Hindu and Muslim Dalits. Dalits are not allowed to exercise their freedom of choice to marry outside their caste. Although the existing legal regime in the country allows for freedom of marriage without any boundary of religion or caste; however, the social norm of endogamy is quite strictly adhered to. Asaduzzaman observes:

“According to community consensus, no marriage should take place between the members of two different *jaat* units. Every adult member of the encompassed community is fully aware of this fact... Marriages between members of two *jaat* groups occur by private arrangements where the couples usually have to suffer negative sanctions from their respective communities.” (Asaduzzaman, A. (2001). *The “Pariah” People - An ethnography of the urban sweepers in Bangladesh*. Dhaka: University Press Ltd)

Marriage between members of different caste or *jati* is highly affected by stigmatised mindset and involves different social, economic, cultural sanctions. Social boycotts, social ostracism and reservation from the property rights are major forms of consequences forced to Dalits who foster, promote or adapt inter-caste marriages.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

The Government of Bangladesh should take specific legal, policy, programmatic, and budgetary measures to:

- eradicate ‘untouchability’ practices and socio-cultural notions associated with impurity (based on caste) that prevent inter-caste marriages;
- protect Dalits who enter into inter-caste marriages from physical violence, collective punishment and social exclusion;
- ensure punishment to those who engage in any kind of violence to inter-caste couples.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (*Article 16(1) UDHR*)
- All men and women of marriageable age have the right to marry and to found a family. (*Article 23(2) ICCPR*)
- States should prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, ... (incl. caste), to equality before the law, notably in the

enjoyment of the right to marriage and choice of spouse. (Article 5(iv) ICERD)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- States should take steps to identify those descent-based communities under their jurisdiction who suffer from caste discrimination as recognized by an inability or restricted ability to alter inherited status; and socially enforced restrictions on marriage outside the community. (CERD. (2002). *General Recommendation 29: Descent Based Discrimination*. UN Doc. CERD/C/61/Misc.29/rev.1, para. 1)
- States should take resolute measures to secure rights of marriage for members of descent-based communities (e.g. Dalits) who wish to marry outside the community. (CERD. (2002). *General Recommendation 29: Descent Based Discrimination*, para. 32)

4. NATIONAL STANDARDS AND MECHANISMS

- Inter-caste marriage is allowed in the Special Marriage Act 1872. It provides validity to a form of marriage for persons who do not profess the Christian, Jewish, Hindu, Muslim, Parsi, Buddhist, Sikh or Jain religion, to persons who profess the Hindu, Buddhist, Sikh or Jain religion, and to legalize certain marriages of doubtful validity. Section 2 of the Act has certain conditions upon which marriages may be celebrated: (1) neither party must, at the time of the marriage, have a husband or wife living; (2) the man must have completed eighteen years, and the woman fourteen years, according to the Gregorian calendar; (3) each party must, if he or she has not completed the age of twenty-one years, have obtained the consent of his or her father or guardian to the marriage; (4) the parties must not be related to each other in any degree of consanguinity or affinity which would, according to any law to which either of them is subject, render a marriage between them illegal. (secs. 2 (1) (2) (3) (4)

The Special Marriage Act 1872. Website: http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=25

- In Bangladesh, family laws concerning marriage, divorce and adoption differ slightly depending on the religion of the person involved. Legally, there is no restriction on marriage between members of different faiths. (US Department of State. (2005). *International Religious Freedom Report for 2005 – Bangladesh*. Washington DC: US Department of State)

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

- In Bangladesh, incidents of inter-caste marriage are not much reported in public. The stigma and ostracism that emanates from such marriage remains confined within the community boundaries. Particularly because of a lack of understanding and sensitivity, news agencies do not carry reports concerning such incidents. Since the incidents have mostly remained outside the purview of public discourse, no national level recommendations has so far emerged.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

- So far, neither any systematic study has been conducted nor disaggregated data has been recorded regarding the incidents of inter-caste marriage or the level of implementation of the Special Marriage Act. Therefore, it is difficult to measure or ascertain whether the international and national provisions that remove the bar on inter-caste marriages have had any effect at community level.

7. GAPS IN THE MEASURES

Gaps in Laws:

- There is no legal provision for registering violence against inter-caste couples under.

Since the government does not have any legal provision for protection of rights of inter caste couples and associated hassles, people do not feel encouraged rather gets discouraged to take up the incident to law enforcing agencies or other government bodies.

Situation in the Absence of Specific Measures:

In the absence of national measure to ensure freedom to enter into inter-caste marriages, the following situation prevails among Dalits:

- Inter-caste couples remain exposed to violence and torture; neither national government nor LGIs have come forward with the provisions of adequate safeguarding.
- Generally, inter-caste couples who are victims of violence for such marriage do not go for seeking justice from legal institutions. In most of cases issues are dealt with by the elderly persons and social leaders.
- As the access to formal legal system for Dalits is very limited, Dalits in most of cases refrain from seeking remedies for such violence.
- A news article reported that three people committed suicide due to the refusal of inter-caste marriage. (Staff Correspondence, Daily Yugvary (2014) <http://www.jugabheri.com/single.php?id=1807>)

8. DALIT COMMUNITY RESPONSE TO GAPS ON IMPLEMENTATION

- No notable initiative or campaign is visible within the Dalit community against harassment and violence over inter-caste marriages and in favor of promoting such marriages.

9. OTHER COMMUNITY RESPONSE TO GAPS ON IMPLEMENTATION

- No such initiative has emerged from external stake-holder so far.

10. RECOMMENDATIONS

- A separate legislation should be enacted to deal with crimes or violence occurring against or around inter-caste marriages, in which most of the victims are Dalits.
- Apart from legislation to legally prohibit honour related violence, steps should be taken to organise counseling programmes for village communities, for instance to explain to them that such marriages are not opposed to law or religion.
- Human rights education and awareness campaigns should be taken up by both government and non-government organisation to actively promote inter-caste marriages and prohibit violence around inter-caste marriage.

GUIDELINE 25 : PHYSICAL SECURITY AND PROTECTION FROM VIOLENCE

Particular attention should be given to the situation of Dalit women and girls including under domestic violence laws, and to sexual violence, sexual exploitation and trafficking committed against women and girls of affected communities.

THE COUNTRY CONTEXT

In Bangladesh, almost on regular basis, a huge number of women are exposed to violence, exploitation and trafficking. Whereas subjugation and unequal treatment are common features in the life of almost every woman, in the case of Dalit girls and women, the vulnerability to violence and burden of violence are manifold. They are forced to undergo multiple forms of discrimination in every sphere of life including family, society, work-place and so on. Inside their own communities, they are inflicted suffering because of their gender identity, whereas in the outside world they face multiple discrimination and violence due to their womanhood and Dalit-hood. This is due to lack of protection

In recent decades the country has seen a number of legal and policy measures introduced for uplifting the condition of women in general. However, not much has been achieved in the case of Dalit women particularly owing to inequality in social structure and non-sensitivity on part of policy makers, leaders and bureaucrats. In fact, no policy or law has yet been enacted which makes special reference to the atrocities that Dalit women and girls experience.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

The Government of Bangladesh should take specific legal, programmatic and budgetary policy measures to ensure gender equity and security of Dalit women and girls within and outside the community with a view to:

- give special attention to the situation of Dalit women and girls in all laws to protect women against violence: explicit acknowledgement of Dalit women's caste vulnerabilities to violence; special attention to domestic violence and sexual violence faced by Dalit women;
- taking steps against sexual violence and exploitation taking place with Dalit women and girls; and
- taking strict legal measure for stopping human trafficking, in particular by addressing the vulnerability that Dalit women and girls have.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. (*Article 7 ICCPR*)
- Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention, nor deprived of their liberty outside of legal procedures. (*Article 9 ICCPR*)
- Everyone has the right to security of person and protection by the state against violence or bodily harm without discrimination based on race (caste). (*Article 5(b) ICERD*)
- Certain forms of racial (caste) discrimination may be directed towards women specifically because of their gender, such as sexual violence committed against women members

of particular racial (caste) groups. Racial discrimination also may have consequences that affect primarily or only women, such as the ostracism of women victims of racial (caste) bias-motivated rape. Women may also be further hindered by a lack of access to remedies and complaint mechanisms for racial discrimination because of gender-related impediments, such as gender bias in the legal system and discrimination against women in private spheres of life. (CERD. (2000). *General Recommendation 25: Gender-related Dimensions of Racial Discrimination*, para. 2)

- The state should take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women. (*Article 6 CEDAW*)
- States Parties shall take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect women against all kinds of violence. [CEDAW Committee. (1992). *General Recommendation No. 19: Violence against Women*, para. 24(t)]
- Every woman has the right to protection against any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. (*Article 1 Declaration on Violence against Women 1993*)
- States should adopt measures directed towards the elimination of violence against women who are especially vulnerable to violence. (*Article 4(l) Declaration on Violence against Women 1993*)
- Every child has the right to protection from all forms of physical or mental violence,

injury or abuse, neglect or negligent treatment, malnutrition or exploitation, including sexual abuse, torture, sale or traffic in children. (*Articles 19, 35 & 37 CRC*)

- State Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol. (*Article 1, Optional Protocol to the CRC on the sale of children, child prostitution and child pornography 2002*)
- Each State Party shall ensure that its domestic legal or administrative system contains measures that provide assistance to victims of trafficking in persons, including for help in prosecuting perpetrators of such crimes and for the rehabilitation of the women and children. State Parties also undertake to alleviate the factors that make persons vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity. (*Articles 6(2) & 9(4), Protocol to prevent, suppress and punish trafficking in persons, especially women and children, Supplementing the UN Convention against Transnational Organized Crime 2000*)
- State Parties shall take effective measures to ensure that trafficking in any form is an offence under their respective criminal law and shall make such an offence punishable by appropriate penalties which take into account its grave nature. (*Article III(1) SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution 2002*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- The Bangladesh state should ensure that all forms of violence against women and girls, including domestic violence and all forms of sexual abuse are criminalized, that perpetrators are prosecuted and punished and that women and girl victims of violence have access to immediate means of redress, rehabilitation and protection.

(CEDAW. (2011). *Concluding Observations on Bangladesh State report*. UN Doc. CEDAW/C/BGD/CO/7, para. 20(a))

- The Committee recommends that the State party... 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. (CEDAW. (2011). *Concluding Observations on Bangladesh State report*. UN Doc. CEDAW/C/BGD/CO/7, para. 38)
- 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 is not fully respected in practice. Girls continue to face discrimination and disparities, as do particular groups of children, including... 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. (CRC. (2009). *Concluding Observations on Bangladesh State report*. para. 32)
- The Bangladesh state should further criminalize violence against women and girls, prosecute perpetrators and adopt legislation on sexual harassment. (*Republic of Moldova, 129.8, Working Group on the Universal Periodic Review Bangladesh, Human Rights Council, sixteenth session, 2013*)
- The Bangladesh state should implement programmes to combat violence against women and ensure that victims have access to health care and legal assistance. [*France, 129.9, Working Group on the Universal Periodic Review Bangladesh, Human Rights Council, sixteenth session, 2013*]
- The Bangladesh state should ensure that all acts of violence against women and girls are criminalized, that perpetrators are prosecuted and punished, and that victims of violence have access to immediate measures

of protection, reparations and social reintegration. [*Uruguay, 129.10, Working Group on the Universal Periodic Review Bangladesh, Human Rights Council, sixteenth session, 2013*]

- The Bangladesh state should increase efforts to put the Domestic Violence Act into practice through public policies. [*Brazil, 129.38, Working Group on the Universal Periodic Review Bangladesh, Human Rights Council, sixteenth session, 2013*]
- The Bangladesh state should ensure that all forms of violence against women and girls, including domestic violence and all forms of sexual abuse are criminalized. [*Finland, 129.70, Working Group on the Universal Periodic Review Bangladesh, Human Rights Council, sixteenth session, 2013*]

4. NATIONAL STANDARDS AND MECHANISMS

Constitutional and Legal Provisions:

- The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Nothing in this article shall prevent the State from making special provision in favour of women and children or for the advancement of any backward section of citizen. [*Articles 28(1) & 28(4), The Constitution of the People’s Republic of Bangladesh*]
- The Bangladesh Penal Code 1860 prescribed punishment for the following offences against women: kidnapping or abducting any woman with intent that she may be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse (sec. 366); inducing any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be forced or seduced to illicit intercourse with another person (sec. 366A); importing into Bangladesh from any country outside Bangladesh any girl under the age of twenty-one years with intent that she may be forced or seduced to illicit intercourse with another person (sec. 366B); selling, letting to hire, buying or hiring any person under the age of

eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose (secs. 372-373); committing rape (sec. 376).

- The Domestic Violence (Prevention and Protection) Act 2010 was passed for establishing equal rights of women and children, and for ensuring protection of women and children from family violence.
- The Women and Children Trafficking Repression and Prevention Act 2000 prescribes measures to prevent trafficking of women and children. No mention is made of caste or Dalit women in the Act.
- The Mobile Court Act 2009 has given the executive magistrate the power to take steps by linking Section 509 of the Bangladesh Penal Code in the schedule of Mobile Court Act to resist and prevent eve teasing and sexual harassment of the girls and women.

Public Policy Measures:

- The National Women Development Policy 2011 has as its objectives the stern enforcement of legislations against minor matrimony, rape of female child abuse and repression and trafficking. It also aims to ensure the elimination of all forms of violence to women including physical and mental abuse and sexual harassment, rape, dowry, family abuse and acid throwing on family, society and in the workplace, as well as trafficking. (paras. 18.1, 19.1 & 19.4)
- The National Women Development Policy 2011 also aims to ensure all the rights of the small ethnic and backward groups of people for the development and growth of their womenfolk. In this regard, the government undertakes to implement special programmes aimed at the development of backward women. (para. 38.1)
- 44 'Women and Children Abuse and Repression Trial Tribunals' have been set up all over the country for the prevention of abuse of women and children. (*Part 1(8), National Women Development Policy 2011*)

- The women organizations implementing women development from national level to the grassroots, protection of rights of women, creating awareness, prevention of abuse of women, giving legal assistance and similar programs shall be given support and assistance to strengthen them. (para. 43 (b), *National Women Development Policy, 2011*)
- A national helpline number 10921 was introduced in 2012 for the Bangladeshi women and children victims of violence to provide the immediate service to victims and links up to relevant agencies. (National Helpline Center for Violence Against Women and Children)
- The Ministry of Women and Children Affairs, under its Multi-Sectoral Programme on Violence against Women, has established a One-Stop Crisis Center (OCC) in seven divisional cities and one district town with a view to providing medical and legal support to women victims of violence. (Multi-Sectoral Programme on Violence Against Women under the Ministry of Women and Children Affairs website:

http://mspvaw.org.bd/index.php?option=com_content&view=article&id=188&cmp=1&adfile=1&Itemid=143)

- The Governments of Bangladesh and India have formed a Taskforce regarding the Rescue, Recovery, Repatriation and Integration (RRRI) of children victims of trafficking from these two countries. The Taskforce, with the support of UNICEF, has established a full-fledged office in the Ministry to monitor child trafficking RRRI initiatives. (RRRI Taskforce Cell, Bangladesh. Retrieved from Ministry of Women and Children Affairs website: www.mowca.gov.bd)

Budgetary Measures:

- For 2014-15 financial year, the total outlay of the gender budget is proposed at Tk. 1.380 crore. In the non-development sector (social protection programmes) an amount of Tk 1, 352 crore has been allocated that includes targeted programmes for poor mothers, working women, old women and

widows. No specific mention is made of Dalit women. The gender budget lays emphasis on issues like deterring violence against women, sexual harassment, extortion, disparities and prevention of human trafficking. (Staff Correspondent. (2014, 6 June). *Gender Budget, Allocation in development sector falls*, *The Daily Observer*. Available at: <http://observerbd.com/details.php?id=24141>)

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

No official recommendation was found to be given on violence against Dalit women by any national mechanism.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

- The absence of special measures or mention of caste within general measures to protect Dalit women from violence means that the intersecting caste and gender violence and vulnerabilities of Dalit women are little understood or responded to by the Bangladesh government. This allows violence to take place with little or no targeted response to curb the violence or bring the perpetrators to justice.
- The CEDAW Committee has expressed its concern at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women. The Committee is 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. (CEDAW. (2011). *Concluding Observations on Bangladesh State report*. UN Doc. CEDAW/C/BGD/CO/7, para. 37)

7. GAPS IN THE MEASURES

Gaps in laws:

- Despite several laws and policies for the elimination of all forms of physical and mental violence against women in

Bangladesh, there is little understanding of the additional vulnerabilities of Dalit women to such violence due to their identity. Hence, no special mention is made of the nature of intersectional caste and gender violence and exploitation.

- The Domestic Violence (Prevention and Protection) Act has come into force only in 2010. It aims to ensure the equality and protection of women against violence within the domestic realm. However, it does not make any special reference to the condition of Dalit women. Moreover, awareness and proper implementation with respect to the law is still quite unsatisfactory.
- The status of implementation of the Women and Children Trafficking Repression and Prevention Act 2000 has not been able to come up with any satisfactory result, while being enacted, did not take into account the vulnerability of Dalit women and girls.

Situation of Dalit women and girls in absence of special measures:

- In the absence of special measures or attention to the nature of caste and gender based violence and vulnerabilities faced by Dalit women, they continue to experience violence of multiple forms.

For example, a young Dalit girl (12 years) from Pirojpur Sadar district was brutally raped and murdered on 28 June, 2013 and her dead body was recovered from a nearby low land of her house. Bangladesh Dalit and Excluded Rights Movement (BDERM) and Nagorik Uddyog conducted a fact finding mission there and found that the post mortem report didn't mention anything about the victim being raped before or after murder. Victim's family filed a case of rape and murder at the local police station, but the police arrested only one of the four accused. However, that person was later given bail. Though, the case was filed under the Women and Children Anti-Oppression Act 2000, action was not taken in comply with the importance of the law. Even no charge is yet formed against the accused though one year has already passed. The Daily Prothom-Alo published a news on 11

May, 2014 (<http://www.prothom-alo.com/bangladesh/article/213379/>) and the Daily Observer published another news on 5 June, 2014 (<http://observerbd.com/details.php?id=23815>) about the incident.

To understand the nature and extent of domestic violence, one study revealed: Gender discrimination at home disadvantages them at work and public sphere. Household work, child-care and family responsibility and experience of violence limit women's independence. Even if a Dalit woman in the capital city of Dhaka somehow manages to save herself from harassment by external perpetrators, she cannot escape the experiences of violence within the family. If a husband is not earning and wife claims money for meeting household expenditure, she gets beaten. When a husband gets drunk the

wife is supposed to accept it; otherwise she will be physically harassed or at least will be subject to severe verbal abuse by the husband. These are every day phenomena. When the sufferings go beyond the level of tolerance, women complain to the community panchayet (informal mediation system run by community). However, men are in full control of the panchayet and often deliver unfavourable judgments in domestic violence cases. . [Islam, Farzana and Uddin, Nasir (2008), *Intricate Tale of Social Exclusion: Dalit Women's Experience of Caste, Class, Citizenship and Gender in Dhaka City*, p.22. Retrieved from the official website of Nagorik Uddyog:

<http://www.nuhr.org/DocFile/81-Socail%20Exclusion%20Dr.%20Farzana%20Islam.pdf>]

The Daily Star

[17 January 2014]

Target Hindus' Land

Rape used as a weapon

About 5,000 people in Monirampur under threat

Twelve years ago, six [Dalit] families lived in Tuniaghara village of Monirampur upazila. They had 630 decimals of agro-land and another 105 decimals of homesteads with ponds.

All cobblers by profession, they were members of the Hindu Rishi community.

But things changed soon after the BNP-Jamaat alliance came to power in 2001. Some Muslims of the adjacent areas had eyes on the properties and women of the low caste Hindu families. One night, two housewives were forced into a nearby field and gang-raped.

What the Rishi community could do at the most was file a case with Monirampur Police Station. But police took no action. What could they do then? "All the families left their village, selling out their land within 15 days of the incident," said Jatin Das, a relative of one of the rape victims. They had to sell out all their land to local Muslims at only Tk 5,000 a bigha (42 decimals) and homestead land at Tk 7,000 a bigha, around one-fourth of the real price.

Today the price of one bigha land in the village, which is by Jessore-Kashabpur village, is around Tk 6 lakh.

Before leaving, they went to the police station time and again. But the case got buried. "We never let our next generation know what happened to us," said Krishna Das, one of the displaced Hindus. Krishna now lives in Jessore town with some of his community members. Some from the six families settled in Dhakuria and Chalkidanga. They never went back to Tuniaghara. Twelve years later, another rape led to the deportation of four Rishi families in Hazrail village of the same upazila, Monirampur, a BNP-Jamaat stronghold.

The families had built their homes in a corner of the village. Since the incident on the night of January 7, they have been living elsewhere with relatives and trying to sell their land. They even took away their huts, breaking them into pieces. This will make other Hindus sell land, according to locals. The victim families have only five decimals of land, but some other Hindu families have some croplands in the village. Now youths in Hazrail and adjacent villages have to remain vigilant all night long to protect their families.

“Rape has become a weapon to displace Rishi families from their land in Monirampur. Silent torture is also going on but nobody utters a word in fear of a backlash,” said Ashok Das, general secretary of Bangladesh Dalit Parishad, an organisation working on the rights of low-caste Hindus. “We have little to do to protect the low-caste Hindus from repression, except drawing the attention of the media. It’s the government’s duty to protect the minorities.”

According to an estimate, about 5,000 Rishi people of 1,000 families in 15 localities under six unions -- Bhojgati, Haridaskati, Kashimnagar, Durbadanga, Shyamkur and Dhakuria -- in the upazila are now vulnerable to communal violence. Contacted, Officer-in-Charge Mir Rezaul Islam of Monirampur Police Station said, police patrolling was on to protect Hindu neighbourhoods in Monirampur. “We have also arranged a community watch.” (<http://www.thedailystar.net/rape-used-as-a-weapon-7158>)

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- BDERM carries out awareness raising programmes in a number of districts [particularly in Sylhet, Jessore, Khulna and Barisal] that put emphasis on achieving gender equity and ending domestic violence.

- Since its inception, BDERM has been working for the rights of Dalit women and have organized number of events protesting violence against Dalit women. It also provides necessary support to the victim of violence. For instance, BDERM organized a human chain in the capital on 17 July, 2009 protesting rape of a Dalit girl at Jessore Sadar district. The news was published in the Daily Star titled ‘Punishment to rapists demanded’ on 18 July, 2009.

(<http://archive.thedailystar.net/newDesign/news-details.php?nid=97467>)

- BDERM and Bangladesh Dalit Parishad jointly organized human chain at Jessore Sadar district on 7 January, 2014 to protest vandalism and rape of Dalit women at Malo Para, Abhay Nagar of Jessore district.

(<https://www.facebook.com/photo.php?fbid=1411773785729958&set=pcb.1411773939063276&type=1&theater>). Later on the Officer in Charge of Monirampur police Station of Jessore was withdrawn for holding the women of Dalit community for the incident of rape. (<http://www.prothom-alo.com/bangladesh/article/132388/>)

- BDERM and Nagorik Uddyog jointly organized a press conference at Pirojpur on 3 June, 2014 demanding acceleration in the legal action against the accused of the rape and murder case of a 12 years old Dalit girl. Though one year has passed, no charge was formed against the accused of rape and murder case of Dalit girl. (<http://observerbd.com/details.php?id=23815>)

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- There are a number of prominent women’s rights organizations working on issues of violence against women in the country, like Ain o Shalish Kendra(ASK), Bangladesh National Women Lawyers’ Association(BNWLA), Bangladesh Mahila

Parishad, etc. For example, Ain o Shalish Kendra (ASK) monitors and reports on the increasing rates of domestic violence in the country. It monitors women's rights violations and advocates for a comprehensive awareness programme on the rights and social protection of women to be undertaken by the government and civil society organizations. The reports were not found to have any specific mention on violence against Dalit women.

- In Bangladesh, the women's rights movement has been highlighting issues of violence against women since 1980 and has played an important role in driving forward measures to combat this violence. However, very little or to be precise, no work has been done to explore the specific vulnerabilities of excluded groups of women like Dalit women.

10. RECOMMENDATIONS

- Laws and policies to address violence against women should make specific reference to Dalit women and girls, or multiple discrimination and violence and should outline protection measures that are particularly applicable to them.
- Civil Society Organizations and Community Based Organizations working with Dalits need to develop and implement strategies to deal with issues like domestic violence that the communities, in most cases, do not identify to be a major problem.
- NGOs that work in bordering areas with special focus on trafficking need to undertake anti-trafficking programmes with Dalit communities on board.
- Government officials, particularly the members of law enforcement agencies, should be given adequate training to understand the heterogeneity of Bangladesh society, and how to particularly address the specific vulnerabilities of Dalit women.

GUIDELINE 27 : PHYSICAL SECURITY AND PROTECTION FROM VIOLENCE

National and local governments should encourage victims and witnesses to report such acts to the competent authorities and protect them from acts of retaliation and discrimination, and ensure that complaints under relevant acts and other criminal law provisions are properly registered. National and local governments should make public information on the number and nature of complaints registered, the convictions and sentences imposed on perpetrators, and the remedies and assistance provided to victims of such acts.

THE COUNTRY CONTEXT

The formal justice system in Bangladesh is characteristically pro-rich, bureaucratic and hard to access. Law enforcement agencies also are not easily accessible to poor and marginalized people. A 12 years old Dalit girl was raped and murdered on 28 June, 2013 at Pirojpur Sadar district. Victim's family filed a case in the local police station. But the police was found inactive in taking legal action against the accused. One of the suspects got arrested after ten months of the incident, he was released on bail. No charge was filed against the accused till the end of one year. Moreover, victim's family is under continuous threat by the accused since the perpetrators are relatives of an influential local political leader.

Study found that almost all the respondents alleged that they did not receive fair judgement in any session of *bichar* and *salish* (sessions of arbitration or trial). Bicharoks (the person who presides over the arbitration session) are generally from the dominant middle class Bengali community who, they alleged, never play an objective or neutral role. Particularly when the allegation is against a Bengali person, Dalits do not see any possibility of getting a fair judgment. This is why many Dalit victims do not complain against the wrongs done to them by dominant Bengali people. The arbitrators are non-Dalits and they often take bribe from the offenders to carry out the judgment in unfair way. [Islam, Farzana and Uddin, Nasir (2008), *Intricate Tale of Social Exclusion: Dalit Women's Experience of Caste, Class, Citizenship and Gender in Dhaka*

City, pp.15-32. Retrieved from the official website of Nagorik Uddyog:

<http://www.nuhr.org/DocFile/81-Socail%20Exclusion%20Dr.%20Farzana%20Islam.pdf>]

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

The Government of Bangladesh should take specific legal, programmatic and budgetary policy measures to ensure witness protection and provide remedies and assistance to the marginalized and vulnerable community. Specifically, the government should:

- encourage victims and witnesses to report act of caste discrimination and violence to the competent authorities: ensure that procedures are in place to inform Dalits of their right to file complaints;
- protect them from acts of retaliation and discrimination for reporting incidents of discrimination and violence: evolve mechanisms of witness protection once cases are filed; ensure that any discrimination and violence occurring once a case is filed is followed up by the police and protection is immediately given;
- ensure that complaints under relevant acts and other criminal law provisions are properly registered by the police: monitor how the police deal with complaints filed by Dalits; develop and implement strict

legal provisions/guidelines as regards the investigation of complaints of caste discrimination and violence;

- make information on the number and nature of complaints registered and the judicial and administrative responses to these cases available to public.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- Anyone whose rights are violated has the right to an effective remedy, and should be able to claim that remedy through competent judicial, administrative or legislative authorities. (*Art. 2(3) ICCPR*)
- All persons are equal before courts and tribunals. In the determination of her/his rights and obligations in a suit at law, everyone shall be entitled, without discrimination, to a fair and public hearing by a competent, independent and impartial tribunal established by law. (*Articles 2(1) & 14(1) ICCPR*)
- Everyone has the right to effective protection and remedies, through competent national tribunals, against any acts of racial discrimination, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination. (*Art. 6 ICERD*)
- Victims are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered. (*Article 4 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985*)
- Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms. (*Article 5 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985*)

- Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means. (*Article 14, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- State should ensure the prosecution of persons who commit crimes against members of descent-based communities and the provision of adequate compensation for the victims of such crimes. They should also organize training programmes for public officials and law-enforcement agencies with a view to preventing injustices based on prejudice against such communities. (*CERD. (2002). General Recommendation 29: Descent Based Discrimination, paras 23 & 25*)
- Complaints by victims of racist (casteist) acts should be recorded immediately, investigations pursued without delay and in an effective, independent and impartial manner, and files kept relating to racist (casteist) incidents. (*CERD. (2005). General Recommendation 31: Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System, para. 11*)
- States should pursue national strategies aimed at... implementing plans of action to eliminate structural racial (caste) discrimination, including guidelines for prevention, investigation and prosecution of racist (caste-based) incidents. (*CERD. (2005). General Recommendation 31, para. 5*)
- Any refusal by a police official to accept a complaint involving an act of racism (casteism) should lead to disciplinary or penal sanctions, and those sanctions increased if corruption is involved. (*CERD. (2005). General Recommendation 31, para. 12*)
- Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the

victim's right to ... equal and effective access to justice, and adequate, effective and prompt reparation for harm suffered. (*Article VII(8) (a)-(b), Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN General Assembly 2006*)

- The Bangladesh state should provide disaggregated information on the economic and social status of all ethnic, religious and tribal minorities, as well as their participation in public life. The State should also ensure the penalization of acts of racial discrimination, and ensure access to effective protection and remedies under article 6 of the Convention through competent national tribunals and State institutions besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination. (CERD. (2001). *Concluding Observations on Bangladesh State report*. UN Doc. CERD/C/304/Add.118, paras. 7-8)

4. NATIONAL STANDARDS AND MECHANISMS

- Everyone has the right to enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law. In particular, no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law. (*Article 31, Constitution of Bangladesh*)
- The Government shall establish an office in every Metropolitan City under the Ministry of Law, Justice and Parliamentary Affairs for the purpose of providing necessary security, medical, clinical and counseling assistance and secured protection for the victim of and witness to crimes involving offences under the schedule to this Act. (*Article 3(1), Establishment of a victim and witness protection office, A Draft Bill for making a Law providing for protection facilities to victims and witnesses of crimes of specific grave nature*. Retrieved May 2014 from: <http://www.lawcommissionbangladesh.org/reports/74.pdf>)

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

- In order to facilitate a victim to give his/her testimony in court freely and without any fear or pressure, we recommend that a new law providing for the rights, privileges and protection of victims and witnesses be enacted. [Law Commission of Bangladesh (2006) *Final Report on a proposed law relating to protection of victims and witnesses of crimes involving grave offences*. Dhaka: National Law Commission, p.7. Retrieved May 2014 from: <http://www.lawcommissionbangladesh.org/reports/74.pdf>]

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

As no specific measures have been taken to date to encourage Dalit victims of discrimination and violence to report these cases, nor to ensure that police register these cases, no comment can be made on implementation.

7. GAPS IN THE MEASURES

Gaps in law and procedures:

- Given the current lack of recognition of Dalits as a separate social group requiring special protection in existing laws and policies, no step has been taken by the government to encourage Dalits to register complaints of caste-based discrimination and violence.
- Dalits have a system of arbitration and governance of their own, the panchayat, to resolve internal disputes within the community alone. In cases where a panchayet works for resolving internal problems, sessions are fully dominated by male members. The norm is that Dalit women will not participate in the panchayet. (Islam, Farzana and Uddin, Md. Nasir. (2008), *'The Intricate Tale of Social Exclusion: Dalit Women's Experiences of Caste, Class, Citizenship and Gender in Dhaka City'*, The Jahangirnagar Review, Part II: Social Science,

Vol. 32). No steps have been taken by the government to encourage Dalit members, women and men, to instead approach the police and to register any complaints.

- Police stations do not maintain practice of having any separate registrar to record the complaints made by Dalits. Hence, there is a complete absence of disaggregated data on the number of cases of discrimination and violence against Dalits registered by police, investigated and the nature of the verdicts in those cases.

Situation in the Absence of Specific Measures:

- A recent study cites experiences of Dalits from one Dhaka locality:

A Bangali person took excessive drug (heroin) and visited the Dalit locality, where he died from excessive intake of the drug. Later, the Bangalis accused the Dalits of killing the man. A bichar session followed the incident. The verdict was that the people in Dalit settlement must pay a penalty of 400,000 taka. It was a big amount, but still because they were threatened of being evicted from the locality, to escape from that, they all shared the burden and paid the penalty. On the other hand, there have been number of incidents in which Bengalis invaded houses of Dalits and robbed them. There has not been any penalty for any Bangali person for these misdeeds. (Islam, Farzana and Uddin, Md. Nasir, 2008, *ibid*).

The implication of such events is that Dalits do not receive justice though the incidences of their being harassed, tortured or victimized are frequent. Moreover, Dalits can not approach the formal police authorities to handle cases as they suspect that they would not get any fair judgment there.

- Caste discrimination is so rampant and complex that Dalit women rarely address gender discrimination issues. The women often listen to their men, as they feel insecure in front of dominant communities,

who often comprise the police authorities. Thus, they keep to themselves and do not officially report cases of domestic violence. (Islam, Farzana. (2011). *Dalit Women in Bangladesh: Multiple Exclusion*. Dhaka: BDERM, p.21)

- A Dalit school girl (12) of Gangarampur union under Botiaghata Thana of Khulna district was abducted by the local miscreants on 7 June, 2013. As stated by the victim's family, the police showed reluctance at the beginning filing the case. However, they later filed the case due to the pressure from the union council. Though police filed the case, they seemed inactive in the rescue of the victim. The girl was rescued after 1 month 28 days of her abduction. Though police arrested four accused in this case, they got three of them be freed on bail since they were under aged. After the rescue, the victim was shifted to one of her aunt's houses located at a distant place to ensure her security. But when the main accused got free on bail, he found the victim out and gave her life threat. [Fact Finding Report, (2013), Civil Society Joint Action Programme to Promote Dalit Human Rights in South Asia, Nagorik Uddyog]

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- A number of Dalit community based organizations are now working for improving the livelihood of the community members as well as to encourage them to unite and secure their rights. However, they are yet to gain the strength to make government agencies and office accountable for their actions. It is still very difficult to get Dalit victims and witnesses of acts of discrimination and violence to come forward to seek justice.
- Bangladesh Dalit and Excluded Rights Movement (BDERM) and Nagorik Uddyog are working to persuade Dalit victims and witnesses of discrimination and violence to seek legal justice for these crimes. There have been efforts taken to train young Dalit human rights defenders to be able to monitor

cases of caste discrimination and violence occurring in their local areas, and to make interventions in such cases by mobilizing the media to report these cases alongside placing the necessary pressure on police to register these cases.

- FAIR established four Community Counseling Centers (CCC) and four Vigilance Teams formed under CCC. These CCCs have been set up under 4 unions of Kushtia Sadar Upazilla. Vigilance team provides door step legal support to the victims of domestic violence. Counseling, Shalish, and legal support are provided by the Vigilance Team and Project Lawyer. [Major activities of 'Combating Against Domestic Violence' project of FAIR. Retrieved from the official website of FAIR: http://www.fair-bd.org/ongoing_project.php?oid=13]
- SHAREE, A NATIONAL LEVEL NGO HAS BEEN IMPLEMENTING A PROJECT TITLED 'IMPROVING ACCESS TO JUSTICE OF DALIT COMMUNITY THROUGH HUMAN RIGHTS EDUCATION' IN SHERPUR AND JAMALPUR DISTRICTS OF BANGLADESH. THE MAIN ACTIVITIES OF THIS PROJECT ARE TO CREATE AWARENESS AMONG THE DALIT COMMUNITY ABOUT THE RIGHTS OF WOMEN AND GENDER EQUALITY AND PROVIDE THEM DOOR STEP LEGAL SUPPORT. THE PROJECT SO FAR PROVIDED DOOR STEP LEGAL SUPPORT TO 552 VICTIMS. [ACTIVITIES OF ONGOING PROJECT OF SHAREE TITLED 'IMPROVING ACCESS TO JUSTICE OF DALIT COMMUNITY THROUGH HUMAN RIGHTS EDUCATION'. RETRIEVED FROM THE OFFICIAL WEBSITE OF SHAREE: <HTTP://SHAREE.ORG.BD/?PROJECTS=IMPROVING-ACCESS-TO-JUSTICE-OF-DALIT-COMMUNITY-THROUGH-HUMAN-RIGHTS-EDUCATION>]

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Odhikar, a human rights organization, has spoken out on the need to ensure justice of the victim through a victim and witness protection law, which is effectively implemented. No mention, however, is made about any special protection to be granted to

Dalits who file cases over caste discrimination and violence.

10. RECOMMENDATIONS

- The government should introduce and appoint a high-level committee to review the situation of protection granted to Dalit victims and witnesses of discrimination and violence, calling on local Dalit civil society organisations to provide inputs on the situation on the ground and the barriers to Dalits' accessing formal justice. This committee should examine the need for any special law, or special provisions within existing criminal laws, to protect Dalits' right to security of life.
- The government should issue strict guidelines as a code of conduct of police in registering and investigating crimes of discrimination and violence against Dalits. It should be made mandatory that all complaints of caste-based discrimination and violence be immediately registered by the police, and that police officials not resort to investigations without the proper registration of the case.
- Proper training and awareness building lessons should be given to the law enforcing agencies with a view to increase their sensitivity towards dealing with cases involving caste discrimination and violence.

Civil society organizations must increase the legal awareness programmes among Dalit communities, so as to make them aware of their rights and support them in accessing legal remedies for any discrimination or violence done to them.

GUIDELINE 29 : ACCESS TO JUSTICE AND EQUAL POLITICAL PARTICIPATION

National and local governments should take all necessary steps to ensure equal access to judicial remedies for affected communities, including the provision of legal aid or other kinds of support to public interest organizations representing the interests of those subject to discrimination based on work and decent.

THE COUNTRY CONTEXT

In Bangladesh, there has not been any formal or systematic study on the ways in which communities affected by caste based discrimination are denied access to justice. The depiction that comes to the fore through the personal narration of the Dalit activists and concerned civil society leaders is quite dismal. Institutions and agencies are totally insensitive about the victimization and violence that Dalit frequently experience.

In recent times the government has undertaken programmes and projects, in collaboration with its development partners, to facilitate the access of poor and marginalized people in the society to both formal and informal justice system. Efforts have also been taken to reform and democratize traditional informal justice mechanisms. However, none of these initiatives has provided clear understanding on how Dalits are denied recourse to justice. Even the programmes undertaken with a view to provide legal aid to the victims are not designed open enough to take the Dalit communities adequately on board.

On the whole, the prevailing facts demand special intervention for Dalits and other excluded communities, the systems and institutions have kept Dalits outside the purview of even newly taken interventions. Dalit communities are not getting any special attention or support from the legal-judicial machinery and there also has not been any significantly active public interest organization that could promote and protect Dalits' access to justice.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

The government of Bangladesh should take specific legal, policy, programmatic and budgetary measures to ensure equal access, non-discrimination for Dalits in respect of the following entitlements:

- to have access to information on existing special laws and mechanisms to protect their rights;
- to have equal opportunity to access the courts and present cases to the courts;
- to be entitled to free legal aid in order to afford court and legal fees;
- to be granted financial support by suitable legislation or schemes so as to be able to access judicial remedies;
- to have access to civil society organisations who can provide legal and other support while pursuing legal justice;
- to be able to file public interest litigation regarding issues of caste discrimination.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- Everyone has the right to an effective remedy by competent national tribunals for acts violating their Constitutional and legal rights. (*Article 8 UDHR*)
- All persons shall be equal before courts and tribunals. In the determination of

her/his rights and obligations in a suit at law, everyone shall be entitled, without discrimination, to a fair and public hearing by a competent, independent and impartial tribunal established by law. (*Articles 2(1) & 14(1) ICCPR*)

- Governments shall ensure the provision of sufficient funding and other resources for legal services to the poor and, as necessary, to other disadvantaged persons. (*Article 3 Basic Principles on the Role of Lawyers, 1990*)
- Legal aid is a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fairness and public trust in the criminal justice process. States should therefore guarantee the right to legal aid, without discrimination on any grounds, in their legal systems at all stages of the criminal justice process. This includes, without prejudice to or inconsistency with the rights of the accused, legal aid to victims and witnesses of crime. (*Principles 1(14), 4(24), 5(25), 6(26) & 7(27) UN Principles on Access to Legal Aid in Criminal Justice Systems, 2012*)
- States should ensure that a comprehensive legal aid system is in place that is accessible, effective, sustainable and credible. The necessary human and financial resources should be allocated to the legal aid system. (*Principle 2(15) UN Principles on Access to Legal Aid in Criminal Justice Systems, 2012*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- States should take the necessary steps to secure equal access to the justice system for all members of descent-based communities, including by provision of legal aid, facilitation of group claims, and encouragement of non-governmental organizations to defend community rights. (CERD. (2002). *General Recommendation 29: Descent Based Discrimination*, para. 21)
- In order to facilitate access to justice for the victims of racism (casteism), states should

supply the requisite legal information to persons from the most vulnerable social groups, who are often unaware of their rights. States should promote, in the areas where such persons live, institutions such as free legal help and advice centres, legal information centres and centres for conciliation and mediation. (CERD. (2005). *General Recommendation 31: Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System*. UN Doc. A/6.18, paras. 7-8)

- Persons seeking access to justice in judicial or administrative form should be guaranteed access to legal advice and representation, including, where necessary, free legal aid. It is the responsibility not only of the state, but also of the legal profession, to act to facilitate such access. (International Commission of Jurists. (2012). *Declaration on Access to Justice and Right to a Remedy in International Human Rights Systems*. Adopted in Geneva in December, 2012)

4. NATIONAL STANDARDS AND MECHANISMS

Constitutional and Legal Provisions:

The Constitution of Bangladesh generally speaks about entitlement of all the citizens to be equally protected by law. It does not contain any special protective or supportive provisions that would guard against and redress the specific vulnerability of Dalits, minorities and excluded communities of the country. The general Constitutional provisions are:

- All citizens are equal before law and are entitled to equal protection of law. (*Article 27 Constitution of Bangladesh*)
- To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever s/he may be, and of every other person for the time being within Bangladesh, and in particular no

action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law. (*Article 31 Constitution of Bangladesh*)

- The Children Act 2013 has provisions for ensuring the rights of the children coming from socially excluded groups such as 'Harijon' and 'Bede'. However, it has no provision as to how they will be protected legally or judicially if they are violated or oppressed. (*sec. 89(1)(n) Children Act, 2013*)

Public Policy Measures:

In absence of specific or definite reference to the condition of Dalits, we cite here some of the legal and policy provisions regarding equity in ensuring justice for all.

- The provisions in Part II of the *National Women Development Policy, 2011* outline the framework for ensuring the elimination of all forms of abuse against women. The policy does not go further and spell out the steps to be taken with respect to Dalit women. Currently, Section 19 of the Policy stipulates that the government will extend legal support to women victim of abuse (19.3); eliminate abuse of women and make enforcement of justice in these cases ensuring participation of women at levels in the police force (19.5); and simplify the adjudication procedure to complete trial of offence relating to women, female children and their trafficking (19.7).
- The Legal Aid Services Act, 2000 and Legal Aid Rules, 2001 stipulate the persons who are entitled to free legal aid, including any person who is receiving old age benefit; any women or children who are victims of illegal trafficking or acid throwing; any poor widow, any poor women deserted by her husband; any person who is financially incapable to protect or defend her/his rights in the court; any person who has been considered by the court financially incapable or poor; etc. Hence, a Dalit may still be able to claim to have legal aid support but only on different

grounds, particularly with reference to his/her very poor financial condition. This, however, limits which Dalits can claim legal aid, and requires additional procedures to follow to establish one's claim to legal aid.

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

In Bangladesh, the incidents of Dalits' not getting access of justice or being unfairly treated by the authorities are not issues that get much focus from the media, public conscience or policy makers. Since the incidents have mostly remained outside the purview of public discourse, no national level recommendation has emerged so far regarding access to justice specifically for Dalits.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

Since no specific measure has yet been taken by the government to equal access to judicial remedies for Dalits, there is no scope of reviewing the implementation and impact of any measure.

7. GAPS IN THE MEASURES

As we have seen above, the Constitution of Bangladesh provision for equality of all citizens before the law notwithstanding, no law or policy has included any specific provision for ensuring access to justice for the Dalits as systematically excluded group. Because of this inherent non-recognition and unconcern for the specific situation of Dalit communities and their problems in access to justice, state agencies keeps on exacting injustice to the Dalits and no policy or law are framed to thwart that injustice.

Some of the key gaps in relation to Dalits' non-access to legal and judicial remedies are:

- The Constitution does not contain specific provisions for ensuring legal and judicial access for the most marginal section of people of the country. It does not provide particular ground for Dalits to demand for

a legal entitlement to legal aid and other measures to promote their access to justice.

- The National Women Development Policy considered women of the country as a single and homogenous category. It had the opportunity to provide guideline or policy framework for upholding the rights and entitlements of women belonging to groups such as Dalits. However, the policy has failed to spell out the specific needs of Dalit women to legal aid and other measures.
- Though, theoretically, the Dalits of the country are in position to access the legal aid support provided by the government on the ground of being poor, it is quite telling that 'Dalits' are not there in the list of possible beneficiaries. This clearly is a testimony of the level of indifference that the policy makers of the country have as regards the plight of the Dalits of the country.

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Some Dalits are working to get legal aid from the administration on behalf of their community and various local organizations. However, neither at national level nor at local levels have their activities yet been able to make substantial impact.
- Fact finding intervention of rights violation cases against dalit is one of the major activities of BDERM. The fact finding intervention intends to document the cases of caste based discrimination against the Dalit community. The intervention also include support to the Victims & Witnesses in accessing Penal & Pecuniary Justice and where necessary legal interventions proceed on and the potential cases are taken up for monitoring and building Case Law. In monitoring rights violation cases against dalit civil society, NHRI and Media play a facilitating and catalytic role in securing State attention, both at the Central and State levels, to the task of control and elimination of Caste based discrimination and Atrocities.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Nagorik Uddyog has taken a project in five districts of Barisal division for giving legal aid to Dalit communities and others.
- Ain o Salish Kendra (ASK) is working for ensuring Legal aid for socially excluded people including Dalit community and others.
- BRAC is a national NGO that works for ensuring Legal aid for socially excluded people including the members of Dalit community. They have particular focus on marginal and poorer women.
- BLAST provides legal advice and representation at all levels of the justice system with an emphasis on providing services to those living in poverty or facing disadvantage or discrimination. Legal services, including mediation, litigation and legal rights training, are provided through BLAST's head office and nineteen unit offices throughout Bangladesh.

10. RECOMMENDATIONS

- The government should amend the Legal Aid Rules in order to incorporate mandatory provision of legal aid to Dalits who need to access justice.
- Re-examine the policies and laws related to protection of women and children in order to ensure that adequate mention is made about the relationship between caste discrimination and denial of access to justice. Specific provisions also should be incorporated to guarantee access to legal remedies for Dalit women and children who suffer human rights violations.
- NGOs should engage with Dalit communities living in different parts of the country to raise awareness among the communities of their rights, including the ways to access justice for any rights violations they experience from dominant communities. They have to

be convinced that it is not their 'destiny' to routinely become subject to misbehavior and ill-treatment.

- The Bangladesh government should support civil society organisations and activists who are working on the issue of equal access to justice for Dalits in order to generate a legal aid movement at the grassroots that helps identify and solve the problems and difficulties of Dalits. It is necessary to promote more informal paralegal services in places where basic access to justice opportunities and infrastructure are absent for Dalits.
- Efforts should be undertaken to democratize the Dalits' own 'panchayet' system. Currently most of the disputes in Dalit communities are settled through 'panchayet' system, which is not always neutral or democratic in nature.

GUIDELINE 33 : ACCESS TO JUSTICE AND EQUAL POLITICAL PARTICIPATION

National and local governments should consider the introduction and implementation of a reservation policy to all categories of public service posts, including the judiciary, in order to ensure adequate, effective and meaningful, not symbolic, representation at all levels of governments and legislatures and maintain and release statistical data on such representation.

THE COUNTRY CONTEXT

Dalits in Bangladesh are yet to get full recognition of their identity and the policy making forums of the country, including the legislature, are yet to take note of or give consideration to the need for political representation of this community. In sum, Dalits of the country are yet to emerge as a 'policy constituency'. No 'affirmative action' or 'positive discrimination' has yet been taken up for advancing the condition of the Dalits and there is no reservation for the Dalits in public service posts or in the judiciary. Even the terms such as 'schedule caste' or 'caste' itself do not come to feature the policy documents, let alone direct reference to 'untouchability' and sufferings of the Dalit masses.

From a popular point of view it might appear that higher level public service posts or judiciary positions are far-off for the Dalits of the country to demand for or avail of. In the same vein, one may argue that Dalit communities are yet to have significant number of graduates who could compete for civil service posts. However, this assertion is not backed up by any study or systematic evidence. Making such a statement would just be a restatement of popular image as regards the socio-economic underdevelopment of the Dalit population of the country. By contrast, Dalit activists and civil society leaders are gradually pointing to the fact that students from Dalit communities are now coming up to the universities in an increased number, it is high time for the policy stakeholders to mull over what 'affirmative action' might be taken to accelerate the process for ending systematic deprivation of Dalits.

It is important to identify the measures that might be taken up to accommodate Dalits at different other levels of public service posts, including the judiciary. Which are the posts and positions that would suit Dalits best? How can state formulate policies and laws to ensure entry of Dalits into those jobs and posts? What 'affirmative action' might be most effective in the given time and context? – These are the questions that have not been adequately reflected upon yet.

1. WHAT IS REQUIRED TO FULFILL THE GUIDELINE

In order to fulfil the guideline, the Government of Bangladesh and LGIs should take legal, policy, programmatic and budgetary measures to ensure equal access, non-discrimination and an environment for exercising freedom and security of life for the Dalits with respect to:

- introduction and implementation of a reservation policy for Dalits to all categories of public service posts;
- introduction and implementation of a reservation policy for Dalits in the judiciary;
- ensuring adequate, effective and meaningful, not symbolic, representation at all levels of governments and legislatures: ensuring the right to free and meaningful participation by Dalits, that Dalits are enabled to raise the issues of their communities in the government and legislature;
- maintaining and releasing statistical data

on the representation of Dalits in all such government posts.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- States undertake to eliminate racial (caste) discrimination in all its forms and guarantee the right to everyone, without distinction, to equal enjoyment of the rights to work, to free choice of employment, to just and favourable conditions of work including remuneration, to protection against unemployment, to equal pay for equal work. (*Article 5 ICERD*)
- States shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development, protection and enjoyment of rights of certain racial (caste) groups. Such special measures shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial (caste) groups and that they shall not be continued after the objectives for which they were taken have been achieved. (*Articles 1(4) & 2 ICERD*)
- Everyone has the right to the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. (*Article 6(1) ICSECR*)
- States should eliminate discrimination against women in the field of employment to ensure, *inter alia*, the equal right to work, employment opportunities, free choice of profession and employment, right to safe working conditions. (*Article 11 CEDAW*)
- States may adopt temporary special measures aimed at accelerating de facto equality between men and women, which shall in no way entail as a consequence the maintenance of unequal or separate standards. (*Article 4(1) CEDAW*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- States parties should formulate and put into action a comprehensive national strategy, with the participation of members of affected communities, including special measures in accordance with Articles 1 and 2 of [ICERD], in order to eliminate discrimination against members of descent-based groups. Special measures in favour of descent-based groups and communities, in order to ensure their enjoyment of human rights and fundamental freedoms, should in particular relate to access to public functions, employment and education (CERD. (2002). *General Recommendation 29: Descent Based Discrimination*, paras. 5 & 6)
- States should elaborate, adopt and implement plans and programmes of economic and social development on an equal and non-discriminatory basis. (CERD. (2002). *General Recommendation 29*, para. 33)
- States should adopt special measures in favor of descent-based groups and communities in order to ensure their enjoyment of human rights and fundamental freedoms, in particular concerning access to employment. (CERD. (2002). *General Recommendation 29*, para. 6)
- States should take special measures to promote the employment of members of affected communities in the public and private sectors. (CERD. (2002). *General Recommendation 29*, para. 36)

4. NATIONAL STANDARDS AND MECHANISMS

Constitutional provisions:

The Constitution of Bangladesh provides a general principle for the state to ensure welfare of the 'backward' sections of population. Since 'Dalits' or 'Untouchables' are yet to receive any legal recognition, neither the Constitution nor any other national laws or policies provides any specific provision for undertaking 'affirmative action' as regards the Dalits of the country.

- Equality of opportunity in public employment (Article 29):

- (1) There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic.
 - (2) No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.
 - (3) Nothing in this article shall prevent the State from (a) *making special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic.*
- It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work. (*Article 15 (b)*)
 - The State shall endeavour to ensure equality of opportunity to all citizens. To this end, the State shall adopt effective measures to remove social and economic inequality between citizens and to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the Republic. (*Article 19*)

Existing quota system in civil services:

In Bangladesh 'affirmative action' is not totally new and the debates and controversies that are prevalent at the national level as regards the 'quota system' need to be linked with the condition of Dalit communities undergoing caste-based discrimination. Affirmative action undertaken by a government can work to actively dismantle the institutionalized or

informal norms and systems that ascribe group-based disadvantage. This is a mechanism that challenges the inequalities that have evolved historically in a particular society. In modern democracies such action are seen as one of the most effective measures to promoting inclusiveness and help national integration. The quota system is one of the popular tools of affirmative action to narrow the gap between the privileged and backward sections of people in a society.

In Bangladesh, the 'quota system' in civil services has been in force from 1972, but only in recent times has the system come under some scrutiny. The popular discourses that the country is 'homogenous' in ethnic composition and that Bengali Muslims are the overwhelming majority of the people have played a role in shaping the policies in relation to the 'quota system'. Most importantly, the system has never been subject to serious academic or policy debates. It has rather been seen as an 'administrative' issue that might require some technical refinement. An informed review of the system could bring the issues to the surface as to how the real 'backward', 'non-advanced' or 'systematically excluded' communities could be included through meaningful reform of the system. By means of such review, Dalit communities would be able to make their claim to affirmative action that they also fundamentally deserve to ensure their representation in decision making.

Until now, the 'quota system' of the country has revolved basically around two categories of people – 'freedom fighters' and 'women'. Arguments and controversies have also focused on these two groups of beneficiaries. However, the question as to how the quota system can more dynamically be used to support different 'minority', 'marginal' and 'disadvantaged' groups has never been systematically analyzed by the policy makers or civil society stakeholders.

In 1985, and then in 1997, the quota system was revised and currently exists as:

SI	Type of Quota	Class I & Class II posts (%)	Class III & Class IV posts (%)
1.	Merit (outside district quota)	45	00
2.	Physically handicapped/ mentally retarded (outside district quota)	00	10
3.	Freedom Fighters or if freedom fighters are not available then shaheed freedom fighter's children	30	30
4.	Women	10	15
5.	Tribal People	05	05
6.	Ansars/ VDP members	00	10
7.	Remaining (for general candidates of the district)	10	30

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

- In 2011, Social Welfare Minister Enamul Hoque Mostofa Shaheed noted that the government was planning a national policy to introduce quota system for Dalit and Harijan communities in different government and private organisations. People of these communities will also be brought under different social safety net programmes (SSNPs) on priority basis, he told the National Harijan-Dalit Conference 2011 at Bangladesh Shishu Academy auditorium in Dhaka. The minister said the initiatives have been taken as per the prime minister's instruction to rehabilitate Dalit and Harijan communities for protection of their rights. (Staff Correspondent. 2011, 25 June. *Job quota for Dalits, Harijans mulled*, The Daily Star)

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

Since no measure has so far been taken to implement affirmative action for Dalits in government posts, there is no scope to review the status of implementation.

7. GAPS IN THE MEASURES

Absence of Data and Reservations Policy for Dalits:

- The government has not taken any steps to expand the categories of reserved posts to include Dalits.
- In the absence of disaggregated data, it is difficult for Dalit leaders and CSOs to argue as to which jobs are appropriate for the Dalit men and women, and the need for a reservation policy for public services posts in order to ensure their representation. Moreover, without an accurate counting of the Bangladesh Dalit population, it is also difficult to fix the percentage representation that Dalits should enjoy in public service posts.
- According to Bangladesh Dalit Human Rights (BDHR), an organisation working for the low caste people, around 32,000 sweepers live in Dhaka city. Among them, around 3,000 are employed by the Dhaka City Corporation for its cleaning and waste collection activities. The rest are employed by government and non-government agencies. (Report published at the Daily Star on 13 February, 2008 titled '*Traditional sweepers face hard time as others take away jobs*'. Retrieved July, 2014 from: <http://archive.thedailystar.net/newDesign/cache/cached-news-details-23134.html>)

- From 2006 to 2007 DCC recruited around 1,000 cleaners. But only 300 of them were from the Dalit community (Porag, Rumana Sobhan and Acherjee, Ripon, 'A Study on Occupational Safety of Scavenger's in Dhaka City' p.13, para.1. Retrieved July, 2014 from: <http://www.bderm.org/sites/default/files/Research%20Report%20on%20Dalit%20Scavenger%27s%20in%20Dhaka%20City.pdf>)

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Dalit leaders and CSOs are yet to provoke a national debate on creating equal opportunities for Dalits as a 'constituency' for affirmative action, so that the necessary reforms to the existing reservation policy is done.
- Harijon Oikko Parishad is working to ensure quotas for Harijans in mainstream education and jobs. This includes the implementation of the quota for Harijans in Dhaka municipality cleaning jobs, to ensure their jobs become permanent jobs, and to ensure all permanent worker benefits.
- *Reflections of Dalit leaders:* Dalits have to be supported and convinced to move out of traditional occupations and to access other jobs. There is a change in attitude among some parts of the community that there is no point is demanding a quota for sweeping jobs. Proper education and training are required as a priority for Dalits to be able to access quotas should they be implemented.
- Leaders of Bangladesh Harijan Oikya Parishad in a seminar organized at Dhaka on 18 May, 2010 informed that about 15 lakh traditional sweepers, also known as Jaat sweepers, are originally descendants of immigrants from Kanpur, Nagpur and Andhra Pradesh of India, brought in 1830s during the British rule to provide all sorts of menial services for colonial rulers. Many of them are employed in crematoriums. They urged the government for minimum 80 percent quota in cleaning jobs for them at city corporations and government offices as well as providing basic rights enshrined in the constitution (The Daily Star, Wednesday, May 19, 2010.

Retrieved June, 2014 from: <http://archive.thedailystar.net/newDesign/news-details.php?nid=139152>)

- Bangladesh Harijans Oikya Parishad, Bangladesh Dalit Parishad, and Antyaja Parishad jointly organised a national conference at Bangladesh Shishu Academy auditorium in the capital in June, 2011 where the Secretary General of Bangladesh Harijans Oikya Parishad placed 10 points among which demand of preserving 80% quota for Dalits in different jobs of sweeping and cleaning was included. Social Welfare Minister Enamul Hoque Mostofa Shaheed said that the government is planning a national policy to introduce quota system for Dalit and Harijan communities in different government and private organisations. Ranjit Kumar Biswas, secretary-in-charge of the social welfare ministry, promised to take necessary measures to assist Dalit communities to minimise their miseries (The Daily Star, Saturday, June 25, 2011. Retrieved July, 2014 from: <http://archive.thedailystar.net/newDesign/news-details.php?nid=191391>). But no steps yet have been taken by the government to ensure quota for the Harijans and Dalits at city corporation cleaning jobs.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Regarding this issue of 'reservation of service posts for the Dalits', no CSO or other organization has taken up any activism yet.
- Issues like 'identity', 'recognition' and 'challenging basic forms of untouchability' are still in focus and are areas of primary intervention with regard to Dalits. Policy related issues such as networking and advocacy for introducing 'positive discrimination' have not received much attention or deliberation from the stakeholders.

10. RECOMMENDATIONS

- Disaggregated data - both district and community/group-based data - is required on different demographic aspects of Dalit

communities, including their population, education and employment status, as regards different demographic aspects. With such data in hand, leaders and activists can work, in consultation with local communities, to find out what jobs Dalits might pursue and what 'quota' would be most beneficial in both the short and long term.

- The government should promote discussions between officials and Dalit communities and leaders in order to examine the scope for expanding the existing 'affirmative action' regimes to include the community for their development on par with other Bangladesh citizens. It is necessary to have a better understanding on how quota system reform might be put in better service of Dalits.
- Based on the discussions, the government should develop a comprehensive reservations policy for public service posts, including the judiciary, and ensure supportive education and other programmes to ensure the effective implementation of this policy.
- Dalit leaders and related CSOs need to engage with the debate that has come to the fore in recent time as regards 'quota system'. Such an engagement can create opportunity for the Dalits to become a 'constituency' for affirmative action in case the policy is reformed or amended in future.

Appendix:

Tuesday, November 22, 2011

The Daily Star, Metropolitan Page

Introduce special quotas for Dalits in govt service, Urge speakers

Staff Correspondent

Prof Abul Barkat says that around 600 Dalits leave country daily for lack of jobs

Speakers at a seminar yesterday demanded introduction of special quotas for the minority and Dalit communities in all sectors relevant to their social and economic development, including education and government services. The seminar, "Missing Minority and Dalit Situation in Bangladesh", was organised by SHAREE at Curzon Hall of Dhaka University as part of the events marking the launch of South Asia Social Forum 2011. The ruling party, in line with the mandate it got at the 2008 elections, must give priority in appointing minorities, Dalits and aboriginal people in the public services, said Prof Abul Barkat of the Department of Economics of Dhaka University.

These communities should also have priority when 'khas' lands are provided and a special allocation should be kept in the national budget for them, he added.

He also said the government should ensure the social status of these communities, enabling them to live with their social and economic rights, through constitutional recognition.

Around 600 Dalit people leave the country every day due to a lack of employment opportunities and accommodation facilities, he said.

Justice Mohammad Ghulam Rabbani said students of the minority and the Dalit communities would greatly benefit if the government introduced a single and secular education system for all.

Criticising the government's silence in resolving the vested property issue, journalist Abed Khan said the government must take necessary steps to protect human rights, especially of minorities and Dalits.

Bangladesh Dalit Rishi Panchayet Forum General Secretary Rajkumar Das reiterated the Dalit demand for a special quota.

SHAREE Executive Director Preo Bala Biswas, presenting a keynote paper, suggested that the government enumerate and mainstream the minorities and Dalits in compliance with the constitution and the government's Vision 2021.

With agriculturist Dr M Gul Hussain chairing the seminar, Gobindo Chandra Saha of Bread for the World, Bangladesh and Bangladesh Harijan Oikya Parishad Secretary General Nirmol Chandra Das also took part in the deliberations.

(News link: <http://archive.thedailystar.net/newDesign/news-details.php?nid=211101>)

GUIDELINE 34 : EQUAL EMPLOYMENT OPPORTUNITY AND FREE CHOICE OF OCCUPATION

National and local governments should enact equality laws that prohibit public and private employer discrimination on the basis of caste or analogous systems, take steps to remove customary constraints on leaving traditional caste-based occupations, and promote gainful alternative employment opportunities and full access to markets for members of affected communities.

THE COUNTRY CONTEXT

In recent times, Dalit communities in Bangladesh have been going through profound transformation in terms of their work and livelihood. This transformation gives rise of several complex and multifaceted paradoxes in relation to their 'choice of occupation' and 'occupational mobility'. A part of Dalit community remains stuck to their fixed occupations. An analysis of the social-political processes that have historically given shape to structured ways of deprivation and exclusion in the Bangladesh context brings to light that it is because of various social, political and economic factors instituted by dominant social actors that Dalits have become entrapped in a state of chronic poverty. This socially constituted entrapment forces them to a situation of endless livelihood vulnerability.

On the other hand, neither from the state nor from the wider society has there been any visible effort to end the acute sufferings that is afflicted upon the Dalits. Whereas the options that Dalits have before them for running their livelihood are very limited, even within these limited choices they have to keep in mind a number of risk factors while making a decision to change their occupation. They do not know what they can earn if they don't stick with their ancestral occupation. The apparent unwillingness to explore newer grounds for earning living is basically due to the antagonistic attitude of the

society that the Dalits have come across over the years. This precarious situation creates a state of acute insecurity. It is because of this insecurity that they cannot challenge the employment practices that causes exploitation.

This tale of 'professional inertia' of Dalits has got new twist in recent time. While the society discourages Dalits to seek mainstream jobs, they are no longer secured in terms of employment in their very 'own' caste-ascribed jobs. A Dalit sweeper is no longer entitled to have a sweeping job; a fisherman or cleaner neither has any guarantee to subsist on their traditional occupation. Most of the jobs that were traditionally ascribed to Dalits are now being taken up by non-Dalits, destroying what little job security they previously enjoyed. This new development is causing a deep sense of insecurity especially among the members of Dalit sweeper communities. It is of grave concern for the urban sweepers as this brings in greater threat for them: if one member of a sweeper family is not employed in a city corporation job, the family will no more be entitled to live in the tiny colony room that they have been living in for generations.

It is in this context this particular guideline has to be implemented in Bangladesh with great caution and proper appreciation of the reality on ground.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

In order to fulfil the guideline, the Government of Bangladesh should take legal, policy, programmatic and budgetary measures to ensure better employment opportunities as well as supportive work environment for the Dalits as follows:

- *Prohibition of caste discrimination in employment:* protect Dalits against caste discrimination in access to public and private sector jobs, ensure their participation in the workforce; eliminate multiple discrimination against Dalit women in employment; ensure that employers do not investigate the caste background of applicants.
- *Removal of customary constraints on leaving traditional caste-based occupations:* protect Dalits against threats and violence in leaving traditional caste occupations; enable Dalits to receive alternative skills training and financial support to transition into alternative work; have plans and programmes of socio-economic development made in consultation with the Dalit community.
- *Promotion of gainful alternative employment opportunities and full access to markets:* ensure Dalits are free from discrimination in access to markets and employment opportunities; that they are not ghettoised into certain occupations related to traditional caste occupations; that they have access to information on alternative employment opportunities; that special measures, such as training courses or credit avenues, are in place to enable Dalits to access alternative employment and market opportunities.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- Everyone has the right to work, which includes the right of everyone to the opportunity to gain her/his living by work which s/he freely chooses or accepts, and will take appropriate steps to safeguard this right. (Article 6(1) ICESCR)
- The steps to be taken by a State Party to

achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual. (Article 6(2) ICESCR)

- Everyone has the right to the enjoyment of just and favourable conditions of work, including fair wages equal remuneration for work of equal value without distinction of any kind; safe and healthy working conditions; etc. (Article 7 ICESCR)
- States undertake to eliminate racial (caste) discrimination in all its forms and guarantee the right to everyone, without distinction, to equality before the law in the enjoyment of the rights to work, to free choice of employment, to just and favourable conditions of work including remuneration, to protection against unemployment, to equal pay for equal work. (Article 5 ICERD)
- States should eliminate discrimination against women in the field of employment to ensure, *inter alia*, the equal right to work, employment opportunities, free choice of profession and employment, right to safe working conditions, and prevention of discrimination on grounds of marriage or maternity. (Article 11 CEDAW)
- States should take legislative, administrative, social and educational measures to ensure the right of every child to be protected from economic exploitation and from performing any work that harms or interferes with the child's education, health or development. (Article 32 CRC)
- State members to this Convention undertake to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and

occupation, with a view to eliminating any discrimination in respect thereof. (*Article 2 ILO Convention no. 111*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- States should take special measures to promote the employment of persons affected by descent-based discrimination in the public and private sectors. (CERD. (2002). *General Recommendation 29*, para. 36)
- States should take all measures necessary in order to eliminate multiple discrimination, including descent-based discrimination against women, particularly in the areas of employment. (CERD. (2002). *General Recommendation 29*, para. 12)
- States should take measures against public bodies, private companies and other associations that investigate the descent background of job applicants. (CERD. (2002). *General Recommendation 29*, para. 38)
- The Bangladesh government should 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. (Independent Expert on water and sanitation and the Independent Expert on human rights and extreme poverty. (2010). *Mission report - Bangladesh* (presented at 15th session HR Council, September 2010). UN Doc. A/HRC/15/55, para 125(c))

4. NATIONAL STANDARDS AND MECHANISMS

- There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic. No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for or discriminated against in respect of, any employment or office in the service of the

Republic. (Article 29 (1)-(2) Constitution of Bangladesh)

- While the Government of Bangladesh does not make specific reference to the situation of Dalits in its National Strategy for Accelerated Poverty Reduction (NSAPR, 2009-2011) it recognizes the pattern of discrimination against occupational groups related to caste systems. The strategy indicates the need to understand further the situation of these groups and to promote targeted policies aimed at improving their living conditions. It also mentions about promotion of decent employment. The paper admits that government needs to develop comprehensive policy agenda for these groups but due to lack of information and segregated data no specific policy measures have been taken in addressing their problems (NSAPR, 2009-2011, ([http://www.lcgbangladesh.org/aidgov/WorkShop/2nd%2020PRSP%2020Final%20\(October-2008\).pdf](http://www.lcgbangladesh.org/aidgov/WorkShop/2nd%2020PRSP%2020Final%20(October-2008).pdf)).
- Bangladesh government does not actively promote any scheme or policy to ensuring equality in employment in general, nor specific employment schemes and programmes for the most marginalised and excluded people. The NSAPR 2009-2011 (ibid) mentions about promoting decent employment, but there is no mention for arrangement for alternative occupation especially for Dalits or for different occupational groups.

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

No national recommendation has been made to date related to Dalits and equal access to employment opportunities.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

Since the state has not taken any specific measure yet to ensure 'equality' or 'affirmative action' for Dalit communities in employment,

there is no scope to review the implementation status.

7. GAPS IN THE MEASURES

The government of Bangladesh and Local Government Institutions have not made substantial and systematic efforts to create alternative employment opportunities and open up access to markets for Dalits. Moreover no policy or programme has yet been taken up that can facilitate the transition of different Dalit communities from their conventional occupation to market-based employment. In the absence of specific measures to ensure non-discrimination and to promote equal opportunities in employment, the following situation prevails for Dalits across the country:

- **High rate of unemployment among the Dalits:**

For Dalits with the increase of their population size it is no more possible, in many cases, to earn a living by engaging in their caste-ascribed occupations. Many of the occupations have now become irrelevant in the present-day social and economic situation. Consequently, joblessness is very high among the Dalits. Work related insecurity emanates from diverse sources.

- **Livelihood insecurities:**

“The (Dalit) *Kawras* are considered as polluted by the Muslims because they rear pigs. They are not always allowed to use common grazing land; they cannot obtain medical care from the Upazilla Livestock Officer for their livestock, nor is pig rearing included in the Department’s annual plan. *Kawra* women are not employed in rice mills because of their caste identity.”

“The (Dalit) *Horijons* of Kushtia complain that even after passing school exams they are not considered eligible for any job other than that of sweepers. In most places they are employed as casual labour on daily wages. Thus, sweepers employed by the Municipal

Corporations are not entitled to a provident fund or gratuity unlike other staff, so they have no savings at the end of their working life. Because of the extreme competitiveness for jobs, they are being deprived of their traditional jobs as well. In some places, sweepers’ jobs are given to Muslims, who then get the work done by *Horijons* at a lower wage.” (Begum, Suraiya (2006) ‘*Rights of the Socially Excluded*’ in Yearly Human Rights Report 2006. Ain o Salish Kendra: Dhaka. Available at: <http://www.askbd.org/Hr06/Socially%20Excluded.htm>).

- **Being forced to leave traditional occupation while no new work opportunities arise:**

Particularly change in the pattern of economic activities has impacted many Dalit communities. For example, the *kayaputra* people, who traditionally rear pigs, are being forced to leave their traditional work without any preparation to enter into alternative works. This is due to many mainstream Muslim entrepreneurs having entered into commercial pig rearing. At the same time, a *Kayaputra* man or woman is not allowed to shift easily to another work as they are abhorred by the society on the ground that they were once engaged in the occupation of pig rearing.

In the case of the *Bede* (river-gypsies) people – whose traditional professional was snake charming, treating people for healing and others – it has now become difficult for to persist with the old profession even if they want. In Bangladesh delta, many of the rivers have already dried up and many are in the process of dying. The *Bedes* are habituated to live life based on river, but their range for roaming around on the waters is gradually narrowing. More importantly, the cost of equipment for making boats has increased over the years. Many *Bede* communities now find it difficult to have and maintain boats. However, when continuing with the old occupation is proving to be impossible, *Bedes* don’t find it easy to find a new work. *Bede*

children are mostly illiterate and they don't get opportunity to acquire new skills that are appropriate for today's job environment.

- Observers say that there has been one Dalit community who have successfully transformed into new economic order leaving behind their old occupation. *Kolu* are the people who manually processed oil-seeds to produce oil. Most of families belonging to this community are now doing well as tradesman or business person. This change has come to happen not because of any planned intervention; it has been consequence of their desperate search for alternative livelihood. (Parvez, Altaf and Mazharul Islam, (2013), *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprisshota* (Dalits in Bangladesh: Discrimination, Exclusion and Untouchability) Nagorik Uddyog and BDERM, Dhaka).

- ***Dominant trend is to retain the conventional occupations:***

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. Dalits 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. (BDERM, BDEWF, Nagorik Uddyog and IDSN. (2013). *Joint NGO Submission related to Bangladesh for the 16th Universal Periodic Review: Key recommendations for the Universal Periodic Review of Bangladesh*, 16th UPR session)

Because of both social structure and attitude, most Dalits who are employed as cleaners and sweepers find it hard to imagine beyond doing what they do. It remains 'almost unthinkable' for them to establish any career in any other way than what they have been

doing for generations. Acceptance has been perpetuated to such an extent that only tiny section of the community regards the lack of access to other work as discrimination. One study revealed that a son of a Dalit man would very often inherit the profession of his father. This affects their level of education. In the communities schooling, or even literacy, is not regarded as necessities. Overcoming all the odds even if a Dalit person succeeds to become a graduate, he will have to fight hard to find a job. The graduates who enter into the job are unwilling to introduce themselves as Dalits. They conceal their identity with a hope that thus they would be able to stay away from the discriminatory behaviour of the non-Dalits. (Chowdhury, Iftekhar Uddin. (2009). 'Caste Based Discrimination in South Asia: A Study of Bangladesh', *Indian Institute of Dalit Studies, Working Paper Series, Volume III, No. 7, New Delhi*)

Another field level study reveals that Dalits' segregated settlements and isolated ways of living life have made them more dependent on their own community. They thus become least connected to and concerned about the changes in greater society. Most Dalits still try to continue their fathers' profession and practice caste and tradition. This is basically because they can't find a suitable alternative to the traditional work as they lack in educational qualification and the society is not ready yet to welcome them to new jobs and better positions. The study also showed that Dalit men and women cite their inherited religious identity and low literacy rate as the biggest barriers to getting better jobs. However, even when the children of Dalit families acquire skills though education or training, they are forced to remain bounded to their traditional career. (Siddiqua, Ayesha. (2012). 'Social exclusion and economic discrimination among the Dalit's in Bangladesh: A sociological study', *Research Journal of Social Science and Management, Vol. 2, No. 6*)

- ***Challenges of professional mobility: unfavourably positioned to benefit from market liberalism***

Neither the government nor any other agencies or organizations have put in place any systematic measures to formally make market opportunities available for the Dalits. An open market economy generally brings about different kinds of informal opportunities for groups that are better positioned. In Bangladesh the global flow of capital has caused new production and service sectors to thrive. Consequently, the market dynamism has generated new jobs and opportunities which many people have accessed. However, for Dalits of the country these opportunities appear to be just too far away to avail of. Communities like tea garden workers are not in position to reap the benefits that the market liberalism offers even in informal way.

Dalit leaders and observers view that the way these communities live a ghettoized life in a particular colony, it is almost impossible for them to think of anything aside from what they are customarily 'entitled' to have or not. The caste-based isolation that the society has imposed upon them has become naturalized. The social and cultural life that the greater society has actively instituted in these ghettos over the centuries, thus, works as impediment to taking up new professions.

A labour leader from a tea-garden offered his observation: "In order to work outside the garden, to be successful there you need to have some kind of basic skill and understanding. You need to have some level of alertness and promptness. Our boys and girls, as they grow up in the garden, do not have any of these qualities. They cannot think of life outside the garden." Another leader was critical about the failure of the tea garden Dalits in running even a small business. "They fail even to run a small shop. They don't have the minimum capital that is needed to run a business. For them it is not possible to go for loan either. If you are to take loan, you have to have something as collateral. Where will they get a thing for

this purpose? Even they don't have any land that they can lease out. The land they live in is not their own." While treading into new arenas of occupation is fraught with many difficulties for the tea garden labourers, it is similarly difficult for them to get a job within the garden either. Garden owners are no more employing anyone in permanent posts. They employ some labourers only seasonally in temporary basis.

In the case of the *Rishi* community, professional mobility is coming in as an inevitable fact. Traditionally *Rishi* people were dependent on leather-based work such as shoe-making and shoe repairing. With change in community's demographic feature as well as change in commercial shoe industry, it is no more feasible for them to stay with the work. They are taking up new jobs as restaurant workers or rickshaw-van drivers. Many of the *Rishis* are becoming day labourers. However, this change of profession is somewhat smooth in the towns whereas in rural area it is still not that easy.

Paritran Bangladesh (2009) has documented some aspects of the professional mobility that at present can be observed among the Dalits living in the south-west part of the country. It depicts the case of Muslim Dalit families that are 'Rishi' in identity, but are not engaged any more in conventional 'leather work'. They now are engaged in professions such as agricultural labouring, handicrafts making etc. However, because of poverty they cannot ensure education for their children and thus fail to ensure further mobility. [Paritran, Bangladesh (2009) *Baseline Survey on Dalit Community*.

http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Baseline_Survey_On_Dalits_Community_2009_2.pdf [Downloaded: 15 October, 2013]

- ***Discrimination that Dalits face while entering labour market***

The Government of Bangladesh has not

formulated any law or policy that encourages any measure to challenge caste-based practices. The policies and laws with respect to work and labour regulation are organized in a way as if 'caste' does not exist in Bangladesh society at all.

Daily Samakal, a national Bengali daily, reported an incident on 15 November 2011 in which a young Dalit man was publicly told by an elected local government office bearer that he was ineligible to get a job because of his identity. "You are son of a cobbler. So, you are not going to get the job", the young man was told by the chairman of Jalalabad upazilla under Kolaroa upazilla in Satkhira district.

There are quite tangible ways in which Dalit men and women are further exploited and disadvantaged when they try to enter into market as labour force. According to one study, 73% of the households surveyed reported that 'they were clearly discriminated in the labour market and could understand that they were being paid substantially less than what the higher caste labourer were getting'. The ways in which Dalit labourers suffer in labour market include longer working hours, non-payment for work, lower wage and remaining 'unemployed' for longer stretch of period. It happens quite frequently to them that they do not get hired for work even though they make themselves available. It was found that in case of crop processing, construction work and restaurant work Dalits were disallowed to work basically on the ground of untouchability. In case of agricultural work, Dalit day-labourers are less frequently hired in and are not paid as much as other labourers get. (Siddiqa, Ayesha (2012) 'Social Exclusion and Economic Discrimination Among the Dalit's in Bangladesh: A Sociological study' in *The International Journal's Research Journal of Social Science and Management* (www.theinternationaljournal.org) RJSSM: Volume:

02, Number: 06, October-2012.

Another study (Chowdhury, Iftekhhar Uddin. (2009) revealed that in the labour market, Dalits are treated badly with no regulations for wages and in other sectors like farming and cultivation, marketing of sale of fish and agricultural produce, independent business and work on choice, they are severely discriminated and face restrictions. The survey shows that 14 per cent of the Hindu Dalits face strong discrimination in getting adequate wages. Generally, it is assumed that the Hindu Dalits are discriminated on the basis of wages but the survey data reveals reverse trend, that is, it is more severe for Muslim Dalits. The majority of Hindu and Muslim Dalits feel that they are discriminated at work by giving lower wages since in rural areas there is no fixed wage structure. Moreover, 33% of Hindu Dalits living in villages had experienced strong discrimination as they were forced to render their labour for free. By contrast, 23% of Muslim Dalits surveyed expressed that in most of the cases they were paid less than what they should have been. (Chowdhury, Iftekhhar Uddin. (2009). 'Caste Based Discrimination in South Asia: A Study of Bangladesh', *Indian Institute of Dalit Studies*, Working Paper Series, Volume III, No. 7, New Delhi, p.21)

A recent survey (Parvez, Altaf and Mazharul Islam. (2013) found that only 39% of the Dalit respondents were engaged in income generating works. However, most of these 'employments' are temporary in nature and do not provide any sense of security to the person. 'Untouchability' comes to work as a constraining factor in Dalits' effort to start a small business or shop: 59% of respondents surveyed were of the view that people from other castes and communities are unwilling to go to a shop that is run by a Dalit person (Parvez, Altaf and Mazharul Islam, (2013), *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprisshota* (Dalits

in Bangladesh: Discrimination, Exclusion and Untouchability) Nagorik Uddyog and BDERM, Dhaka).

Both public and private employer discrimination is widely reported through the channels of Dalit organizations. For an adult Dalit person it is possible to describe dozens of such incidents in which s/he was denied of a job because of his/her identity as a member of 'untouchable' group. For example, a Dalit leader from Jessore region reported as to how a Dalit son of barber was disallowed to take up job in school even though he achieved the best in terms of academic qualification. NGOs working among the Dalit communities have reported incidents where schools have refused to employ an educated Dalit woman as teacher to provide education to Dalit children.

Incidents have also been reported on number of occasions that a Dalit person seeking job in a private farm or industrial unit is put under pressure to take up a job that is in line with her/his 'family occupation' even if (s)he is qualified to get better position with increased salary and status.

As the government is likely to reserve some quota for the Dalits in sweeping and cleaning jobs, the initiative might be seen as 'counter-productive' for the Dalits. The main reason for which initiative is being criticized is that it reinforces the traditional values as regards work and honour. Whereas the members of the Dalit communities now need to move forward, this might encourage them to remain contented with 'disgraceful minimum' that they get. This will not allow them to think over deeply and question the caste structure and conventions. This might even discourage them to be prepared for the challenges of this 'new liberal era' in which they could move ahead with education, training and exposure to wider world. They could go for embracing the new opportunities that might come up because of economic advancement. Such initiative

might even 'disorient' them from what could be defining effort for moving away from the 'disgraceful' jobs of their ancestors.

Many Dalits express their fear and hopelessness as regards the prospect of finding a job after completion of their studies. They think that they will not get a job even if they do their best with their education. A mother of two girls living in Dhaka argued this way: "Why should I send my children to school when we need them in our house? Even if I send them to school or even to college, I do not believe people will employ them. We are Dalits and these people force us to remain what we are for them. You may become educated or not, you're a sweeper and you will remain the same. At least that is the situation in the society that I live in." (Korn, Francisca (2012), *Struggle of Dalit Women in Bangladesh: South Asian Experience*" paper presented in the seminar *South Asian Consultation on Protection for Dalits and socially excluded People in Bangladesh*, held in Dhaka in December, 2012).

- ***Dalits in no position to go for earning remittances:***

In Bangladesh one of main drivers of the economy is its labour force that works abroad for earning remittances. Remittance is, in effect, most significant thrust of rural economy in Bangladesh. This might argued strongly that members of Dalit communities need to avail this opportunity. The government could take special care of the issue and, in collaboration with non-government organizations, provide skill training to the Dalit labour force. Moreover, since labour migration involves a lot of expenses, the government is yet to take up schemes for providing direct financial support or credits. This is an issue that deserves serious attention from the policy makers.

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- On the ground level, Dalits are yet to extensively engage with the issue of equal access to non-discriminatory access to employment and market opportunities. A large number of Dalits are employed in the public/ private sectors as sweepers and cleaners and they receive very low wages. Groups like Harijan Oikko Parishod are fighting to secure permanent employment status and worker benefits for Dalit Harijan sweepers in Dhaka municipality.
- There are incidents in which members of Dalit community have raised their voice against injustice. For example:

“Usually, both public and private sector employees receive ‘festival bonuses’ but the sweeper community in Kushtia Pouroshobha was not paid any festival bonus. In 2006, at the time of Durga Puja, about 50/60 women and men sweepers of Choitannopolli applied to the Kushtia Pouroshobha for a festival bonus, as observed by the Kumarkhali Pouroshobha. At first, the Chairman denied the existence of such a rule, but after examining the official papers from the Kumarkhali Pouroshobha, he agreed to pay the bonus at the next festival.” ((Begum, Suraiya (2006) ‘Rights of the Socially Excluded’ in *Yearly Human Rights Report 2006*. Ain o Salish Kendra: Dhaka. Available at: <http://www.askbd.org/Hr06/Socially%20Excluded.htm>).

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- As identified above, the wider society is not actively doing anything to create new job opportunities for the Dalits. Instead, members of the wider society are ‘encroaching’ into the jobs that the Dalits were traditionally engaged in. In Dhaka city corporation, for example, non-Dalits are snatching away the jobs that the sweepers had the ‘privilege’ to have for generations. Now these jobs are being taken away through corruption and bribing. In many cases Dalit

men and women fail to get the jobs they are fully qualified to have. This denial is taking place in a time when getting jobs outside the sphere of ‘conventional occupation’ is almost impossible for Dalit sweepers. Since the members of Dalit communities cannot raise their voice in organized way, the elites and political power-holders can easily execute such aggravated forms of discrimination.

- A young anonymous Dalit human rights defender reported recently in a group discussion that even the NGOs that work among the Dalit communities are unwilling to employ educated Dalit girls as teachers in the schools.

10. RECOMMENDATIONS

- *Campaign to highlight the fact that ‘discrimination on the basis of caste’ takes place in employment:* In Bangladesh the biggest impediment in raising and realizing any demand for ‘social justice’ as regards Dalits’ right to decent work and livelihood is that the society does not give recognition to the fact that unjust and discriminatory practices are very much in place. First of all, campaigns and advocacy are to be undertaken to point this vivid and convincing way so that a ‘discourse’ is created in this respect.
- *Attacking the particular aspect of ‘Dalit conscience’ that still accepts the conventional occupations as their ‘destiny’:* In Bangladesh it is common to hear the sweepers, cleaners and others to claim that they are ‘jaat-sweeper’ or ‘jaat-cleaner’. Such assertions give way to dominant caste norms and customs. It becomes really difficult for the campaigners or leaders to move forward if the community people sticks to the point that they cannot move away from the ‘structure of segregation’ itself. Serious research work is needed to unpack the making of this aspect of ‘Dalit conscience’. As long as this basic aspect understanding and thinking is not being challenged and remoulded, the success-potential of collective movements will remain bleak.

- The Law Commission Bangladesh has drafted the anti-discrimination act and submitted to the Ministry of Law, Justice and Parliamentary Affairs in 29 April 2009 (<http://www.lawcommissionbangladesh.org/reports.htm>). This draft act includes provisions on discrimination in employment. This law could facilitate ways for Dalits' professional mobility and security of livelihood.
- *Ensure basic work rights for Dalits employed in municipality services:* The Municipal Manuals should be amended to ensure equality in employment and access to health services.
- *Possible ways for gainful alternative employment:* When the community members are to be convinced about moving away from conventional derogatory works, government and development organizations must actively provide avenues for new work. Vocational training, basic education and competent linking up with the market could be basic forms of support.
- *More urban and mechanized jobs:* Mechanization of current work is needed. However, more important is to make the opportunities created through urbanization and industrialization more available and accessible to Dalit communities. To break away from caste shackles, one effective way would be to seek out a livelihood through professions that 'tradition' does not attribute to a Dalit person.
- *End to seclusion and connecting with urban facilities:* Dalit communities live in 'isolated' settlements and they accept the 'seclusion' that society imposes upon them. With immense insecurity of livelihood, they cling to the minimum 'lifeline' that their traditional work offer to them. Development and policy intervention that presumes that Dalits need to be kept in their current settlement and profession, cannot offer them much in respect of their emancipation from caste curse. Interventions have to be designed in a way that they can overcome the deep sense of 'insecurity' and can endeavour for the better.
- *Opening opportunities for working abroad:* Working as 'unskilled' and 'semi-skilled' workers in other countries is the basic source of economic growth in Bangladesh. Hence, policies and programmes should focus on how members of Dalit communities can become part of this process.
- *Vocation training for appropriate jobs and small trade:* Specific schemes need to be formulated to provide proper education, skills training and careers counselling would provide Dalits with the base for pursuing new occupations.
- *Cooperative models and financial support:* Dalit communities can be benefited if they are organized in groups and mobilized to form cooperatives for engaging in remunerative work. Some direct financial support from government banks can lend a hand to the process.

GUIDELINE 35 : EQUAL EMPLOYMENT OPPORTUNITY AND FREE CHOICE OF OCCUPATION

National and local governments should enact and enforce legislation guaranteeing decent work, a living wage and labour rights for affected communities. National and local governments should ensure the complete eradication of manual scavenging and other unhealthy working conditions, in accordance with international standards.

THE COUNTRY CONTEXT

In Bangladesh there has never been any law which specifically refers to 'caste based discrimination' or to 'caste segregation' in employment. As seen in the discussion relating to guideline 34, caste affected communities in Bangladesh are going through serious transition in recent years as they neither have guaranteed scope for work in relation to their 'customary' occupations, nor are they being able to access the formal labour market. On the one hand, since traditional caste-based occupations are mostly informal in nature, they do not receive the benefits of existing laws and acts formulated with regard to formal jobs. On the other hand, they are not treated as fully 'formal' employees even when they get employed as sweepers and cleaners in city/ municipal corporations or other autonomous bodies. In most cases they do not have any collective association or union to negotiate their rights and claims. Even, they are not aware about the legal entitlements they are supposed to have. Employers take advantage of Dalit peoples' ignorance and disorganization, and exploit them with low wage or no wage. Work-place environment and occupational safety related problems cause immense suffering for the Dalit workers in diverse, yet unacknowledged, ways.

In the case of Dalit tea-garden workers, they are deprived from the work entitlements that different laws have given them from time to time. They are subject to both direct and indirect deprivations, and continue to work with

poor working and living conditions. Despite efforts on the part of human rights activists and campaigners, manual scavenging is yet to be forbidden through legal enactment. Other unhealthy working conditions continue to persist despite Bangladesh being signatory of relevant international conventions.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

For the purpose of fulfilling the guideline, the government of Bangladesh should take legal, policy, programmatic and budgetary measures to ensure decent work, a living wage and labour rights for the Dalits as follows:

- *Enact and enforce legislation guaranteeing decent work, a living wage and labour rights for Dalits:* enact a law that guarantees the right to decent work, a living wage and basic labour rights, with specific mention of special provisions in this regard for Dalits;
- *Completely eradicate manual scavenging and other unhealthy working conditions:* Identify manual scavengers; develop a comprehensive plan of action to eradicate manual scavenging in all forms and to rehabilitate those engaged in manual scavenging into decent occupations;
- *Eliminate any unhealthy working conditions for Dalits.*

2. INTERNATIONAL STANDARDS AND MECHANISMS

- Everyone has the right to work, which includes the right of everyone to the opportunity to gain her/his living by work which s/he freely chooses or accepts, and will take appropriate steps to safeguard this right. *(Article 6(1) ICESCR)*
- The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual. *(Article 6(2) ICESCR)*
- Everyone has the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular fair wages and equal remuneration for work of equal value; safe and healthy working conditions; rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. *(Article 7 ICESCR)*
- State Parties undertake to guarantee the right to everyone, without distinction/discrimination, to equality before the law in the enjoyment of the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration. *(Article 5(e) ICERD)*
- States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of equality of men and women, the same rights, in particular, the right to work, the right to the same employment opportunities, the right to promotion, job security and all benefits and conditions of service... *(Article 11 1(a), (b), (c) CEDAW)*
- Employers shall be required to ensure that, as far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health. *(Article 16(1) ILO Convention No. 155).*
- Employers shall be required to provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health. *(Article 16(3), ILO Convention No. 155)*
- Employers shall be required to provide, where necessary, for measures to deal with emergencies and accidents, including adequate first-aid arrangements. *(Article 18, ILO Convention No. 155).*
- Bangladesh has only ratified category or sector specific Conventions on Occupational Safety and Health (OSH). The country needs to ratify the key international labour standards on OSH policy, namely [Promotional Framework for Occupational Safety and Health Convention, 2006 \(no. 187\)](#) and [Occupational Safety and Health Convention, 1981 \(no.155\)](#).

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- The Bangladesh government should take special measures to improve the situation of sweepers, including by ensuring the protection of their health while at work. (Independent Expert on water and sanitation and the Independent Expert on human rights and extreme poverty. (2010). *Mission report - Bangladesh* (presented at 15th session HR Council, September 2010). UN Doc. A/HRC/15/55, para 125(c)

4. NATIONAL STANDARDS AND MECHANISMS

Constitutional Provisions:

- It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work. (*Article 15(b) Constitution of Bangladesh*)
- Work is a right, a duty and a matter of honour for every citizen who is capable of working, and everyone shall be paid for her/his work on the basis of the principle “from each according to her/his abilities, to each according to her/his work”. The State shall endeavour to create conditions in which, as a general principle, persons shall not be able to enjoy unearned incomes, and in which human labour in every form, intellectual and physical, shall become a fuller expression of creative endeavour and of the human personality. (*Article 20 Constitution of Bangladesh*).
- Subject to any restrictions imposed by law, every citizen possessing such qualifications, if any, as may be prescribed by law in relation to his profession, occupation, trade or business shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business. (*Article 40 Constitution of Bangladesh*)
- *The National Policy on HIV/AIDS and STD related issues, 1996* includes a chapter concerning HIV/AIDS in the workplace, which covers non-discrimination against HIV/AIDS infected workers and the protection of non-infected workers.
- *The Payment of Wages Act, 1936 (No. 4 of 1936) [as amended]* provides for the timely payment of wages for persons employed in industrial establishments, including wharfs, docks, mines, plantations, and transportation enterprises.
- *The East Pakistan Minimum Wages (Fixation) Ordinance, 1969 (No. 10 of 1969)* makes provision for minimum wages for unskilled workers employed in certain commercial and industrial establishments and in tea gardens. It applies to the whole of East Pakistan. [The Province of East Pakistan became the independent nation of Bangladesh in 1971].
- *The Bangladesh Labour Act 2006* pertains to the rights of Tea Garden workers. The government may, in respect of the tea plantations, make rules for the provision of recreational and educational facilities in the plantations, as well as medical centres for workers and their children. Every employer in a tea plantation shall provide housing facilities to every worker and her/his family residing in the tea plantation as well as provide facilities within easy reach of the workers for obtaining the daily necessities of life. (*secs. 95-97*)
- *The Overseas Employment and Migration Act 2013* aims to promote opportunities for overseas employment and to establish a safe and fair system of migration, to ensure rights and welfare of migrant workers and members of their families, and to make provisions in conformity with the International Convention on the Rights of Migrant Workers 1990 and other international labour and human rights conventions and treaties ratified by the People’s Republic of Bangladesh.

Other National Laws and Policies:

- *The Workmen’s Protection Act, 1934 (Bengal Act No. 6 of 1935)* prevents recovery of debts from certain classes of workmen by occupying the places where they work or deducting their wages.
- *The Factories Rules, 1979* provide rules under the *Factories Act, 1965* regarding, *inter alia*,

occupational health and safety (machinery, plant, fire prevention, reporting of accidents); working conditions (workplace conditions, latrines, drinking water), and hours of work.

- Bangladesh has ratified *ILO Conventions 87 and 98* on freedom of association and collective bargaining and thus is required to protect the rights contained therein.

5. RECOMMENDATIONS BY NATIONAL MECHANISM

At the national level, there are no recommendations so far made as regards decent work guarantee for Dalits. Neither has there been any focused deliberation on the practice of manual scavenging and a comprehensive plan of action to eliminate this practice.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

Since no specific measure has so far been taken to legislate the right to decent work and basic labour rights for Dalits, there is no scope to review the status of implementation.

7. GAPS IN THE MEASURES

No legislation on decent work and working conditions for Dalits:

- No comprehensive legislation has been enacted to ensure the rights to decent work, a living wage and basic labour rights for Dalit communities. Neither do the existing laws on employment and labour rights specify in any place caste equality and special protection for Dalits to ensure their decent and dignified work.

No plan of action to tackle manual scavenging:

- Manual scavenging – which in Bangladesh context basically means manual sewerage work, and occasionally involves manual clearing of solid human waste, particularly in semi-urban and rural contexts – is widely practised but there is no government focus nor plan of action to eradicate this ‘inhumane’, ‘unhygienic’ and ‘risky’ occupation. According to two UN Independent Experts, ‘the occupation as “sweeper” is passed down through generations and people in that occupation, predominantly Dalits, feel “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. This occupation of sweeping 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.’ (Independent Expert on water and sanitation and the Independent Expert on human rights and extreme poverty. (2010). *Mission report - Bangladesh* (presented at 15th session HR Council, September 2010). UN Doc. A/HRC/15/55, para. 26)

Situation in the absence of legislation:

- Bangladesh Labour Law not formulated keeping caste based discrimination and restrictions in relation to work in consideration, particularly the following: that Dalits are deprived of a living wage in most of the cases and in the absence of directly relevant law they cannot take recourse to any official avenues to secure a decent wage; that wage deprivations on the basis of caste do not get reported in media; that occupational health and safety is not taken care of in most of the cases where Dalits work, especially in relation to sewage cleaning work; that the minimum wage for Tea Workers as mediated by government is simply unacceptably low.

Case Study

Multiple Atrocities: Tea garden workers of Sylhet are victimized

The Dalit tea-garden workers of almost all tea-gardens are at a risk of losing their habitat and livelihood; especially the tea-workers of Srimangal are extremely suffering of such threats. Recently, BDERM and Nagorik Uddyog did fact findings of such cases.

On 13 July, 2013, Finley tea Garden authority acquired one bigha of land (for the expansion of tea garden) on which about 100 workers of Lakhaichora tea garden used to cultivate crops as a mean of their alternative livelihood. The tea garden workers organized a human chain on 31 July, 2013 protesting the land grabbing by the tea garden authority. In response to their protest, the tea garden authority held a meeting with them and provided 4050 taka to each of them as compensation. They also gave commitment to appoint at least 35 workers at the expanded part of the tea garden. But later on they were not given appointment.

During the months of January and February, the tea-garden authority again conspired to grab land of tea-workers. On the other hand the previous dispute was not solved, nor the workers provided with jobs.

As, there is no law regarding land rights of tea-workers in Bangladesh, it is very Difficult to provide legal help on such regards.

BDERM and Nagorik Uddyog made in-depth analysis and fact-finding to understand the actual picture of tea-workers socio-legal condition, mode of atrocities, loopholes of existing law, necessary steps to be taken etc. But, till now no positive solution has been made in favor of the tea garden workers.

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

There have been no moves to ensure legislation on the right to work for Dalits as yet. Instead, Dalit communities and CSOs on the ground have sought to intervene in terms of lobbying for decent work opportunities. For example,

“Several organisations are working with these communities and have joined their struggle for social recognition and access to opportunities, including employment opportunities.

Organizations such as Friends Association for Integrated Revolution (FAIR) in Kushtia, Gram Bangla in Munshiganj and Savar, Gonogobeshona o Unnayon Foundation (GOUF) in Jessore, Udayonkur Sheba Sangshtha (USS) in Nilphamari, Poritran in Sathkhira, SEBA in Sayedpur, have tried to lobby on their account. They have formed a network which publishes a quarterly newsletter, with write ups by members of their own communities....

On 19 October (2007), several *Horijons* sat for an examination for selection of three sweeper posts, which were traditionally reserved for sweepers. When they found that three Muslims were appointed to these posts, they took out a broom and bucket procession on 22 October and submitted a memorandum to the Deputy Commissioner. They were assured that the matter would be investigated and corrective steps taken.” (Begum, Suraiya (2006) ‘Rights of the Socially Excluded’ in *Yearly Human Rights Report 2006*. Ain o Salish Kendra: Dhaka. Available at: <http://www.askbd.org/Hr06/Socially%20Excluded.htm>

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

No substantial effort has been taken by wider CSOs and other organizations in this regard.

10. RECOMMENDATIONS

- A comprehensive employment law, covering both public and private sector employment, with a special emphasis on Dalits, must be developed. This legislation should specify reservations for Dalits in employment in the public and private sectors.
- With the implementation of economic policy reforms, labourers are at the receiving end. Hence, social security provisions for Dalit workers in the unorganised sectors need to be enacted and implemented by the government.
- Comprehensive legislation as well as time-bound plans for the complete eradication of manual scavenging must be formulated and implemented, which also provide for the rehabilitation of those engaged in manual scavenging into decent, skilled work.
- Adequate and targeted vocational training initiatives need to be developed to equip Dalit youth with gainful and decent employment. This must be coupled with methods to reach information on such initiatives to Dalit communities in rural and urban areas, in order to facilitate their access to such opportunities.
- A monitoring mechanism in the form of an Equal Opportunity Commission should be created to monitor the situation of Dalits in all arenas, including employment.

GUIDELINE 38 : FORCED, BONDED AND CHILD LABOUR

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 affected communities.

THE COUNTRY CONTEXT

Despite being legally prohibited in Bangladesh, slave-like working conditions are widespread. Forced and bonded labour is often interlinked with the caste system, which continues generation after generation. Those who are employed as bonded labourers in Bangladesh are predominantly 'untouchables' Dalits. Anti-Slavery International estimates that the vast majority of bonded labourers (80%-98%) are either from communities designated as "untouchable" or from indigenous communities [IDSN Briefing Paper (2012), *Dalits, Forced and Bonded Labour*, p.1, para.1. Retrieved in July, 2014 from:

http://idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Bonded_Labour/DALITS_AND_BONDED_LABOUR_-_briefing_paper_2012.pdf]. Forced and bonded labour is conjoined with caste in the form of caste-based occupations. The most degrading forms of caste-based and forced labour occupations in Bangladesh are sweeping and manual scavenging.

The weak economic status, social stigma, lack of education and lack of access to resources increase the dependence of Dalits on daily wage labour. In addition to poverty, exclusionary social practices push them into bondage. When Dalits try to exercise their rights or resist abuse and exploitation, they face extremely hostile and sometimes brutal resistance by the dominant social groups that uphold the caste hierarchy. Consequently, when Dalits resist oppression, they risk complete boycotts, cutting them off from any land of theirs and employment.

Human trafficking is considered to be another reason responsible for increased forced prostitution and bonded labour, with Dalits the most likely to be the victims of trafficking. No official statistics are yet available about how many people every year become victims of trafficking in Bangladesh. However, an article published in the Financial Express on 27 June 2008 stated that approximately 10,000 men, women and children are being trafficked from Bangladesh every year. Many would be Dalits.

As per the national child labour survey 2002-2003 conducted by Bangladesh Bureau of Statistics (BBS) the estimated number of working children in Bangladesh is 7.4 million. Out of these, 3.2 million children are considered as child labour, of which 1.3 million children are engaged in hazardous labour [National Child Labour Survey (2002-2003), Retrieved July, 2014 from: http://www.unicef.org/bangladesh/2002-2003_National_child_Labour_survey_2003_bd_report_en.pdf]. Again, many are likely to be Dalit children, given their poorer socio-economic conditions. Though Bangladesh has so far ratified 33 ILO conventions, among which Convention 182 is most significant in the elimination of worst forms of child labour, the present status of child labour in Bangladesh does not match this commitment made by the state.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

The Bangladesh government should undertake specific legal, policy, programmatic and budgetary measures to ensure equal access, non-discrimination, freedom to exercise their right,

and security of life for Dalits in respect of:

- *prevention, identification and eradication of exploitative labour arrangements*: to be entitled to strict implementation of labour laws; to have up-to-date disaggregated data on the numbers of bonded, forced and child labourers; to have laws in place to regulate the unorganised sector; to have strong monitoring mechanisms for the labour sector to ensure basic rights; to equally enjoy socio-economic development by improving Dalits' employment opportunities, thereby gradually reducing in-country migration and human trafficking; to have time bound action plans in place to eradicate all unfree labour.
- *rehabilitation schemes for forced, bonded and child labourers*: to be entitled to full and fair rehabilitation from unfree labour; to have adequate budgets set aside for such rehabilitation schemes; to have a specific focus in all rehabilitation schemes on Dalit labourers; to ensure free and compulsory education for all children without discrimination, in order to ensure that children are able to enjoy their childhood.
- *equal rights to choose alternative employment opportunity*: to be recognized as the citizens of Bangladesh having equal rights and freedom to choose alternative employment opportunity that is expected to increase their social dignity.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- States undertake to bring about, progressively and as soon as possible, the complete abolition of slavery – i.e. the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised – in all its forms. (*Articles 1-2 Slavery Convention 1926*)
- No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be required to perform forced or compulsory labour. (*Article 8 (1) & (3a) ICCPR*)
- The right to work includes the right of everyone to the opportunity to gain her/his

living by work which s/he freely chooses or accepts, under decent conditions. (*Articles 5-8 ICESCR*)

- States parties commit to abolish and abandon debt bondage, serfdom, servile marriage and child servitude. (*Article 1 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956*)
- Forced labour refers to all work or service which is exacted from any person involuntarily under the menace of any penalty. Illegal extraction of forced or compulsory labour should be a punishable offence incurring legal penalties that are adequate and strictly enforced. (*Articles 1-2 ILO Forced Labour Convention 1930 (No. 29)*)
- States undertake to secure the immediate and complete abolition of forced or compulsory labour used as a means of labour discipline and as a means of racial, social, national or religious discrimination. (*Articles 1-2 ILO Abolition of Forced Labour Convention 1957 (No. 105)*)
- States parties should take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, which include forced and compulsory labour. (*Articles 1 & 3 ILO Worst Forms of Child Labour Convention 1999 (No. 182)*)
- States should take legislative, administrative, social and educational measures to ensure the right of every child to be protected from economic exploitation and from performing any work that harms or interferes with the child's education, health or development. (*Article 32 CRC*)
- Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol (acts related to trafficking in persons), when committed intentionally. (*Article 5(1) UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children 2000*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- States should take resolute measures to eliminate debt bondage and degrading conditions of labour associated with descent-based discrimination. (CERD. (2002). *General Recommendation 29*, para. 43)
- All concerned member States should have devised, and put in place, time-bound action programmes for the eradication of forced labour by the end of the 2005-08 period to meet the goal of eliminating all forms of forced labour globally by 2015. (ILO. (2005). *Report on International Labour Conference 2005*, 93rd Session. Geneva: ILO, p. 82, sl. 387)
- States should take measures to address the special vulnerability of children of descent-based communities to exploitative child labour. (CERD. (2002). *General Recommendation 29: Descent Based Discrimination*, para 42)
- To achieve the effective abolition of child labour, governments should fix and enforce a minimum age or ages at which children can enter into different kinds of work. Within limits, these ages may vary according to national social and economic circumstances. The general minimum age for admission to employment should not be less than the age of completion of compulsory schooling and never be less than 15 years. But developing countries may make certain exceptions to this, and a minimum age of 14 years may be applied where the economy and educational facilities are insufficiently developed. Sometimes, light work may be performed by children two years younger than the general minimum age. (*ILO Declaration on Fundamental Principles and Rights at Work, Effective Abolition of Child Labour, 1998*, para 4)
- The Bangladesh government should 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

(Australia); ensure an effective monitoring mechanism to oversee the implementation of the National Child Labour Policy (Turkey); eradicate child labour starting with taking steps to finalize the National Child Labour Policy and to implement the plan of action to eliminate the worst forms of child labour (Netherlands). (*Working Group Report on the Universal Periodic Review for Bangladesh, Cycle-1, October 2009*)

4. NATIONAL STANDARDS AND MECHANISMS

Forced or Bonded Labour:

- It shall be a fundamental responsibility of the State to emancipate the toiling masses, the peasants and workers and backward sections of the people from all forms of exploitation. (*Article 14 Constitution of Bangladesh*)
- All forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. [*Article 34(1) Constitution of Bangladesh*]
- Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. (*Article 374, Penal Code of Bangladesh*)
- A person is guilty of an offence if s/he forces others to work against their will or forces them to work as debt-bonded labour or threatens them to work against their will. The person will be given less than 12 years imprisonment or at least 5 years with rigorous imprisonment or financial penalty of at least taka 50,000. (*Act 9, Human Trafficking Deterrence and Suppression Act 2012*)
- At the core of all activities planned for the purpose of combating human trafficking are actions aimed at preventing trafficking. All

preventive activities/strategies shall address the demands as a root cause of human trafficking. Thus, all responsible agencies and implementing partners shall ensure that their interventions address the factors that increase the vulnerability to trafficking including, for example, inequality and poverty. (*Section 4.2, National Plan of Action for Combating Human Trafficking, 2012-2014*)²

- A Taskforce for the rescue, recovery, repatriation and reintegration of children and women victims/survivors of trafficking has been established at the Ministry of Home Affairs. The initial mandate of the Taskforce — to work for the rescue, recovery, repatriation, and integration of child victims of trafficking — has been extended to cover victims of all types of human trafficking.

Child Labour:

- The Child Labour Elimination Policy aims to eradicate child labour by 2015. If a child is engaged in forced labour or is compelled to do such work which demeans human dignity, then the very working conditions or environment would be regarded as hazardous and demeaning for his/her physical and mental health. All necessary steps and efforts should be taken to rescue the children from such working condition or environment. (*Article 10, National Child Labour Elimination Policy 2010*)
- The government will take measures for the efficient implementation of the projects that have been initiated in collaboration with different international and non-government organizations. The Government may make more efforts by adopting working strategies like identifying scope of strategy of action in order to implement the policy, determining goals and objectives, setting up programmes, determining the time frame, selecting organizations with vested responsibility for policy implementation and selecting the associate/collaborative organizations. (*Article*

12, National Child Labour Elimination Policy, 2010)

- Subject to the provisions of this chapter, no person, being the parent or guardian of a child, shall make an agreement to allow the service of the child to be utilized in any employment. The minimum age for admission to work is 14 years, though children from 12 to 14 may perform light work for a few hours per day. (*sec. 35 Bangladesh Labour Act 2006*)
- Whoever sells, lets to hire, or otherwise disposes, or buys, hires or otherwise obtains possession, of any person under the age of 18 years with intent or knowledge that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, shall be punished with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine. (*Articles 372 & 373, Penal Code of Bangladesh*)
- *The Children's Act 2013 (Act No. 24 of 2013)* defines the legal age of a child as anyone under the age of 18 years. It criminalizes any kind of cruelty inflicted on children while they are working in both the formal and informal sectors. In addition, the Act will prescribe punishments for using or exploiting children in begging, in brothels, and in carrying drugs, arms, or other illegal commodities.
- *The Employment of Children Act 1938 (No. 26 of 1938) [as amended in 1974]* prohibits the employment of children under the age of 12 years in specified industries (including carpet-making, cement manufacture, tanning, soap manufacture); and of children under 15 years in railways and ports. Children employed between the ages of 15 and 17 years in the railways and ports shall be provided prescribed periods of rest.
- *The Children (Pledging of Labour) Act, 1933 (No. 11 of 1933)* prohibits the pledging of the labour of any child under the age of 15 years.

² Adopted by Ministry of Home Affairs, Government of the People's Republic of Bangladesh in 2011

- *The Factories Rules, 1979* states that no child under the age of 14 years shall be permitted within the work rooms and godowns of any factory at any time during which work is carried on. (*Rule 76*)
- A Child Labour Unit (CLU) was formed in 2009 under the labour wing of the Ministry of Labour and Employment (MoLE) of Bangladesh government. This unit is playing the role of catalyst in implementing all relevant policies and laws on the elimination of child labour.
- The Ministry of Labour and Employment has also implemented a USAID funded project aimed at the Eradication of Hazardous Labour in Bangladesh. Interventions under this project, which covers areas in Dhaka and Chittagong Municipal Corporations, included non-formal education and skills training for working children and micro-credit support to their guardians/parents. With its own funds, the government then implemented a third phase of the project 'Eradication of Hazardous Child Labour in Bangladesh' (July 2009 to June 2012).
- The National Time-Bound Programme - Urban Informal Economy (TBP-UIE) (2007–2011) has been implemented by the government with a view to preventing and eliminating the worst forms of child labour in the urban informal economy. The programme offered rescue and rehabilitation services for children engaged in hazardous works, and provides training and education.
- A guideline to protect child domestic workers is under preparation by the government of Bangladesh.

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

- No specific recommendations have been made on the elimination of forced, bonded and child labour among Dalits. At most, general recommendations have been framed for the issues in general.
- For example, in general, the Bangladesh government should, *inter alia*: disseminate

the implementing rules for the Human Trafficking Deterrence and Suppression Act 2012 (HTDSA) and train government officials on its implementation; take steps to sharply reduce all recruitment fees charged by licensed labour recruiters, and enforce violations with criminal sanctions; increase efforts to prosecute trafficking cases and convict trafficking offenders, respecting due process; continue to train government officials, including law enforcement, labor inspectors, and immigration officers, on methods to proactively identify trafficking cases, including of adults and children subjected to bonded labour; take steps to address any allegations of trafficking-related complicity of public officials, particularly through criminal prosecution; improve oversight of Bangladesh's international recruiting agencies to ensure they are not promoting practices that contribute to labor trafficking; conduct awareness campaigns about the existence of laws against bonded labor targeted to government officials, employers, and vulnerable populations; increase the accessibility of information about the migration process to potential migrants before they decide to migrate; improve data collection on the number of trafficking victims identified and assisted in Bangladesh and by Bangladeshi embassies; etc. (United Nations. (2013). *TIP Bangladesh Report*. Available at: <http://photos.state.gov/libraries/bangladesh/621750/reports/2013%20TIP%20Report%20-%20Bangladesh.pdf>, para 2)

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

There are no specific measures and no disaggregated data available on the representation of Dalits among the country's populations engaged in bonded, forced and child labour. For example, while the child labour problem was first identified in the second National Plan of Action for Children 1997 - 2002,

no mention has ever been made about caste vulnerability to child labour. Without official tracking of the Dalit involvement in these forms of prohibited labour, it is not possible to comment on the status of implementation vis-à-vis Dalits.

7. GAPS IN THE MEASURES

Gaps in Laws and Policy:

- None of the laws, policies and programmes on forced, bonded or child labour currently being implemented by the Bangladesh government make any reference to caste vulnerabilities to these forms of prohibited labour. One report has noted that purely developmental approaches to improving the lot of the Dalits are insufficient, if the underlying structural causes and caste barriers are not simultaneously addressed. There is a close correlation between being poor and being vulnerable to discrimination and between being subject to multiple and persistent forms of discrimination at work and being vulnerable to forced labour or child labour. (ILO Global Report 2007 “Equality at Work: Tackling the Challenges”, referred to in IDSN. (2009). *Caste Based Discrimination in South Asia: Situational Overview, Responses and Ways Forward*. Copenhagen: IDSN, p.4)
- The Bangladesh government has not yet adopted any specific policy regarding the elimination of descent-based work, which is also a form of forced labour.
- The Human Trafficking Deterrence and Suppression Act does not have any provisions targeting local fraudulent recruiters. As a result, they charge exorbitant recruitment fees, which may be as high as a year’s salary. These agencies also illegally charge additional costs to the migrating workers’ bills. As a result, the workers have to borrow money from family and friends to pay these expenses and they arrive in the receiving country enormously indebted, practically forced to work as debt-bonded labour.

- The Bangladesh Labour Act 2006 prohibits children to perform “hazardous work”, but the law does not define hazardous work. The government has indicated that officials are working on a list of hazardous occupations and tasks. Moreover, the Act prohibits debt bondage but only in respect of children under 14 years of age.

Gaps in Implementation:

- Bonded labour and child labour represent a significant human rights problem in Bangladesh among Dalit communities. According to one study, 26% of Hindu Dalits and 35% of Muslim Dalits are, to a larger or smaller degree, bound by loans from employers. The Constitution prohibits forced or compulsory labour; however, the government does not enforce this prohibition effectively. (Chowdhury, Iftekhar Uddin. (2009). *Caste Based Discrimination in South Asia: A study of Bangladesh, Indian Institute of Dalit Studies, Working Paper Series, Vol III, No.7, New Delhi*)
- Poverty and unemployment of Dalit adults are major challenges to overcome before child labour can be abolished. The centralized monitoring and implementation efforts are inadequate to reach the informal sector where child is prevalent.
- The Government of Bangladesh has made limited efforts to protect victims of trafficking over the past years. The government’s lack of efforts to protect victims of forced labour – who constitute a large share of victims in the country – and adult male victims of trafficking is a continuing concern. For example, the government does not have a systematic procedure to identify and refer female and child victims of trafficking, the courts, police, or Home Ministry officials referred victims of internal trafficking to shelters. However, the police authority has developed a criminal database which is based on integrated software with information about crimes, prosecution, and criminals

and with additional information on trafficked victims.

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- The Bangladesh Dalit and Excluded Rights Movement (BDERM) has highlighted the presence of Dalits in prohibited labour and the need for specific provisions to address this problem. BDERM, Nagorik Uddyog and the International Dalit Solidarity Network (IDSN) jointly submitted a report at the 4th session of the UN's Universal Periodic Review process in 2009, where they placed the following recommendations: that the Bangladesh government should empower Dalits, and Dalit women and children in particular, in order to secure the establishment and protection of their human rights – e.g., through income generation schemes; and should implement existing constitutional provisions against bonded labour and enact specific provisions to combat child labour.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Though civil society organizations have taken number of initiatives to end forced, bonded and child labour in Bangladesh, the initiatives commonly addressed the issues rather than specifically addressed the Dalit community.
- UNICEF, the ILO and the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) concluded a path breaking agreement in 1995 to end child labour in the country's garment factories following international threats to boycott the industry. Freed child workers were to be given stipends to attend school, through funds provided by the garment industry, UNICEF and the ILO. By 1998, 10,500 children had been removed from work under the programme, and about 80 per cent were enrolled in community-based schools organized by two NGOs, the Bangladesh Rural Advancement Committee (BRAC) and Gono Shahjjo Shangstha (GSS).

Around 662 children received other skills training. A follow-up agreement was designed to keep these children in school beyond age 14. [Beyond Child Labour, Affirming Rights, UNICEF (2010). Retrieved from the official website of UNICEF:

http://www.unicef.org/publications/files/pub_beyond_en.pdf

- ILO is piloting cost-effective interventions to solve bonded labour situations in Bangladesh. It has partnered with Society for Social Services (SSS) and Thengarama Mohila Sabuj Sangha (TMSS) to deliver a package of services to the sex workers and weavers at Tangail district and the agricultural workers at Sirajgonj district (Daru, Patrick, Churchill, Craig and Beemsterboer, Erik (2003) 'The Prevention of Debt Bondage with Microfinance-led Services'. Available at: http://www.microfinancegateway.org/sites/default/files/mfg-en-paper-the-prevention-of-debt-bondage-with-microfinance-led-services-2003_0.pdf)

10. RECOMMENDATIONS

- The government should provide disaggregated data on the presence of Dalits among bonded, forced and child labour populations, including trafficking victims. It should also review its programmes to eliminate these prohibited forms of labour and report on how many Dalits become beneficiaries of the various government efforts in this regard.
- The performance of various labour laws should also be intensively monitored at all levels of government from an equity perspective, meaning that the performance of these laws in eradicating prohibited forms of labour is examined in relation to excluded communities as well as overall.
- Since poverty has been the main challenge for effective abolition of forced, bonded and child labour, technical assistance for the overall socio-economic development of Dalits is crucial. Unless the government develops a plan of action to improve the socio-economic

conditions of Dalits to a satisfactory level, the goal of effective abolition of forced, bonded and child labour will remain unachieved.

- District officials should identify endemic areas that supply child labour from Dalit families as priority areas for measures to eradicate child and bonded labour. These areas are also likely to have a high incidence of bonded labour, low wage labour and would also be pushing a large number of unorganised labourers into migration outside the district, as these features are linked to high levels of poverty and exploitation.
- The list of hazardous occupations and tasks should be enacted, bearing in mind all the forms of hazardous tasks that Dalit children are currently engaged in.
- The government must take steps to address the allegations concerning the complicity of public officials in trafficking, particularly through criminal prosecution and punishment of those involved in or abetting human trafficking.
- The government must provide support services for adult male trafficking victims and victims of forced labour, which includes Dalit men and boys.
- The government should work with civil society organisations to improve its anti-trafficking messaging through widespread awareness campaigns that specifically reach Dalit habitations.
- The Human Trafficking Deterrence and Suppression Act should be amended in order to prevent and punish local fraudulent recruiters. The Bangladesh Association of International Recruiting Agencies (BAIRA) should be monitored by state authorities so as to ensure that the migrants who use the services of recruitment agencies are not exploited. The maximum fee for employment services provided should be radically lowered and a cap of other fees should be established.

GUIDELINE 39 : HEALTH

National and local governments should take all necessary measures to ensure the highest attainable standard of physical and mental health, equal access to healthcare and a safe health environment for members of affected communities. Governments should pay special attention to child malnutrition and high maternal mortality rates in affected communities.

THE COUNTRY CONTEXT

Poor health is both the cause and effect of poverty and illiteracy. A paradigm shift from an 'economistic approach' to a 'human development approach' requires the improvement of components such as the standard of living, life expectancy, health, literacy and health knowledge. Bangladesh has achieved greater progress than most low-income countries on a range of health indicators: i) Increase in life expectancy from 44 years to 67 between 1970 to 2007; ii) Decline in infant mortality from 92 per 1,000 live births to 41 between 1991 and 2008; and iii) Reduction of under-five child mortality from 146 per 1,000 to 54 between 1991 and 2008.

However, while the country has achieved remarkable success in improving the health care system for its citizens in general, it still has a long and arduous journey ahead in terms of reaching the poorer and deprived sections of the society with health care services. Equity and equal access for different classes of people has not been achieved when it comes to healthcare. The gap between the Constitutional commitment to non-discrimination and reality becomes glaringly evident with respect to health situation of the members of Dalit communities. Both Hindu and Muslim Dalits in general live in poor and often unsanitary living conditions. Most common diseases afflicting Dalits are skin diseases, diarrhoea, tuberculosis and pneumonia. Their access to health care centres is poor. Many are treated in the public/NGO health centres. Dalits face discrimination while attempting to access medical amenities at government, private or even NGO facilitated centres. They also face discrimination from the doctors and nurses

in different health facilities due to their caste identity and often are not able to provide fees for the services.

Moreover, health surveys and research programmes undertaken with respect to the 'public health situation' in the country do not pay special attention to the child and maternal health conditions in the colonies and settlements where Dalit communities live. Because of this non-attention to their specific health situation, their suffering and specific requirements to access non-discriminatory and affordable health care remain unreported and unattended to.

1. THE REQUIREMENT OF THE GUIDELINE

In fulfilment of this guideline, the government of Bangladesh and its local government institutions should take specific legal, policy, programmatic, and budgetary measures to ensure equal access, non-discrimination, freedom to exercise right, and security of life for Dalits in respect of:

- *Equal rights to access the highest attainable standard of physical health:* to be entitled to have affordable and quality healthcare by health professionals; to have healthcare located at a reasonable distance from Dalit habitations; to be guaranteed access to a safe health environment; to be able to freely access health institutions; to be treated equally to other patients by health care professionals; to ensure equal and adequate distribution of medical supplies in health care centres; to be provided with vital health education and information, including information on sexual and reproductive health for women.

- *Equal rights to access the highest attainable standard of mental health:* to be entitled to affordable and quality treatment for mental illnesses; to have access to adequate psychological aid; to be able to freely access mental health institutions; to be treated equal to other patients by mental health care professionals; to be provided with mental health education and information.
- *Reducing child malnutrition and high maternal mortality rates in affected communities:* to have special attention paid to adequate healthcare for Dalit women during and after pregnancy; to combat child marriages; to organize specific programmes for raising awareness about different aspects of child nutrition and maternal mortality; to have special attention paid to raising Dalit children's nutritional status.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- Everyone has the right to the highest attainable standard of physical and mental health, paying particular attention to child development, environmental safety, disease control, and effective medical delivery systems. (*Article 12 ICESCR*)
- States Parties shall prohibit and eliminate racial (caste) discrimination and guarantee the right of everyone, without discrimination, to public health and medical care. (*Article 5(e)(iv) ICERD*)
- States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. (*Article 12(1) CEDAW*)
- Children have the right to the highest possible standard of health and to access to health facilities. Furthermore, every child has the right to a standard of living conducive to

physical, mental, spiritual, moral and social development. (*Articles 24 & 27 CRC*)

- WHO conference participants should advocate for health based on human rights, invest in sustainable health policies, partner with non-governmental and international organisations, build capacity for health policy development, and enable equal opportunity for health for all people. (*Bangkok Charter for Health Promotion in a Globalised World 2005*)
 - The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, and economic or social condition. (*Preamble to Constitution of the World Health Organisation*)
 - States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation (*Article 12, para-2 CEDAW*).
- ## 3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS
- States should ensure equal access to healthcare for members of descent-based communities, and should involve these communities in designing and implementing health programmes and projects. (CERD. (2002). *General Recommendation XXIX on Descent Based Discrimination*, paras 40 & 41)
 - The Bangladesh state should take concrete measures to improve women's access to quality health-care facilities and services including reproductive health care with special attention to poor and disadvantaged women. (CEDAW. (2011). *Concluding Observations on Bangladesh State report*. UN Doc. CEDAW/C/BGD/CO/7, para. 32(a))
 - The Bangladesh state should adopt specific measures to ensure that minority and

indigenous children are not discriminated against in the enjoyment of their right to access basic and specialized health services. (CRC. (2009). *Concluding Observations on Bangladesh State report*. UN Doc. CRC/C/BGD/CO/4, para. 60(f))

- Bangladesh was one of many governments to resolve, by the year 2015, to have reduced maternal mortality by three quarters, and under-five child mortality by two thirds, of their current rates. (*United Nations Millennium Declaration 2000, General Assembly Resolution 55/2, para. 19*)

4. NATIONAL STANDARDS AND MECHANISMS

Legal Standards:

- It is a fundamental responsibility of the Bangladesh state to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people including the provisioning of basic necessities of life, including food, clothing, shelter, education and medicine.” (*Article 15(a) Constitution of Bangladesh*)
- The state shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth. (*Article 28(1) Constitution of Bangladesh*)

Policies and Plans of Action:

- The National Health Policy aims to create awareness among and enable every citizen of Bangladesh irrespective of caste, creed, religion, income and gender, and especially children and women, in any geographical region of the country, through media publicity, to obtain health, nutrition and reproductive health services on the basis of social justice and equality through ensuring everyone’s constitutional rights. (*Principle 1, National Health Policy 2011*)
- The National Health Policy also aims to ensure equal distribution and optimum usage of available resources to solve urgent health-related problems with focus on the

disadvantaged, the poor and unemployed persons. (*Principle 3, National Health Policy 2011*)

- The National Children Policy shall be applicable to all children - the citizen of Bangladesh without any discrimination. In order to ensure the child right to safe birth and life, steps shall be taken to ensure safe child birth through nutrition, health care of the expectant and post natal mothers and the growth of the child and necessary pre-natal, natal and post-natal care. (*National Children Policy 2011, scope and section 6.1.1*)
- Adequate nutrition for all individuals, especially women and children, is a broad area of government intervention, encompassing improvement of the health status of children and adults, with special reference to adolescent girls and women of reproductive age. Adequate nutrition is seen as important to break the cycle of malnutrition across generations. (*National Food Policy Plan of Action 2008-2015, Core Objective 3, 3.7*)
- The Government seeks to create conditions whereby the people of Bangladesh have the opportunity to reach and maintain the highest attainable level of health. It is a vision that recognizes health as a fundamental human right and, therefore, the need to promote health and to alleviate ill health and suffering in the spirit of social justice. This vision derives from a value framework that is based on the core values of access, equity, gender equality and ethical conduct. (MDG Bangladesh) Retrieved July, 2014 from: <http://www.scribd.com/doc/30432881/Presentation-on-PRSP-and-MDG-of-Bangladesh>).

Schemes and Programmes:

- In 2003, the government launched its Health, Nutrition, and Population Sector Programme (HNPS), conceived within the sector-wide approach. HNPS has provisions that include strengthening the pro-poor

focus of health sector programming, for example, by allocating more resources to the poorer districts. This would apply to some districts where Dalits are resident, though the community is not made the target of any programme interventions.

- The first major nutrition project launched in Bangladesh was the Bangladesh Integrated Nutrition Programme (BINP), which commenced in 1995 and closed in 2002. Its successor, the National Nutrition Programme (NNP), was initiated in 2004 and is still on-going in conjunction with the Health, Nutrition and Population Sector Programme (HNPS). NNP provides a framework for large-scale nutritional intervention. Community involvement, partnership with NGOs and potential synergy with HNPS are some of its strengths that can in principle be harnessed to combat the still massive problem of under-nutrition in Bangladesh. Nowhere in the programme is mention made about targeting efforts towards particularly health vulnerable populations of children such as Dalit children.

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

There have been no health-related national recommendations that have been made concerning Dalits and their right to health, ensuring non-discriminatory access to healthcare.

6. STATUS OF IMPLEMENTATION OF NATIONAL STATE AND IMPACT

No national level measures have been taken up with a view to particularly ensure physical and mental health of Dalit people. Therefore, there is no scope for reviewing the implementation level of the measures. However, an overall observation based on the available research is that the health care measures taken by government are very general and have not yielded any good result among the Dalits. The discussion in the following section shows how the measures have failed to bring in substantial positive impact in health condition of Dalit people.

7. GAPS IN THE MEASURES

Legal, Policy and Programmatic Gaps:

- As in other areas, there is currently no official recognition that specific groups in the country like Dalits are particularly vulnerable to ill-health and, therefore, deserve special protection or access to health entitlements. Hence, the absence of special measures for Dalits, or the mention of their vulnerability in policy and other measures.

Situation in the Absence of Measures:

Many Dalits live and work in unhealthy environments:

- Almost in every Dalit settlement, especially in urban areas, families live in tiny rooms without adequate facilities of ventilation or proper movement. Dalit colonies in Dhaka and other districts are shabby and unclean. This crowded and unsanitary environment causes different diseases. Most common diseases afflicting Dalits are skin, diarrhoea, tuberculosis, pneumonia. (Chowdhury, Iftekhar Uddin. (2009). 'Caste Based Discrimination in South Asia: A Study of Bangladesh', *Indian Institute of Dalit Studies, Working Paper Series, Volume III, No. 7, New Delhi, p. 24*)

Caste discrimination affecting access to healthy environment and health services:

- Social discrimination leads to deprivation from opportunities for development and access to public services. The *Rishi* community has complained that their health suffers due to poor sanitation, arsenic contaminated ground water, a lack of trained nurses, ignorance of reproductive rights and health, and lack of access to medical care even in public hospitals. (Begum, Suraiya (2006) 'Rights of the Socially Excluded' in *Yearly Human Rights Report 2006*. Ain o Salish Kendra: Dhaka. Available at: <http://www.askbd.org/Hr06/Socially%20Excluded.htm>).
- Dalits are discriminated while attempting access to medical amenities at government, private or NGO facilitated centres. Survey data shows that about 36% of the Hindu

Dalits and 37% for the Muslim Dalits feel discriminated in government hospitals. About 31% of Hindu Dalits and 28% of Muslim Dalits face discrimination at the hospitals run by NGOs and 38 % of Hindu Dalits and Muslim Dalits respectively feel discriminated in the private hospitals. About 63% of Hindu Dalits and 48% of Muslim Dalits feel discriminated by the doctors and nurses in different health facilities due to their belonging to 'lower' castes and are not able to provide fees for the services. (Chowdhury, Iftekhhar Uddin. (2009). 'Caste Based Discrimination in South Asia: A Study of Bangladesh', *Indian Institute of Dalit Studies*, Working Paper Series, Volume III, No. 7, New Delhi, p. 24)

- One survey showed that about 56% of the Dalit respondents faced abuse from the hospital staffs while seeking treatment there. They are prey of discriminatory attitude in getting beds in hospitals. More than half (51%) of the respondents stated that they have not got permission to have hospital bed when the needed it badly. About 14% stated that doctors/ nurses were not willing to communicate with them and 21.7% stated that aiyas also behaved roughly to them. (Parittran, 2009 from: http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Baseline_Survey_On_Dalits_Community_2009__2_.pdf)

Non-Availability of health care facilities nearby:

- In general, the availability of health personnel is critical for health service delivery and, despite considerable expansion in recent years, these still remains as an acute problem particularly in rural areas of the country. The effect of this problem is felt very severely by the members of Dalit communities, as they live in the most segregated pockets of settlements.
- In Bangladesh the number of qualified doctors and nurses per person is still quite low in terms of international standards. According to estimates made by the WHO (2012), the density of medical workers is as follows - physicians 3.6, nurses and midwives 2.2 per 1000 people, whereas international evidence suggests that the optimal density

is about 2.5. Dalits rarely get access to the services provided by the doctors and nurses. (Retrieved July, 2014 from: <http://www.who.int/countries/bgd/en/>)

- The availability of existing facilities is highly skewed towards the richer population in urban areas with only about 16% of qualified doctors practising in rural areas where the majority of the people reside. The problem is further aggravated by widespread absenteeism, which is especially severe in rural areas. (available at: <http://dSPACE.bracu.ac.bd/handle/10361/122>) Dalits are extremely vulnerable due to these inadequacies in health care services. Inhabitants in Dalit settlements are neither financially capable nor are they aware or educated to go for treatments in hospitals. Government hospitals are generally situated in remote places away from Dalit settlements. Doctors and nurses of government hospitals and health care centres are hostile to Dalit patients.
- A baseline survey of access to health services for Dalits living in Satkhira district revealed that 27.82% of respondents receive health support from NGO clinics, 15.35% from government hospitals, 2.64% from private clinic/hospitals and 8.39% from local pharmacies. The striking feature is that 9.74% receive health support from Kobiraj³ or Hakim⁴ and 12.23% did not go to any kind of physician and treated themselves. This indicates the poor condition of health support of the Dalits community and need for substantial interventions both from GO and NGO for the improvement of their health conditions. (Parittran, (2009), available at: http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Baseline_Survey_On_Dalits_Community_2009__2_.pdf).

³ **Kabiraj** is an occupational title for the people practicing [Ayurveda](#).

⁴ **Al-Hakim**: Scientists and philosophers who played a central role in the development of [Science in medieval Islam](#).

Other factors that affect right to health for Dalits:

- **Food insecurity and malnutrition:** As Dalits live in extremely impoverished socio-economic conditions, their food intake is of very poor quality and they suffer from chronic malnutrition. Particularly in case of tea gardens, due to malnutrition they suffer from persistent tiredness and exhaustion. One of the Dalit leaders from one Srimangal tea garden was reflecting on the food insecurity issue: “In the past tea garden workers could cultivate crops in the fallow lands within the gardens. This would work as source for their grains. Now, garden owners no more allow the workers to do so.”
- **Tea workers hide their ill-health because of job insecurity:** Discussions with tea garden workers revealed that in the tea gardens a worker will not get any salary if she/he does not go for work and gets admitted into a hospital. Since a worker is the only bread-earner of the household and does not have any alternative to earn a livelihood, they prefer to hide their illnesses and continue working with ill health. This aggravates their poor health and causes even greater health risks.

Addiction, drug-dependence and habit of drinking excessive liquor cause various diseases: A recent study depicts the health situation of Dalit men in a district headquarters this way: “Many of them remain addicted to drugs most part of the day. They take liquor almost every day. Because of such habits, they experience different illnesses. Their body swell and water stores up in organs of the body. Their lungs get infected easily. Drug addiction and associated illness plunge them into deep frustration. They don’t have any positive concern about issues of life.” (Parvez, Altaf and Mazharul Islam, (2013), *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprishota* (Dalits in Bangladesh: Discrimination, Exclusion and Untouchability) Nagorik Uddyog and BDERM, Dhaka).

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

In recent years, some non-government organizations have started focusing on Dalit communities. For instance, **DALIT**, a Dalit lead NGO, works for the Dalit children, women, and adolescent groups on issues of health. (<http://www.dalitbd.org/index.php/what-we-do>). Another leading Dalit led organization, **SHAREE**, also works on primary health services for the Dalit community (<http://sharee.org.bd>).

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

In Bangladesh, there are many leading organizations work on issues of health care (BRAC, Bangladesh Women’s Health Coalition (BWHC), Engender Health, Dustha Shasthya Kendra (DSK), Plan Bangladesh etc.), but none have any special focus on the health care issues of the Dalit community.

10. RECOMMENDATIONS

- An Anti-Discrimination law should be passed that prohibits caste discrimination in access to health care services of any kind.
- Health and nutrition policies in Bangladesh need to categorically refer to the disadvantageous condition of the Dalits and provide frameworks for improving their health and wellbeing.
- Disaggregated health data by social groups should be provided by the government in order to understand the different health levels of different segments of the population, and to accordingly support the formulation of targeted health schemes for Dalits and other marginalised communities.
- For populations such as the sweepers, *methors*, tea workers and others, there is a need to establish specialized health and medical centres to cater to their health needs. City corporations and municipalities have the responsibility to ensure the physical and mental health of sweepers and other Dalit workers. They must take up specialized programmes targeting the Dalits in this regard.

- The government should ensure that Dalit communities are not targeted for any unwarranted 'scientific research' that put their health and wellbeing in danger.
- In all Dalit localities health education about hygiene, safe drinking water and basic sanitation facilities, along with adequate facilities, should be given. Local authorities and NGOs should be involved in this process of awareness generation to make it a mass campaign.
- The government should undertake a public awareness campaign to de-stigmatise mental illnesses and to thereby make it acceptable for people, especially Dalits, to seek treatment. This can also be achieved by adding a mental health component to all health education programmes.
- Dalits should be included in all local-level developmental decision-making committees that touch upon the right to health. Their input must be valued equally with other community members so that Dalit needs can be addressed in a timely and acceptable manner.

GUIDELINE 41 : HEALTH: HYGIENE AND SANITATION

Development and financial assistance to ensure adequate hygiene and sanitation for Dalit communities should be provided by national and local governments and international development and humanitarian organizations.

THE COUNTRY CONTEXT

As the previous guideline 39 has shown, closely connected to the denial of the right to health for Dalit communities is their situation of unhygienic and unsanitary living and working conditions. Dalit colonies are often unclean and unhygienic with open sewers, lack of toilets and bathrooms and uncollected garbage blocking water ways. Along with cramped living spaces, the lack of water and electricity compound to make their lives yet more miserable. Satterthwaite, Margaret (2012) referred the report of the UN Special Rapporteur on discriminatory access to water and sanitation where it is mentioned that in Bangladesh Dalits suffer discrimination in accessing water and sanitation. In one community, Dalits had no access to water or safe sanitation; in another Dalit slum. (Satterthwaite, Margaret (2012), Background Note on MDGs, Non-Discrimination and Indicators in water and sanitation, http://www.wssinfo.org/fileadmin/user_upload/resources/END-Background-paper_1.pdf)

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

In fulfilment of this guideline, government of Bangladesh, local government institutions and international development and humanitarian organizations should provide specific legal, policy, programmatic and budgetary measures, as appropriate, to ensure equal access, non-discrimination, freedom to exercise right, and security of life for Dalits in respect of:

- *Development assistance to ensure adequate hygiene and sanitation:* to be entitled

to adequate hygiene facilities; to have knowledge, understanding, training and awareness as regards hygiene practices; to enjoy living conditions that allow for adequate sanitation facilities; to have adequate support in relation to hygiene and sanitation.

- *Financial assistance to ensure adequate hygiene and sanitation:* to be entitled to have budgetary allocation and social development projects that works for ensuring hygiene and sanitation.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- Everyone has the right to an adequate standard of living for her/himself and her/his family, including adequate food, clothing and housing (and sanitation), and to the continuous improvement of living conditions. (*Article 11(1) ICESCR*)
- Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health. The steps to be taken by the State Parties to achieve the full realization of this right shall include those necessary for: (b) the improvement of all aspects of environmental and industrial hygiene; (c) the prevention, treatment and control of epidemic, endemic, occupational and other diseases... (*Article 12(1) & (2) ICESCR*)
- Everyone has the right to water and sanitation. Clean drinking water and sanitation are essential to the realisation of

all human rights. States and international organisations to provide financial resources, help capacity-building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and sanitation for all. (*UN General Assembly Resolution A/RES/64/29, 2010*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- Specific groups are excluded from access to water and sanitation, often reflecting patterns of discrimination, marginalization and limited political will to ensure substantive equality. The water, sanitation and hygiene-related impacts of discrimination are often closely related to income-related impacts, but they are not the same. In fact, the dynamics and systems involved in discrimination against minorities and the impacts of wealth inequities are different. Data can assist in elucidating these differences, helping to catalyse action in relation to the specific problems present in a given context. (UN Secretary General. (2012). *Integrating non-discrimination and equality into the post-2015 development agenda for water, sanitation and hygiene*. UN Doc. A/67/270, paras. 63-65)
- Future goals, targets and indicators on water, sanitation and hygiene must address group-related inequalities that vary across countries, such as those based on ethnicity, race (caste), nationality, language and religion. (UN Secretary General. (2012). *Integrating non-discrimination and equality into the post-2015 development agenda for water, sanitation and hygiene*. UN Doc. A/67/270, para. 76(b)(iii)(d))
- States must tackle the practice of stigmatization [of certain social groups on the basis of ... caste...] in their strategies for fully realizing the rights to water and sanitation, in the elaboration and implementation of national plans of action for water and sanitation and in financing water and sanitation sectors. (UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation. *Stigma and the realization of*

the human rights to water and sanitation. UN Doc. A/HRC/21/42, para. 82(a))

- “Responsibility for water and sanitation is spread across different ministries, and there are many non-governmental organizations, donor agencies and UN agencies also deeply involved in these activities. There must be better coordination among all of these actors, as well as improved information sharing about projects and resources. To find solutions to the difficult challenges that Bangladesh faces in water and sanitation, it would be important to know exactly what the available resources for water and sanitation are, where they are spent, and who benefits. I also urge the Government to establish an independent regulator for water and wastewater that would inter alia be competent for establishing water tariffs, controlling water quality and ensuring access for all.” (UN Independent Expert on Water and Sanitation and the Independent Expert on Human Rights and Extreme Poverty. (2009). *Statement on the conclusion of a visit to Bangladesh*)
- The Bangladesh government should 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. (UN Independent Expert on the question of human rights and extreme poverty and the UN Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation. (2009). *Joint report on Mission to Bangladesh December 2009*. UN Doc. A/HRC/15/55, para. 125(d))

4. NATIONAL STANDARDS AND MECHANISMS

- The state shall regard the raising of the level of nutrition and the improvement of public health as among its primary duties. (*Article 18(1) Constitution of Bangladesh*)

- The *National Policy for Safe Water Supply and Sanitation 1998* states that local government and communities shall be the focus of all activities relating to sanitation. All other stakeholders, including the private sector and NGOs, shall provide inputs into the development of the sector. Measures will be taken so that users can bear increased cost of sanitation services. However, in case of poor communities, educational institutions, mosques and other places of worship, the costs may be subsidized partially or fully. Behavioral development and changes in user communities shall be brought about through social mobilization and hygiene education. No specific mention is made about targeting interventions in Dalit habitations, or any recognition of their specific lack of basic sanitation facilities.
- The Health, Population and Nutrition Sector Programme being implemented in Bangladesh under annual development planning of the government and also in collaboration with FAO, USAID and other government donors to Bangladesh emphasizes on reducing severe malnutrition, high mortality, and fertility, promoting healthy life styles, and reducing risk factors to human health from environmental, economic, social and behavioral causes. There is a strong focus in the programme on improving the health of the poor. Moreover, in efforts to achieve MDG targets in the health sector, the government's main emphasis is on the human dimension of poverty, i.e. deprivation in health, deprivation in nutrition including water and sanitation, as well as related gender gaps. However, this programmatic intervention does not provide adequate measures to eliminate the health problems related to poor hygiene and sanitation that Dalits experience.
- Bangladesh government, in collaboration with Unicef, is working to strengthen and empower local government structures by establishing water and sanitation

committees. Local field based small NGOs, who works with the Department of Public Health Engineering (DPHE) also provides support to the process.

- The targets set by the Bangladesh government, in line with the MDGs, are to achieve by 2015 100% urban area coverage under sanitation and 90% in rural areas.

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

In Bangladesh no national commission or other government body has focused on the health and hygiene-related problems of the Dalits. There have not been any recommendations, as such, in this regard.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

Since no national measure has ever been taken to target the Dalits, their implementation process also cannot be brought under scrutiny.

7. GAPS IN THE MEASURES

Gaps in Law and Policy:

- No mention is made in any government policy, law, budget or programme regarding targets or goals for ensuring the availability and non-discriminatory access to sanitation and basic hygiene standards for Dalits. Nor is disaggregated data available on Dalits' access to sanitation facilities or the hygiene conditions of their habitations. This prevents any targeted interventions in their areas in terms of development and financial assistance for hygiene and sanitation.

Situation in the Absence of Specific Measures:

- In some instances, stigma – the perception that one is 'dirty' - is attached to a person's social identity, especially in relation to one's caste...In terms of water and sanitation provision, Dalit habitations are often systematically excluded... (Special Rapporteur on the human right to safe drinking water and sanitation. (2012). *Stigma and the*

realization of the human rights to water and sanitation. UN Doc. A/HRC/21/42, paras. 13 & 22)

- In one UNICEF report it has been observed that Bangladesh generally does not have an organized caste system like Hindu cultures. However, there is still (caste) discrimination against certain groups such as sweepers, street children, and many others. In addition, the concept of 'Untouchable' or 'Dalit' in Bangladesh is different from that in predominantly Hindu countries. There are many 'lower' castes in the Hindu community in Bangladesh. Among them sweeper and cobbler (*muchi*) communities might be treated as 'dirty' or 'unclean' to some extent, and both the communities are extremely poor... Children belonging to those groups might be looked down upon by other children and discriminated against within the schools in relation to using water and sanitation facilities. (UNICEF. (2009). 'Equity in School Water and Sanitation: Overcoming Exclusion and Discrimination in South Asia - Bangladesh Country Report'. Retrieved June 2014 from: http://www.unicef.org/rosa/WASH_Report_Bangladesh_%28Final_Version%29_10_Dec_09.pdf, p. 5)
- One study, (Islam and Uddin, 2008), summarizes the hygiene situation of Dalits (particularly the sweepers and cleaners) living in Dhaka and Narayanganj as follows: The places where Dalits live are unclean and unhygienic. The number of toilets available is insufficient in relation to number of inmates. Almost all the time toilets remain unclean. Inhabitants have to raise pigs around this limited space – this contributes to worsening of overall situation. (Islam, Farzana, Mohammad Nasir Uddin (2008), Intricate Tale of Social Exclusion: *Dalit Women Experience of Caste, Class, Citizenship and Gender in Dhaka City, The Jahangirnagar Review, Part II, Social Science, Voll. XXXII*, pp. 15-32).
- Another study notes that in Dalit localities, their environments are extremely polluted; either in public houses provided by the municipality/city corporation/government offices or privately arranged houses in the slums/squatters in and around the urban/semi-urban centres and rural areas in the country. Most of them use common toilets and access to water supply is either tap or tube well or largely from ponds/rivers in the villages. (Chowdhury, Iftekhar Uddin. (2009). 'Caste Based Discrimination in South Asia: A Study of Bangladesh', *Indian Institute of Dalit Studies, Working Paper Series, Volume III, No. 7*, New Delhi, p. 24)
- One recent study gives multiple examples of the poor hygiene and sanitation conditions of different Dalit 'colonies':
 - In Narayanganj the main colony for the Dalits is Tanbazar Cleaners' Colony. It is an eighty years old settlement. Around 1800 people live in 188 rooms. There are only 10 toilets for all these people. Toilets have to in-built water supply system. In all the toilet human wastes overflows almost all the time.
 - 34 families live in a colony in RN Road in Jessore. There is only one tap for water supply and two toilets for all the families. There are 150 families living in Rabidas para of Faridpur district without any hygienic toilets. In some other places of Faridpur, there are only two tube wells from local *Pourosova* for 300 families of Dalit community. In Chirirbandar sub-district of Dinajpur, there is no private tube well or toilet in 5 Dalit colonies. Every 4/5 families share one tube well and 8/10 families share one toilet. The situation of Dalit colonies of other districts is almost same. (Parvez, Altaf and Mazharul Islam. (2013). *Bangladeshe Jat-Pat Vittik Osprisshota, Bonchona O Boishommyochitro* (Work and Descent Based Discrimination, Untouchability and Exclusion in Bangladesh, an unpublished study of Nagorik Uddyog, Dhaka)

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- In Khulna district, a social organization 'Dalit' is currently implementing water and sanitation related project. "Dalit" is a Dalit led civil society organization and works for the Dalits. The project provides sustainable and integrated water & sanitation activities in the rural areas and break the contamination cycle of unsanitary latrines contaminated water and unsafe hygiene practices.
- BDERM, in support from Nagorik Uddyog, is executing programmes with a focus on drinking water and sanitation in Moulovibazar, Jessore, Khulna and Barisal districts. From 2012, the Platform distributed 37 sanitary toilets in those districts.

(DPHE) under the Ministry of Local Government.

- Under WATSAN project, a number of interventions are already underway. Government efforts need to be taken to make the programme more inclusive with a view to ensuring that Dalit communities equally benefit from the project.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

There are many leading NGOs working on water and sanitation but Dalit communities are not in the focus. Only in 2010-2011, WaterAid Bangladesh implemented a project titled '*Beyond the Horijon*' with the financial support of AusAid. This project has provided water and sanitation support to the sweepers' colonies of Dhaka and Chittagong district. But, this one year project was not enough to meet the water and sanitation requirement of Dalit communities.

10. RECOMMENDATIONS

- Government policies need to clearly recognise the extent of the problems that different Dalit communities face in term of hygiene and sanitation. This has to be the starting point for the collection of adequate data on the problem and targeted programmes to address these problems.
- With proper policies and programmes from the government, the district administration in particular districts can take up specific programmes for improving the overall housing and living condition of the Dalit people. This can be done in collaboration with the Local Government Institutions and Directorate of Public Health Engineering

GUIDELINE 42 : ADEQUATE FOOD, WATER AND HOUSING

National and local governments should take all necessary measures to eliminate discriminatory practices that cause affected communities to suffer from inadequate food, water, sanitation, clothing and housing.

THE COUNTRY CONTEXT

Generally, the dwellings of Hindu and Muslim Dalits in Bangladesh are segregated and there are reported instances of discrimination when trying to rent rooms or houses outside their exclusive areas. In rural areas of the country Dalit communities live in group in a *paras* or colonies that are remote and secluded from the mainstream communities. In urban areas Dalits usually live in so called 'colonies' which are slum-like tenancies without adequate provision of water, electricity or sanitation. In such colonies, 8 to 12 family members belonging to three generations live together in one tiny room without any regard to hygiene or sanitation safety issues.

Discrimination also surfaces while Dalits try to access especially ponds or lakes in the villages. Another acute problem that Dalits across the country live with is 'food insecurity'. This is compounded by both Hindu and Muslim Dalits reporting discrimination to different degrees from non-Dalits while sharing food/tea in the same plates/cup/utensils by the non-Dalits. Since these groups are treated to be 'dirty', the perception stands in the way that their touch also makes things 'dirty' and as a result, they need to wash whatever they use for making it 'pure'.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

The Government of Bangladesh, along with local government institutions, should take specific legal, policy, programmatic and budgetary measures to ensure equal access, non-discrimination, freedom to exercise right of Dalit

individuals and communities with respect to:

- *Adequate food, water, sanitation, clothing and housing*: to be entitled to access to these basic necessities without facing and 'untouchability', discrimination and violence; not to be segregated into specific areas for housing and to be equally allowed building houses or having tenancy in any localities; to be ensured an equal entitlement to food security.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- Everyone has the right to an adequate standard of living for her/himself and her/his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. (*Article 11(1) ICESCR*)
- The human right to water forms part of the right to an adequate standard of living, and is indispensable for leading a life in human dignity. It is a pre-requisite for the realization of other human rights" (CESCR. (2003). *General Comment 15: The Right to Water*. UN Doc. E/C.12/2002/11)
- The right to water and sanitation are part of existing international law and confirms that these rights are legally binding upon States. States re called upon to develop appropriate tools and mechanisms to achieve progressively the full realization of human rights obligations related to access to safe drinking water and sanitation, including in currently unserved and underserved areas. (*UN Human Rights Council Resolution A/HRC/RES/15/9, 2010*)

- States undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without discrimination, to their social, economic and cultural rights, including housing. (*Article 5(e) ICERD*)
- Every child has the right to a standard of living adequate for the child's development. States shall take measures to assist parents to implement this right and shall, in case of need, provide material assistance and support, particularly with regard to nutrition, clothing and housing. (*Article 27(1) &(3)CRC*)
- States should undertake all necessary measures for the realisation of the right to development and shall ensure, inter alia, equal opportunity in access to basic resources, food, housing, employment... (*Article 8(1) Declaration on the Right to Development 1986*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- States should take steps to identify those descent-based communities under their jurisdiction who suffer from caste discrimination and private and public segregation, including in housing, access to public sources of food and water. Further, States should undertake to prevent, prohibit and eliminate practices of segregation against Dalits in housing, and take measures against discriminatory practices of local authorities or private owners with regard to access to housing by Dalits. (CERD. (2002). *General Recommendation 29: Descent based Discrimination*, paras 1, 15 & 39)
- The Bangladesh state should adopt an action plan to address the situation of Dalits and eliminate discrimination against them, including by ensuring access to safe drinking water and sanitation (Slovenia); and continue improving the conditions of children, women, Dalits, indigenous people, refugees and migrants taking into account the special situation and difficulties that those groups have to overcome (Holy See). (Human Rights Council. (2013). *Report of the Working*

Group on the Universal Periodic Review: Bangladesh. UN Doc. A/HRC/24/12, paras. 130.15 & 130.23)

4. NATIONAL STANDARDS AND MECHANISMS

Constitutional Provisions:

- It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people with a view to securing to its citizens the provision of the basic necessities of life, including food, clothing, shelter, education and medical care. (*Article 15(a) Constitution of Bangladesh*)
- The state shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth. (*Article 28(1) Constitution of Bangladesh*)

Housing:

- National Housing Policy 2008 mentioned that the government will work as a provisioning authority [of housing facilities] for the lower middle class, lower class, extreme poor and rootless sections of population in essential and emergency cases only. In case of squatter-like-settlements and areas in which extreme poor people live, arrangements will be made for provisioning drinking water, hygienic sanitation, electricity, drainage and sewerage, and other basic services and facilities. In such endeavors efforts will be taken to ensure participation of relevant local agencies, organizations and people. No specific mention is made about non-discrimination in access to housing. (*Housing Law 5.6.2 & 5.9.5, National Housing Policy 2008*).
- The government in 2005 had undertaken a Taka 209.34 million for “Dhalpur, Sutrapur, and Doyaganj sweeper colony construction project” to ensure better living facilities to

the sweepers to be implemented by Dhaka City Corporation (DCC). But, the project has been failed literally. After conducting an evaluation of the project, it was identified that a part of the Tk 209.34 million has been used misappropriately. Another probe committee of the Bangladesh University of Engineering and Technology (BUET) formed by the government also detected financial irregularities and low quality construction in the project. (available at: <http://www.thefinancialexpress-bd.com/old/print.php?ref=MjBfMTBfMTRfMTJfMV8xXzE0Njg0OA==>).

- A special allocation of Tk. 50 crore has been proposed for construction of houses for the cleaners in the national budget of 2014-15 (para 60, budget speech, 2014-2015).

Water and Sanitation:

- The National Water Act 2013 is about water resource management. It does not make any commitment for ensuring equality for all people in access to adequate and safe water for drinking and other purposes.
- The National Policy for Safe Water Supply and Sanitation 1998 aims to improve the standard of public health and to ensure improved environment. For achieving these objectives, steps will be taken for facilitating access of all citizens to basic level of services in water supply and sanitation; and promoting sustainable water and sanitation services. No mention is made about non-discrimination in access to drinking water and sanitation. (*Objectives 3(a) & (e), National Policy for Safe Water Supply and Sanitation 1998*)
- Local government and communities shall be the focus of all activities relating to sanitation. All other stakeholders including the private sector and NGOs shall provide inputs into the development of the sector within the purview of overall government policy. Sanitary latrine in every household will be promoted. Along with individual sanitation, public and community latrines will be set-up by City Corporation/ Paurasabha and leased out to private sector for maintenance. (*Sections 8.2.1 & 8.4.1*)

National Policy for Safe Water Supply and Sanitation 1998)

Food:

- The government aims to ensure a dependable food security system for all people of the country at all times. The objectives of the food policy are to ensure adequate and stable supply of safe and nutritious food; to enhance purchasing power of the people for increased food accessibility; and to ensure adequate nutrition for all, especially women and children. No specific mention is made about non-discrimination in access to food. (*Goal and Objectives of National Food Policy 2006*)

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

At the national level, the relevant government bodies have not made any substantial recommendations or observations with respect to non-discriminatory access to food, water, sanitation, clothing and housing.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

In the absence of specific measures to explicitly ban discrimination in access to housing, food, sanitation and water, the implementation of the above general policies has been focused on technical aspects of supply, (food) inspection, resource management and enforcement action to ensure the domestic supply of these services/ amenities.

7. GAPS IN THE MEASURES

Gaps in laws and policies:

- On the one hand, certain laws and policies are framed through a Universalist perspective or provisioning for all communities, such as the National Food Policy and the National Water Act. No emphasis is thus placed on the unrecognized and socially excluded community of Dalits, nor in setting a norm of non-discrimination in place when dealing with access to these basic amenities.

- On the other hand, other policies like the National Housing Policy obligate the government to ensure essential, emergency and limited rehabilitation/housing among 'ultra poor', 'uprooted' people and to ensure pure drinking water, sanitation of slum dweller and ultra poor people. Within this broad targeted policy, no mention is made about socially excluded groups such as Dalits; nor is non-discrimination prescribed as a norm.

Situation in Absence of Specific Measures:

In the absence of measures against discrimination, the ground level situation of Dalit communities as regards their access to food, housing, water and sanitation is as follows.

- Dalits 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 also face discrimination in their access to public-health facilities. 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. (Independent expert on the question of human rights and extreme poverty & Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation. (2010), *Joint report on Mission to Bangladesh*. UN Doc. A/HRC/15/55, paras. 25-26, 76)
- One study noted that Dalits (particularly the sweepers and cleaners) living in Dhaka and Narayanganj have very limited access to clean and safe drinking water: "Along with shortages in living space, the lack of water supply and electricity make their lives yet more difficult. Sometimes they have to wait for water until 11 o'clock in the morning – they are unable to take their breakfast before this. Women and children use water from limited sources and they have to invest significant time for collecting water. This again reduces their work time. Collecting and sharing water is not only time consuming, it also works as a major cause of chaos and conflict among the households. Women suffer seriously in the process." ((Islam, Farzana, Mohammad Nasir Uddin (2008), *Intricate Tale of Social Exclusion: Dalit Women Experience of Caste, Class, Citizenship and Gender in Dhaka City, The Jahangirnagar Review, Part II, Social Science*, Voll. XXXII, pp. 15-32).
- A more recent survey of Dalit localities delineates the patterns of exclusion in detail:
 - For most Dalits, their state of extreme poverty is epitomized by the poor housing conditions in which they live. Only 8% of Dalits surveyed live in brick-build houses. These houses again are, in most cases, owned by the government. The survey also found that at least 18% of the Dalits still live in houses made of straw and mud.
 - 54% of the Dalit respondents have only one room for accommodating all the members of the household. On the other hand, 30% of the respondents have two rooms to live in. Only 16% of the respondents said that their household has got more than two rooms to reside in.
 - In response to questions as regards house ownership, 69% of the Dalit respondents said that they do not own the property they live in, whereas 40% of them said that they got the house from their ancestors. Hence, insecurity as regards housing and the fear of

eviction is very common for Dalits: 55% of respondents said that they regularly feared forced eviction.

- While many Dalits expressed insecurity to move outside their separate colonies, even when some overcome this insecurity, it is not easy for them to get a house on lease: 43.3% of the respondents expressed that they found it difficult to have a house to rent in as the house owners become reluctant or unwilling to let them have the house as soon as they come to know about the identity as Dalit.
- Food insecurity is an acute problem in case of many households. In the case of Dalits in the tea gardens, the labourers previously were allowed to cultivate the fallow lands within the gardens. Now, however, the garden owners have stopped to allow them to do so. They now have raised lemon or rubber gardens on those plots of land. Outside the tea gardens as well, because of prevalent unemployment and high price of commodities, Dalits have gradually become 'accustomed' to have food in less frequency and in less amount. Their lower intake of food is affecting their work capacity as well as their earning.
- Access to water is also a major issue for Dalits. On the outskirts of the capital city is a colony for Dalit Telegu sweepers and cleaners, known popularly as Gabtoli Colony. 35 families consisting of 175 members live here. For long this colony went without any provision of drinking water. A couple of years back a tube well was set here. Later on the colony got connection to a neighboring water pump. However, there is only one point from which water can be collected. The inmates have set four tapes in that point. Now all the inhabitants have to depend on these four tapes in a single point. There is no wall or roof in that place – everything is open. One has to take bath under the open sky; even there is no separate arrangement for the women.
- In Narayanganj the main colony for the Dalits is Tanbazar Cleaners' Colony. It is an eighty years old settlement. Around 1800 people live in 188 rooms. There are only 10 toilets for all these people. Toilets have to in-built water supply system. In all the toilet human wastes overflows almost all the time.
- 34 families live in a colony in RN Road in Jessore. There is only one tape for water supply and two toilets for sanitation.
- Similarly, in the tea gardens there is no deep tube well or any system for running water. Even in most of the cases there is no tube well for the laborers (Parvez, Altaf and Mazharul Islam, (2013), *Bangladesher Dalit Somaj: Bonchona, Boishommyo O Osprishhota* (Dalits in Bangladesh: Exclusion, Discrimination and Untouchability) Nagorik Uddyog and BDERM, Dhaka).
- Another study in different localities across the country exposed the following situation of exclusion from basic amenities including housing:
 - Most Dalits (both from Hindu and Muslim background) live in *katcha* houses (i.e. houses made of bamboo, straw, mud, leaves etc.). Around 14% of Hindu Dalits and 8% of Muslim Dalits were found to live in semi-pacca housing (i.e. half of the structure is built with brick, sand, cement, concrete etc.). About 99% of Hindu Dalits live in cramped housing with only 1-2 rooms. The scenario with the Muslim Dalits is similar.
 - The survey also explored how the Dalits get access to drinking water in both urban and rural contexts. Among Hindu Dalits 44% got water from tube wells, 22% got water and sanitation services that were provided by government, and around 17% collected drinking water from ponds in the villages. In case of Muslim Dalits, 51% had access to tube wells as a source of drinking water. This means that most Dalit households do not have access to water and sanitation services provided by the government or

local authorities. They have to depend mostly on private tube wells, ponds, rain-water, rivers and other common sources.

- Hindu Dalits are seriously discriminated in the villages particularly with regard to the use of private ponds or other water resources. Sometimes they are treated badly by the non-Dalit villagers and are forced to stand waiting for hours before having the opportunity to fetch water. Especially peasant Dalits from both Hindu and Muslim religious communities suffer a lot with respect to collecting water from ponds, open lakes and rivers for the purposes of irrigation and cultivation. (Chowdhury, Iftekher Uddin. (2008). *Dokkhin Asiay Jati-Borno Boishommyo: Poriprekhit Bangladesh* (Caste-Based Discrimination in South Asia: Perspective Bangladesh). Chittagong: Centre for Social Research)
- Prohibitions on food involve in many instances restrictions on 'dining together' and on being served food cooked by a Dalit... They fall at the bottom of development statistics, with the majority of Dalits belonging to the poorest of the poor. Most of the Dalit households therefore also suffer from food deficiency." (IDSN. (2009). *Caste Based Discrimination in South Asia: Situational Overview, Responses and Ways Forward*. Copenhagen available at: http://idsn.org/fileadmin/user_folder/pdf/New_files/EU/EU_StudyWithAnnexes_Caste_Discrimination_June2009.pdf.)

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- BDERM has provided tube wells and sanitary latrines among Dalit households in Sylhet, Jessore, Dhaka and Narayanganj.
- Dalit, Paritran and FAIR are the organizations that have taken water and sanitation related interventions among the Dalit communities. In Khulna district, a social organization 'Dalit' is currently implementing water

and sanitation related project. The aim of the project is to provide sustainable and integrated water & sanitation support for Dalit communities in the rural areas and break the contamination cycle of unsanitary latrines contaminated water and unsafe hygiene practices. Main Activities under this project are : 1. Tube well repair and maintenance; 2. Deep tube well installation; 3. Toilet Set up and Repair; 4. Awareness raising activities with the Dalit community members living in 31 villages under Khulna, Dumuria, Keshobpur, Monirampur, Paikgachha and Tala upazilas in the southern parts of Bangladesh.

- BRERM is executing programmes with a focus on drinking water and sanitation in Moulovibazar, Jessore, Khulna and Barisal districts.

9. WIDER COMMUNITY RESPONSE

- In Narayanganj CCDO, a non-governmental organization has set up two deep tube wells in cooperation with City Corporation there for Dalits.
- GMBK (Gram Bikash Kendro), an NGO that works in the northern part of the country, gives some support for improving living conditions of Dalits.
- The Bangladesh WASH Alliance (BWA) is a consortium of fourteen Bangladeshi NGOs, who started their journey as an alliance organization in 2011 with 9 members, to work with local NGOs and governments on sustainable WASH projects. Its mission is to empower people by building and strengthening an enabling environment for sustainable WASH solutions for marginalized people in Bangladesh. Dalit centric development organization Dalit is a member organization of this alliance. The community led approaches in the ASWASH program by Dalit helps the community to understand the necessity of integrating safe water, sanitation and hygiene practices. Aligned with the Millennium Development Goal 7, development organizations, WaSH activists, professional groups have taken

many initiatives to improve the WaSH status of the country. Bangladesh WaSH Alliance (www.washbd.org) composed of 14 members is working to strengthen the capacity, community ownership and community involvement. Besides, BRAC, the secretariat of CSA for SUN, BD is implementing one of the largest WaSH programmes (www.wash.brac.net) to increase accessibility to safe drinking water and proper sanitation through capacity development, community participation and spreading hygiene specific and sensitive messages across community people. In addition, general committee members of CSA for SUN, BD, WaterAID (www.wateraid.org) and Rangpur Dinajpur Rural Service (RDRS) (<http://www.rdrsbangla.net/Page.php?pagelD=MjI0NTUz>) are also working both at field and policy levels to increase accessibility to safe drinking water and proper sanitation and advocating to the government to improve its WaSH specific services.

sanitation, land, irrigation and social infrastructure proportionately and without discrimination.

- Implement laws and undertake specific campaigns to prevent, prohibit and eliminate practices of segregation and discrimination directed against Dalits, including in housing, food and drinking water provisioning.
- Take strict legal measures against the discriminatory practices of local authorities or private owners with regard to Dalits' residence and access to adequate housing, and against anyone who discriminates against Dalits in relation to access to food or water.

10. RECOMMENDATIONS

- Establish access to adequate housing, food, water and sanitation as legal entitlements for Dalits, providing a basis for individuals and groups to hold the government and other stakeholders accountable for realizing their rights.
- Prioritise access to basic food, water, and sanitation and housing services for the most marginalised groups of people, specifying Dalits as one of these groups, in all relevant water / housing / food / sanitation policies.
- Assess the severity of the problems in Dalit colonies across the country and, accordingly, develop a time-bound plan of action to ensure that adequate and discrimination-free housing, water, food and sanitation facilities are provided to all Dalit households. Dalit communities should be allowed to participate in the evolution of this plan of action.
- Ensure that all infrastructure programmes supported by the government facilitate Dalit communities to access water, food,

GUIDELINE 43 : ADEQUATE LIVELIHOOD RESOURCES (LAND)

National governments and local authorities should ensure affected communities due entitlement to land and protect against forced eviction.

THE COUNTRY CONTEXT

Bangladesh is the most densely populated country in the world where ownership of a piece of land is one of most coveted dreams of many people. The colonial administrative legacy, deeply rooted social stratification, economic inequalities, the failure of land reform efforts and unconcerned public policies have contributed to prevalence of landlessness in the country.

Dalit communities in the country have never been in good position in terms of ownership of land and property. Many Dalit communities such as urban sweepers and tea garden workers were brought in by the colonial rulers in the past with a purpose of making use of their cheap labour. These people were never allowed to become part of mainstream population of the country. They had to instead settle in earmarked colonies and settlements. They were never presented with the opportunity to buy in a piece of land, or even to be the owner of their ancestral homesteads. Moreover, from time to time the government has implemented programmes for distributing *khas land* (government-owned land) to the extreme poor. However, as reported by Dalit leaders and Dalit elders, Dalits never received these allocations of land though they are among the most deserving groups of citizens.

Some of the communities living in the rural areas over time have got ownership of small parcels of land. However, in recent times these Dalit are being forcibly evicted from their land. Particularly in northern districts of the country, powerful non-Dalits have become active in grabbing land from relatively powerless communities such as Dalits.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

The government of Bangladesh and its Local Government Institutions need to take specific legal, policy, programmatic and budgetary measures to ensure equal access, non-discrimination, freedom to exercise right, and security of life for Dalits in respect of:

- *Entitlement to land*: to be entitled to own land, either individually or jointly with others; landless Dalits to be granted adequate land title in order to have a decent livelihood in rural areas; to be entitled to have ownership of the government lands or tea garden lands on which Dalits have lived for a number of years; to get allocations of *khas land*; to be allowed to freely buy in, sell out and enjoy use of the land.
- *Protection against forced eviction*: to be entitled to police and/or administrative protection against the temporary or permanent removal against one's will from one's house, land or ancestral colonies without the provision of proper rehabilitation, or access to appropriate forms of legal or other protection; to be treated equally before the law in the event of a case of forced eviction.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of their property. (*Article 17 UDHR*)

- The State shall take all appropriate measures to eliminate discrimination against women in rural areas, in particular, by ensuring that women enjoy equal treatment in land and agrarian reform as well as in land resettlement schemes. (*Article 14(g) CEDAW*)
- The State should undertake all necessary measures for the realisation of the right to development and ensure, inter alia, equality of opportunity for all in their access to basic resources (such as land)... (*Article 8(1) Declaration on the Right to Development*)
- States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial [caste] groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. (*Article 2(2) ICERD*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

No recommendations or reference to the land right of Dalits in Bangladesh has been made to date.

4. NATIONAL STANDARDS AND MECHANISMS

- Subject to any restrictions imposed by law, every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property, and no property shall be compulsorily acquired, nationalized or requisitioned save by authority of law. (*Article 42(1) Constitution of Bangladesh*)
- The Vested Property Act 1965 (then Enemy Property Act) made ownership of land by Hindu minorities in the country, which includes many Dalits, further complicated. It gave the government the right to administer land formerly known as “enemy property”, which was confiscated from Hindus after the formation of East Pakistan (present day Bangladesh) in 1947. This Act was

repealed in 2001 and now the Vested Properties Return Act 2001 is in force, under which Hindus can seek the return of land confiscated from them by the government or by individuals.

- The government shall endeavour to prepare land with physical infrastructure and urban facilities so that the poor sections of the population are benefited. All the modern and appropriate amenities should be made available in land thus prepared. For every region/ area there should be separate development plan. (*National Housing Policy, 2008*)
- There are two major governmental policies for the distribution of Khas land in Bangladesh: Distribution of Agricultural Khas land policy 1987 and Policy for Distribution and Administration of Non-Agricultural Khas Land 1995. There is also the Khas Land settlement Policy 1997 and the National Land use policy 2001. This allows of transfers of agricultural land to landless poor. Agricultural khas land is transfer by “Kaboliat Registry” in the name of husband and wife or son and mother.
- There is also a non-agricultural Khas land Policy for land in metropolitan areas. This land can be distributed among poor families in limited circumstances, if they have become destitute by natural disaster or any family legally resettled by the government.
- In the Sixth Five-Year Plan, the main goal of the government’s land use policy and management stated to be to ensure best possible use of land resources and delivery of land related services to the people through modernized and efficient land administration for sustainable development with accelerated poverty reduction. [...] The Government will modify and simplify all land-related laws, which should remove many of the land related disputes. Planned use of land according to Land Zoning Maps prepared on the basis of present and potential land uses

will be ensured through enforcement of the provisions of relevant laws. No mention is made about ensuring landless Dalits' access to land. (*Strategy 7.7, Sixth Five-Year Plan*)

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

No recommendation as regards Dalit ownership of land and other natural resources has yet been made by any official or government agency.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

Since no substantial measure has yet been taken to ensure Dalits' land ownership or to ensure their entitlement to *khas* land, there is no scope to review status of implementation.

7. GAPS IN THE MEASURES

Gaps in Law and Policy:

- Despite a constitutional pledge to build an inclusive nation, social exclusion when it comes to land is entrenched as far as Dalits are concerned. The recently repealed Vested Property Act made a huge contribution towards the formation of a structured system of deprivation for the country's minorities. Implementation of the Vested Properties Return Act 2002 has been slow. Without any specific legal or policy measures to promote land entitlements among Dalits, they have so far not benefitted from any of the general government land measures.
- The current rules make it virtually impossible for Dalits to get share of government allocations and schemes in relation to land distribution and rural housing. One main reason is that Dalits or their ancestors are not peasants, connected to agrarian professions. This is an issue that needs to be clearly identified, talked about and then resolved. Even if Dalits were not connected to agrarian professions in many cases, they deserve to have minimum level of land ownership as they are amongst the most vulnerable groups of people in the country.

Situation in the Absence of Specific Measures:

Prevalent trend of landlessness:

- A baseline survey among Dalits living in the south-western district of Satkhira found that out of 204 Dalit respondents, most (194 or 95.1%) own their homestead land. However, over half of the respondents do not have any cultivable land of their own. Only 42.16% own cultivable land. This indicates that most Dalits are dependent on the market for purchase of staple food. Moreover, over the years Dalit households have failed to buy in or receive allocations of agricultural land. This failure or inability works as one of the main reasons for their current poor situation. (Parittran (2009). Baseline Survey of Dalit Community. Retrieved June 2014 from: http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Baseline_Survey_On_Dalits_Community_2009__2_.pdf, p. 21)

Dalit Bedes are gypsies who live on boats. They cannot claim a right to land and are deprived of the right to vote, because they have no settled address. Each community lives in a segregated area, but without the security of tenure over land (Begum, Suraiya (2006) 'Rights of the Socially Excluded' in *Yearly Human Rights Report 2006*. Ain o Salish Kendra: Dhaka. Available at: <http://www.askbd.org/Hr06/Socially%20Excluded.htm>).

- A study among different Dalit Hindu and Muslim communities found that Dalits in different parts of the country, in most of the cases, do not have ownership of land. They are overwhelmingly landless and dependent on government and other people's land. Many of them live gypsy-like life and are based on government-owned land near railway station or roads and highway or government offices. They also live on vacant private land during non-harvesting period. (Chowdhury, Iftakher Uddin. (2008). *Dokkhin Asiy Jati-Borno Boishommyo: Poriprekhit Bangladesh* (Caste-Based Discrimination in South Asia: Perspective Bangladesh). Chittagong: Centre for Social Research)
- Another study has found the following regarding the absence of Dalit land rights:

- In most cases Dalits live in 'ancestral houses' that they have not acquired or bought themselves. 60% of the respondents have said that they are not the 'owner' of their house. In fact, ownerships of land or property is very rare among these people. Their ancestors got allocation or built houses on the land owned by government and non-government agencies and they have continued to live there. This 'non-ownership' of land and property put them under continuous threat of eviction and replacement.
- Many of the Dalits are 'landless' and they make their housing arrangement on the land that is basically of private ownership or is owned by the government.
- The main constraint on land ownership is not financial inability. 53.3% of respondents have said that they face 'complex situation' while trying to buy in land. Meanwhile, 42% of respondents said that they would be able to buy land if they could acquire adequate finances.
- 30% of respondents said that they would not be able to buy land from other non-Dalits, even if they have the financial ability to do so, only because of their caste identity.
- Tea garden workers are essentially landless. However, none of the labourers have ever been allocated any government *khas* land even though they are 'extreme poor' (Parvez, Altaf and Mazharul Islam, (2013), *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprisshota* (Dalits in Bangladesh: Discrimination, Exclusion and Untouchability) Nagorik Uddyog and BDERM, Dhaka).
- **Poor quality of land allotted:**
 - The Municipalities in many cases have allotted land to sweepers, but the physical conditions are extremely unhygienic. Even if some families can afford to buy land they are not able to move outside their own community environs (Begum, Suraiya (2006)

'Rights of the Socially Excluded' in *Yearly Human Rights Report 2006*. Ain o Salish Kendra: Dhaka. Available at: <http://www.askbd.org/Hr06/Socially%20Excluded.htm>.

Forced Evictions:

- A baseline survey among Dalits living in the south-western district of Satkhira found that 40.2% of the 204 Dalit respondents have had the experience of being evicted or thrown out of the land that they once had access to. Out of 82 respondents, more than half (57.32%) were evicted by the influential (non-Dalit) persons of the area, whereas 33.93% were evicted by their relatives. Furthermore, 3.66% of the respondents were forced off land by the government.
- Many of the Dalit respondents have tried to get back or recapture the land that they were forced out from. Out of 52 such efforts, only 9.62% of efforts were successful in regaining land. (Parittran. (2009). Baseline Survey of Dalit Community. Retrieved June 2014 from: http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Baseline_Survey_On_Dalits_Community_2009__2_.pdf, p.25)

Example of Forced Eviction

An influential dominant caste Hindu family pressurized the (Dalit) Robidas community of Faridpur sadar district to vacate land by claiming that they were the original owners of the land. The Robidas community had been residing for more than 40 years on that land. BDERM leaders, along with one Dalit Human Rights Defender, conducted a fact finding at Faridpur on 8 July 2013. They talked with the Robidas community as well as with alleged owner of the land. The Robidas community could not provide any legal documents against their claim to owning the land. While discussing with the alleged dominant caste owner of the land, he stated that his ancestor verbally gave permission to this Robidas community to reside on this land and now they are in extreme need of the land. He also informed that he had proposed to resettle the Dalits at another place of Faridpur sadar town but they denied to go there. He also informed if the community would not leave his land, he would take legal steps. Meanwhile, with the support of BDERM, the Robidas community filed two cases. One is against the land owner for land grabbing and the other is against the state. Now, the Robidas community is living in same place after having obtained a court decree of perpetual injunction against the eviction.

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Different Dalit communities have registered their resistance against incidences of land grabbing and eviction. They have come out to the streets and organized processions and meetings on different occasions.
- Organizations like BDERM, Harijan Oikko Parishad, Dalit and Paritran have become active in recent time to organize a resistance movement in relation to events of land grabbing and unlawful evictions.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Whereas in the past issues of Dalits landlessness as well as events of eviction would go unnoticed, in recent times the national and local newspapers have started to take note of these incidents and to cover such news. While no NGO currently is working specifically to secure land rights for Dalits, there are few NGOs working on land rights of poor and excluded communities.

10. RECOMMENDATIONS

- A national survey should be undertaken to identify which social groups have access to land and which do not. Based on this survey, targeted land allocations *khas* lands can be made of in order to ensure the prioritising of land entitlement grants to landless groups such as Dalits. The land title should be granted in women's names, or as joint title. Moreover, all lands allotted to Dalits should be non-transferable under any circumstances to non-Dalits.
- All Dalits without title to their 'ancestral' homestead land should be identified and a process started to grant them title. The land title should be granted in Dalit women's names, or as joint title.
- The state should ensure security of tenure to Dalits through creating supportive legal structures (such as Special Land Tribunals or Fast Track Courts) at the local level for deciding land disputes between Dalits and others, and for those Dalits who have their lands encroached upon by non-Dalits or face long delays in acquiring land title.

GUIDELINE 46 : EDUCATION

National and local governments should take all necessary measures to ensure equal access to free quality primary and secondary education for children from effected communities, as well as equal opportunity to receive tertiary education. Effective special measures should be enacted for affected communities in admissions to public and private higher education institutes.

THE COUNTRY CONTEXT

Both literacy and quality education are among the very basic concerns that Bangladesh has to deal with. Though primary education has been made compulsory, school enrollment has not reached a satisfactory level yet. This is especially the case for Dalit children. Likewise, the school dropout rate is very high among Dalit children. Only a few Dalit boys and girls continue their education beyond primary school. One of the significant causes for the low admission and high dropout rate among Dalit children is caste discrimination in admission to schools. Some Dalit parents are actively discouraged by teachers from sending their children to school. Dalit students are denied anything from scholarships to selection for sport teams and are, in many cases, teased by teachers and non-Dalit students. Bullying is a particular problem for Muslim Dalits who meet more non-Dalits at school than Hindu Dalits do. Moreover, Dalits are not encouraged to become teachers themselves. In this situation, many Dalits do not go on to enter, let alone complete, higher education. This thereby severely limits their employment opportunities and contributes to their continued lower development levels.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

In fulfilment of this guideline, government of Bangladesh should take specific legal, policy, programmatic, and budgetary measures to ensure equal access, non-discrimination, freedom to exercise right, and security of life for Dalits in respect of:

- *Equal access to primary and secondary*

education that is free and is of quality: to be entitled to free education; to have schools with adequate infrastructure facilities; to have teachers regularly attend classes and teach; to be taught using teaching methods that support children to critically reason and address different learning needs; to be free from discrimination in schools

- *Equal opportunity to receive tertiary (higher) education:* to be entitled to special coaching classes to support entry into tertiary education; to have access to educational and vocational information and guidance; to be able to access scholarships for tertiary education; to have access to hostel facilities; to have counsellors in tertiary education institutions to give advice and support in dealing with tertiary education; to be free from discrimination in tertiary education institutions
- *Admissions to public and private higher educational institutions:* to be entitled to affirmative action in order to access government and private higher education institutions.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- The States Parties recognize that, with a view to achieving the full realization of the right to education, that primary education shall be compulsory and available free to all. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate

means, and in particular by the progressive introduction of free education. Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education (*Article 13 ICESCR*)

- Every child has the right to education and states parties shall make primary education free and compulsory for all; develop different forms of secondary education, including general and vocational education, and make them available and accessible to every child, including financially accessible; make tertiary education accessible to all on the basis of capacity by every appropriate means; encourage regular attendance at schools and the reduction of dropouts. (*Article 28 CRC*)
- State Parties undertake to prohibit and to eliminate racial (caste) discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notable in the enjoyment of... the right of education and training. (*Article 5(e)(v) ICERD*)
- States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women. (*Article 10 CEDAW*)
- States parties shall eliminate discrimination in education that has the purpose or effect of nullifying or impairing equality of treatment in education and in particular (a) depriving any person/s of access to education; (b) limiting any person/s to education of an inferior standard; (c) maintaining separate educational systems or institutions for persons (subject to Article 2); or (d) inflicting on any person/s conditions which are incompatible with human dignity. (*Articles 1 & 3 UNESCO Convention against Discrimination in Education 1960*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- States should adopt special measures in favour of descent-based communities in order to ensure their enjoyment of human rights and fundamental freedoms, in particular concerning access to... education; combating multiple discriminations faced by Dalit women in the area of education; preventing, prohibiting and eliminating practices of segregation in education. (CERD. (2002). *General Recommendation 29: Decent-based Discrimination*, paras 6, 12 & 15)
- The UNESCO *Salamanca Declaration and Salamanca Framework for Action 1994* emphasized that schools should accommodate all children regardless of their physical, intellectual, emotional, social, linguistic or other conditions. (*Article 3:6*)
- Goal 2 of the Millennium Development Goals state that governments will 'ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.'
- The principle of non-discrimination should be fully and vigorously applied by the Bangladesh State 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 Bangladesh State 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. (CRC. (2009). *Concluding Observations on Bangladesh State report*. UN Doc. CRC/C/BGD/CO/4, para. 33)

4. NATIONAL STANDARDS AND MECHANISMS

Constitutional and Legal provisions:

- No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institute. (*Article 28 (3) Constitution of Bangladesh*)
- The State shall adopt effective measures for the purpose of establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law. (*Article 17(a) Constitution of Bangladesh*)
- The Primary Education (Compulsory) Act 1990 made the five-year primary education free in all primary schools. It committed the government to ensure that no child shall be deprived of education for lack of teacher, learning materials and adequate space; and no child shall be subject to disparities of access to primary education arising from gender, income, family, cultural or ethnic differences and geographic remoteness.⁵

Policy provisions:

- The National Education Policy 2010 mentions that special provisions like free admission, free education materials, free lunch at schools and stipends will be arranged to attract and retain these street and extremely marginalized children in schools. Effective measures will be taken for their safe protection within the schools as well. (*Article 24(2)*)
- The National Education Policy 2010 also states that existing discrimination will be minimized by phases. To meet this end, special programmes will be undertaken to extend special assistance to the schools in the rural and backward areas so that the situation gets improved within some years. (*Article 25(2)*)

- Appropriate facilities similar to the steps noted in the primary education section will be provided to ensure equal opportunities for the students who suffer from some limitations in accessing secondary education. Regional discrimination will be dealt with accordingly. (*Article 9, Section 4 National Education Policy 2010*)
- Measures will be taken to provide residential facilities, special help and scholarships for the children of freedom fighters, of small ethnic communities and socially backward groups for their higher education. (*Article 2, Section 8 National Education Policy 2010*)

Programmatic provisions:

- Dhaka University for the first time introduced quota system for Harijan and Dalit students in 2013 [The Daily Prothom-Alo, 13 September, 2013, p.27. Retrieved July, 2014 from: <http://epaper.prothom-alo.com/index.php?opt=view&page=27&date=2013-09-13>]. However, the circular of Dhaka University didn't clarify how many Dalit students could get admission under the quota system. On the other hand, due to frequent advocacy initiative by BDERM, Jahangirnagar University has taken special 'affirmative action' for Dalit students and three students have taken admission under the action in 2013-14 academic year.

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

No official recommendations have been made with regards to Dalits and access to education so far. But on 9 February, 2014, the Additional District Commissioner (LA) stated in a seminar organized by Nagorik Uddyog that "Education for Dalits is not an opportunity, it is their rights. And rights are to be claimed. The efforts should be ongoing unless the rights are achieved. The governments should be forced to provide the recognition. We must keep forcing until our rights are achieved."

⁵ See Monzoor, Shahorin and Dewan Muhammad Humayun Kabir. (2008). *Primary Education in Bangladesh: Streams, Disparities and Pathways for Unified System*. Dhaka: Unnayan Onneshan - the Innovators.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

There have been many programmes and policies that aimed to achieve 'universal' access to primary education and to make higher levels of education more accessible and equitable. However, none of the government initiatives have had a specific focus on improving the literacy and educational levels of Dalits or countering the caste discrimination they face in schools. Therefore, universal access is still a long way off as far as this community is concerned. The implementation of even general educational measures to the benefit of Dalit students is not known in the absence of educational data that is disaggregated by social group.

One Dalit student got admission into Dhaka University under Dalit quota in 2013-14. It is worthwhile to mention that Dhaka University formally introduced quota system for the Harijan and Dalit students in 2013-14. On the other hand, due to frequent advocacy initiative by BDERM, Jahangirnagar University has taken special 'affirmative action' for Dalit students and three students have taken admission there under the action in 2013-14 academic year. In academic year 2014-15, university of Dhaka, Jahangirnagar University, Patuakhali University of Science and Technology, Islamic University, Kushtia, Ser-e-Bangla Agricultural University has introduced quota system for the Dalit students. Jagannath University has not formally introduced quota system yet but assured to consider of the admission of the Dalit students if they pass in the admission test.

7. GAPS IN THE MEASURES

Gaps in laws and policies:

- The Bangladesh Constitution does not recognize education as a 'fundamental human right'. Hence, the state is not obligated to protect and fulfill the right to education for its citizens. Moreover, there is no basic law for education in line with the fundamental principles and objectives enshrined in the Bangladesh Constitution. The Primary Education (Compulsory) Act

1990 deals more with the mechanisms to ensure compulsory education, but not on issues of equity, non-discriminatory access and quality of education.

- Education programmes and policies to date talk about access and equity and refer to the backwardness of 'tribal' people and of women and poorer section of the population. No specific mention is made of Dalit communities, nor special provisions made to ensure their educational development on par with the rest of the country's population. Moreover, no specific disaggregated data is provided on the literacy and educational status of Dalit male and female populations in the country.
- Article 5(1) of the draft Education Law 2013 mentions that primary education will be recognized as a right for every child. This, however, does not actually ensure that the state will be accountable for the fulfillment of the education rights of all children. Moreover, the proposed law does not clearly define the duties, responsibilities and obligations of different parties like the state and government, local government, school authorities, parents, learners, teachers and communities. Therefore, the law needs to clearly define the right to free and compulsory education where there will be no charges, direct or indirect, for pre-primary and primary education. Education must gradually be made free at all levels. Moreover, non-discrimination provisions must be clearly built into this law.

Situation in the Absence of Specific Measures:

- In terms of the status of education, most Dalits have no formal education. According to one study, 64% of Hindu Dalits and 61% of Muslim Dalits have no education at all. Most Dalit children do not complete formal education, with the majority attending for only one or two years. School enrolment rates are as low as 10%, with dropout rates of those that did attend school at around 95% (s compared to national enrolment rates of 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.

Over 80% of Dalits surveyed experienced discrimination in admission to schools, with some Dalit parents being actively discouraged by teachers from enrolling their children. Further, 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.

- Dalit children/youth 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 after graduation 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 from looking for alternatives or changes to their traditional occupations (Chowdhury, Iftekhar Uddin. (2008). *Dokkhin Asiay Jati-Borno Boishommyo: Poriprekhit Bangladesh (Caste Based Discrimination in South Asia: Perspective Bangladesh)*. Chittagong: Centre for Social Research)
- Children from socially excluded communities, particularly from the Dalit sweeper and *Rishi* community are usually not allowed into schools. Even after the introduction of compulsory primary education some have been admitted, but they are treated differently; for example, they are made to sit in the back of the classroom, away from other students. As a result, in Tala thana, Satkhira district, only one *Rishi* child has succeeded in passing the HSC examination. The elders in the community are themselves not eager to send their children to school because they are afraid that they would be treated badly and also because they do not see the opportunity cost of education accruing to them. Many *Horijon* children

said they were afraid to go to school, as they felt isolated and were humiliated by both teachers and students. (Begum, Suraiya (2006) 'Rights of the Socially Excluded' in *Yearly Human Rights Report 2006*. Ain o Salish Kendra: Dhaka. Available at: <http://www.askbd.org/Hr06/Socially%20Excluded.htm>, Last Accessed 25 June, 2014].

- One description of the teasing and stigmatization that Dalit children of tea garden workers in Moulovibazar district experience is as follows:

There was some evidence that the Muslim boys sometimes tease junior boys from the tea gardens by addressing them as 'Bagani' or 'kuli' (labourer). [...] According to both the girls and the boys the teasing tendency is much less than it was in past. The head-teacher of one of the secondary schools in Moulovibazar is from the tea-garden community. He said:

"When I was admitted to the school as a student, many ethnic people, students and general people from out of school used to tease me by addressing me as 'Bagani' or 'kuli'. Though I always secured the first position in my class, I had to endure hearing those words. That attitude towards children from tea gardens still exists to some extent, although it has changed a lot in the course of time."

He gave another example of people's attitude towards the tea-garden community, saying:

"My daughter was a student of a primary school. When she got the scholarship from the talent pool in Class 5 last year, one of the parents went to the head-teacher of that school and asked him how a tea-garden girl could get the scholarship from the talent pool. The head-teacher and other teachers replied to the parent, 'Why not? Her father also got a scholarship long ago, in 1963, when he was a student. You see, the discrimination and stigmatizing

attitude is still there but in a more decent way.”

He thinks that because of the negative attitude some children from the tea gardens might stop going to school (anecdotal). Other teachers from the same school admitted:

“Tea-garden owners never want the labourers’ children to become educated, fearing they will face a crisis of labourers in the future. Many NGOs tried to help the labourers’ children to get educated. But they could never enter the garden because the garden owners did not allow them. The time has now changed. Labourers’ children now have the opportunity to study at a BRAC School.” (UNICEF. (2009). *Equity in School Water and Sanitation: Overcoming Exclusion and Discrimination in South Asia - Bangladesh Country Report*. Retrieved June 2014 from: http://www.unicef.org/rosa/WASH_Report_Bangladesh_%28Final_Version%29_10_Dec_09.pdf, p. 23)

- The rate of education among Dalits in sweepers’ colonies in Dhaka and Narayanganj is very low - though any reliable statistics are yet to be generated. The rate of Dalit children attending school is very low. Since no segregated national statistics is available, it is difficult to compare the literacy situation of the Dalits to that of majority Bengali people. The literacy scenario among Dalit women is similarly dismal. The educational prospects of the next generation are not bright either. Parents interviewed hold the view that boys and girls from new generation are not interested to go to school. Only a small number of Dalit children are now going to a local school which provides education in Telegu language. Only a few Dalit boys and girls carry on up to college level. Financial hardship has been identified as the major cause for their failure to pursue education. In many cases young boys and girls have to give priority to earning their living than to

attending school. Parents also prefer their children engaging in income generating works and assisting household earnings. There is a perception that they will not get good jobs even with education, especially girls. Thus the prospect of not getting any good job even after attending schools or colleges hold back both Dalit girls and boys seriously from pursuing education. (Islam, Farzana and Mohammad Nasir Uddin. (2009). ‘Intricate Tale of Social Exclusion: Dalit Women’s Experience of Caste, Class, Citizenship and Gender in Dhaka City’, *The Jahangirnagar Review*, Part II: Social Science, Vol. 32, pp. 15-32)

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Several Dalit organisations are working with Dalit communities for social recognition and access to educational opportunities. Organizations such as Friends Association for Integrated Revolution (FAIR) in Kushtia, Gram Bangla in Munshiganj and Savar, Gonogobeshona o Unnayan Foundation (GOUF) in Jessore, Udayonkur Sheba Sangshtha (USS) in Nilphamari, Poritran in Sathkhira, SEBA in Sayedpur, etc. have tried to lobby on their account. They have formed a network which publishes a quarterly newsletter, with write ups by members of their own communities. FAIR has started seven primary school centres in three Upazillas in Kushtia for *Horijon* children, in preparation for admission into the local Kindergarten School.
- Dhruva, a Khulna based Dalit led civil society organization in collaboration with an American organization ‘Speak Up’ has been providing scholarship support to Dalit girl students from 2012.
- BDERM is working in many areas by setting up schools for Dalit children to undergo non-formal education.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Only in recent time different organizations like Action Aid Bangladesh, Plan Bangladesh, Save the Children International, Manusher Jonno Foundation, Nagorik Uddyog have come forward to demand affirmative action for facilitating Dalit children's proper access to educational institutions and support and scholarships for them.
- Nagorik Uddyog, in collaboration with Jamil-Sarwar Trust, is providing scholarship to deserving Dalit students for both school and higher education.
- After the problems of the *Bedey* [Bede] community (river gypsies) were publicised in the media, initiatives were taken by the Government and by private groups to design alternative learning models. Mobile boat schools have been started for *Bedey* children, so that they are not deprived of education because of their nomadic life style. (Begum, Suraiya (2006) 'Rights of the Socially Excluded' in *Yearly Human Rights Report 2006*. Ain o Salish Kendra: Dhaka. Available at: <http://www.askbd.org/Hr06/Socially%20Excluded.htm>).

10. RECOMMENDATIONS

- Article 17 of the Constitution is one of the fundamental principles of state policy, which give the broader vision for the running of the state. These principles, however, cannot be judicially enforced. Hence, the Constitution needs to be amended to make education a 'fundamental human right'. This would oblige the state to protect and fulfill the right to education for all citizens, including Dalits.
- Terming primary education as child's right – which is done in the draft Education Law 2013 – does not actually ensure that the state will be accountable for the fulfillment of the education rights of all children. Therefore, the law needs to clearly define the right to free and compulsory education where there will be no charges, direct or indirect, for pre-primary and primary

education. One section should clearly deal with non-discrimination in access to and enjoyment of the right to education. The draft law should also contain a dedicated section on Dalit children's right to education. The draft education law 2013 requires to articulate specific clauses to particularly support the parents of those Dalit (and other excluded) children who suffer discrimination in receiving quality public education.

- Constitutional measures and specific legislation protecting Dalits from attacks, harassment and unlawful behaviour in relation to education and educational institutions should be enacted and effectively enforced.
- The government should include disaggregated gender and caste data on Dalit boys' and girls' education status – i.e. access, retention and learning outcomes.
- Legal initiatives need to be undertaken immediately to create a mandatory quota system for Dalits in all public and private educational institutes at the primary, secondary and tertiary education levels.
- The government, in collaboration with NGOs and the media, should initiate a national campaign to create awareness among Dalits and other marginalised communities regarding their right to non-discriminatory access to and enjoyment of education.
- The government should constitute an 'Equity Working Group' within the Education Ministry to continually devise and monitor targeted education schemes for Dalits. These schemes should be devised in consultation with Dalit communities and CSOs. Schemes would include scholarships allocated for Dalit children in order to encourage their schooling and higher education.
- The government should identify and develop activity-based modules to promote diversity, equity and social inclusion in classrooms and schools, and these should be included in teacher training modules. Time should be allocated within the school schedule for such processes and activities.

GUIDELINE 47 : EDUCATION

National and local governments should take effective measures to reduce dropout rates and increase enrolment rates among children of affected communities at all levels of public and private schooling, by providing scholarships or other financial subsidies, combating classroom segregation, harassment and discrimination against pupils of affected communities and ensuring non-discriminatory access to such schemes, including through provision of adequate equipment, staffing and quality of teaching in public schools, as well as adequate means of physical access to schools for children living in dominant caste neighbourhoods and armed conflict areas. Governments should take all necessary measures to remove obstacles, including child labour, which keep children from regular full time education. Governments should also pay particular attention to the need of providing adequate education to children and adults who are unable to read and write because of lack of formal education.

THE COUNTRY CONTEXT

In recent time, some positive trends have been noted in relation to Dalit children's school enrollment. However, even after enrollment in schools, the bigger challenge that these children experience is that due to a number of factors it becomes impossible for many of them to continue their studies. From the side of government, no effort is in place for addressing this issue of dropouts among Dalit children. In general, extreme poverty and pressure for engaging in income generating activities is the main reason for dropouts. However, the attitude and behaviour of teachers and co-students play a role in discouraging further study, as does any lack of support and motivation from the part of parents.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

In fulfilment of this guideline, the government of Bangladesh should take specific legal, policy, programmatic, and budgetary measures to ensure for Dalit children the following:

- *Reduction of dropout rates and increase in enrolment rates in government and private schools:* to devise specific schemes to encourage Dalit children to complete their education, including scholarships and

other financial subsidies; to encourage school committees and schools to engage with local Dalit communities to encourage their children to remain in schooling; to initiate a country-wide campaign to promote the right education with specific focus on targeting Dalit localities; to combat classroom segregation, harassment and discrimination against Dalit students; to ensure non-discriminatory access to different schemes.

- *Elimination of the constraining factors that keep Dalit children from regular full-time education:* to have special measures in place to address poverty, child labour and other obstacles among Dalit communities that combine to prevent Dalit children from completing regular, full-time education.
 - *Provision of adequate education to children and adults who are unable to read and write because of lack of formal education:* ensuring non-formal education and adult literacy classes are in place so that illiterate Dalits who are outside the formal school can gain basic literacy.
- ### 2. INTERNATIONAL STANDARDS AND MECHANISMS
- The States Parties recognize that, with a view to achieving the full realization of the right to education, that primary education

shall be compulsory and available free to all. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education. Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education. (*Article 13 ICESCR*)

- Every child has the right to education and states parties shall make primary education free and compulsory for all; develop different forms of secondary education, including general and vocational education, and make them available and accessible to every child, including financially accessible; encourage regular attendance at schools and the reduction of dropouts; make educational and vocational information and guidance available and accessible to all children. (*Article 28 CRC*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- States should adopt special measures in favour of descent-based communities in order to ensure their enjoyment of human rights and fundamental freedoms, in particular concerning access to... education; combating multiple discriminations faced by Dalit women in the area of education; preventing, prohibiting and eliminating practices of segregation in education. (CERD. (2002). *General Recommendation 29: Descent-based Discrimination*, paras 6, 12 & 15)
- In particular, states with descent-based communities (like Dalits) should ensure that public and private education systems do not exclude children on the basis of descent; reduce school dropout rates for all children, in particular for children from descent-affected communities and within that girls of these communities; combat discrimination

and harassment of student members of descent-affected communities. (CERD. (2002). *General Recommendation 29*, paras 44-46)

- States should take measures to address the special vulnerability of children of descent-based communities to exploitative child labour. (CERD. (2002). *General Recommendation 29: Descent Based Discrimination*, para 42)
- Governments should remove known barriers to the enrolment and retention in school of young and teenage girls belonging to all castes that are discriminated against. (Special Rapporteur on the Right to Education. (2006). *Girls' Right to Education*. UN Doc. E/CN.4/2006/45, paras. 80–85 and 140)
- The Bangladesh state should define strategic budget lines for children in disadvantaged groups or social situations that may require affirmative social measures (such as early childhood care and *basic education*) and ensure that those budgetary lines are protected even in situations of economic crises, natural disasters or other emergencies. (CRC. (2009). *Concluding Observations on Bangladesh State report*. UN Doc. CRC/C/BGD/CO/4, para. 21(d))

4. NATIONAL STANDARDS AND MECHANISMS

Constitutional and Legal provisions:

- The State shall adopt effective measures for the purpose of establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; developing education that is consistent with the needs of society and to create a citizenry, educated and motivated to fulfill those needs; and eliminating illiteracy within a timetable determined by law. (*Article 17 Constitution of Bangladesh*)
- The Primary Education (Compulsory) Act 1990 made the five-year primary education

free in all primary schools. It committed the government to ensure that no child shall be deprived of education for lack of teacher, learning materials and adequate space; and no child shall be subject to disparities of access to primary education arising from gender, income, family, cultural or ethnic differences and geographic remoteness.⁶

Policy provisions:

- The National Education Policy 2010 mentions that special provisions like free admission, free education materials, free lunch at schools and stipends will be arranged to attract and retain the street and extremely marginalized children in schools. Effective measures will be taken for their safe protection within the schools as well. (*Article 24(2)*)
- The National Education Policy 2010 also states that existing discrimination will be minimized by phases. To meet this end, special programmes will be undertaken to extend special assistance to the schools in the rural and backward areas so that the situation gets improved within some years. (*Article 25(2)*)
- Appropriate facilities similar to the steps noted in the primary education section will be provided to ensure equal opportunities for the students who suffer from some limitations in accessing secondary education. Regional discrimination will be dealt with accordingly. (*Article 9, Section 4 National Education Policy 2010*)

Programmatic provisions:

- The government has adopted intervention policies such as *food for education programme* and *stipend programme for primary education*. The children of all govt. primary schools in Bangladesh are given support under this programme.

- The government has also introduced primary education development program (PEDP-II) in the year 2000 with a view to increasing access, quality and efficiency across the board in the primary education sector. It aims to improve the quality of students' learning achievements while ensuring the Primary School Quality Level standard. PEDP-II is being implemented in all the 64 districts covering approximately 17.7 million children and 280,000 teachers in 61,000 schools (Retrieved July, 2014 from: http://www.unicef.org/bangladesh/Quality_Primary_Education_%28PEDP-II%29.pdf) Government education officials at different levels, SMC members and local communities will also be involved in PEDP-II activities.

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

No official recommendations have been made with regards to Dalits and access to education so far. But on 9 February, 2014, the Additional District Commissioner (LA) stated in a seminar organized by Nagorik Uddyog that "Education for Dalits is not an opportunity, it is their rights. And rights are to be claimed. The efforts should be ongoing unless the rights are achieved. The governments should be forced to provide the recognition. We must keep forcing until our rights are achieved."

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

Bangladesh is one of the signatories to the UN Millennium Declaration in 2000, and has committed to implement the MDGs roadmap by 2015. The government claims remarkable achievements in terms of net enrollment rate in primary education from 73.7% in 1992 to 87% in 2005 and primary education completion from 42.5% in 1992 to 83.3% in 2004. With its many programmes and policies to achieve 'universal access' to education, the idea of equity interventions, namely targeted interventions for Dalit communities, are absent. Therefore, in the absence of official disaggregated data on the status of education for Dalit boys and girls as well as specific targeted schemes, it is not possible

⁶ See Monzoor, Shahorin and Dewan Muhammad Humayun Kabir. (2008). *Primary Education in Bangladesh: Streams, Disparities and Pathways for Unified System*. Dhaka: Unnayan Onneshan - the Innovators.

to assess the status of implementation of any government measures.

7. GAPS IN THE MEASURES

Gaps in laws and policies:

Note that the same gaps identified in Guideline 46 apply here. No specific government measures have been devised to target the low enrolment rate and high dropout rate of Dalit children from school education.

Situation in the Absence of Specific Measures:

- In a recent study 63% of the respondents said that their children started to go to school but did not continue. School dropout occurs on account of two grounds. One group of students stops to go to school because of family's financial hardship. On the other hand, some parents force their children to engage in income generating works. (Parvez, Altaf and Mazharul Islam, (2013), *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprishota* (Dalits in Bangladesh: Discrimination, Exclusion and Untouchability) Nagorik Uddyog and BDERM, Dhaka).
- Several studies have noted that the harassment and maltreatment meted by teachers are among the reasons for which Dalit parents become discouraged to send their children to school. [Chowdhury, Iftekher Uddin. (2008). *Dokkhin Asiay Jati-Borno Boishommyo: Poriprekhit Bangladesh* (Caste Based Discrimination in South Asia: Perspective Bangladesh). Chittagong: Centre for Social Research; (Parvez, Altaf and Mazharul Islam, (2013), *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprishota* (Dalits in Bangladesh: Discrimination, Exclusion and Untouchability) Nagorik Uddyog and BDERM, Dhaka).
- In urban areas, particularly in case of those whose ancestors had once migrated from different parts of neighboring India, one major hindrance for Dalit children's education is the absence of adequate opportunity to have literacy and education in their mother language. (Parvez, Altaf and Mazharul Islam, (2013), *Bangladesher Dalit Somaj: Boishommyo, Bonchona O Osprishota* (Dalits in Bangladesh: Discrimination, Exclusion and Untouchability) Nagorik Uddyog and BDERM, Dhaka).
- Another main deterrent for Dalit children's education is the environment of their house. In almost all the cases the families live in a very tiny room which is full of chaos and commotion. It is not possible for the children to concentrate on their studies.
- Poverty and the unemployment of Dalit adults are major challenges for the continuing education of their children and the avoidance of child labour. The centralized monitoring and implementation efforts are inadequate to reach the informal sector, where child labour is prevalent.
- In Bangladesh there is no NGO or Governmental institute to provide any Scholarship for Dalit students, except the very recent initiative of Nagorik Uddyog and Dalit lead organization BDERM. BDERM provides scholarships to poor Dalit students through the Dalit Education Trust (DET) and are working for the welfare of Dalit students. Dalit Education Trust has been taken a scholarship programme from January, 2012 for Dalit students with the support of Jamil-Sarwar Trust. 40 (forty) Dalit students get this scholarship facility in present. Every student gets 1,000/- (One Thousand taka) in each month in addition to 3,000/- (Three Thousand taka) in a year to buy educational materials (Retrieved July, 2014 from: <http://www.bderm.org/node/6>)
- Uddyog Education Center: Dalit community children do not get proper education facilities as they are living excluded. There are very few schools in Dalit colony and tea garden areas. BDERM has been running 10 Uddyog Education Center (informal schools) in Dhaka, Moulovibazar (Sreemongal and Komolgonj Upazila), Barisal and Bhola districts from January 2012. About 300 Dalit students are studying in these schools (Retrieved July, 2014 from: <http://www.bderm.org/node/6>)

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Several Dalit organisations are working with Dalit communities for social recognition and access to educational opportunities. Organizations such as Friends Association for Integrated Revolution (FAIR) in Kushtia, Gram Bangla in Munshiganj and Savar, Gonogobeshona o Unnayan Foundation (GOUF) in Jessore, Udayonkur Sheba Sangshtha (USS) in Nilphamari, Poritran in Sathkhira, SEBA in Sayedpur, etc. have tried to lobby on their account. They have formed a network which publishes a quarterly newsletter, with write ups by members of their own communities. FAIR has started seven primary school centres in three Upazillas in Kushtia for *Horijon* children, in preparation for admission into the local Kindergarten School.
- BDERM is working in many areas by setting up schools for Dalit children to undergo non-formal education.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Only in recent time different organizations like Action Aid Bangladesh, Plan Bangladesh, Save the Children International, Manusher Jonno Foundation, Nagorik Uddyog have come forward to demand affirmative action for facilitating Dalit children's proper access to educational institutions and support and scholarships for them.
- Nagorik Uddyog, in collaboration with Jamil-Sarwar Trust, is providing scholarship to deserving Dalit students for both school and higher education.
- After the problems of the *Bedey* [Bede] community ('water gypsies') were publicised in the media, initiatives were taken by the Government and by private groups to design alternative learning models. Mobile boat schools have been started for *Bedey* children, so that they are not deprived of education because of their nomadic life style. (Begum, Suraiya (2006) 'Rights of the Socially Excluded' in *Yearly Human Rights Report*

2006. Ain o Salish Kendra: Dhaka. Available at: <http://www.askbd.org/Hr06/Socially%20Excluded.htm>).

10. RECOMMENDATIONS

- The government should include disaggregated gender and caste data on Dalit boys' and girls' education status – i.e. access, retention and learning outcomes – so as to enable the monitoring of Dalit enrolment and dropout rates as well as rates of completion of school education.
- The government should constitute an 'Equity Working Group' within the Education Ministry to continually devise and monitor targeted education schemes for Dalits. These schemes should be devised in consultation with Dalit communities and CSOs. Schemes would include scholarships allocated for Dalit children in order to encourage their school education.
- Education measures for Dalits have to be planned in conjunction with anti-poverty measures and those to eradicate child labour. Since poverty has been the main challenge for effective abolition of child labour, technical assistance for the overall socio-economic development of Dalits is crucial. As an initial step, district officials should identify endemic areas that supply child labour from Dalit families as priority areas for measures to eradicate child labour, as well as bridge schools for Dalit children to enter/re-enter into the school education system.
- Guidelines on non-discrimination in education should be issued to all schools, and teachers and school management trained on tackling non-discrimination, and promoting equity and inclusion in schools.
- The government, in collaboration with NGOs and the media, should initiate a national campaign to create awareness among Dalits and other marginalised communities regarding their right to non-discriminatory access to and enjoyment of education.

GUIDELINE 49 : PUBLIC AWARENESS RAISING AND ELIMINATION OF DISCRIMINATORY CUSTOMS

National and local governments should take specific measures to raise awareness both among the public and among government officials, teachers, and media practitioners on discrimination based on work and descent, such as through internal training and public campaigns. Areas of attention should include not only the print and broadcasting media but also alternative avenues of information dissemination, such as local oral information through theatre, songs, etc. as well as information via internet.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

In fulfilment of this guideline, the Government of Bangladesh should take specific programmatic measures to ensure awareness on caste-based discrimination among (i) the public, (ii) government officials, (iii) teachers, and (iv) media persons through:

- Internal trainings;
- public campaigns;
- All mediums of information dissemination such as via print and broadcasting media, as well as oral information (theatre/songs, internet).

2. INTERNATIONAL STANDARDS AND MECHANISMS

- States have a duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary (...) to ensure that all persons (...) are able to enjoy all those rights and freedoms in practice. *(Article 2 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms)*
- States should adopt immediate and effective measures, particularly in the

fields of (...) culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating this Convention. *(Article 7 ICERD)*

- With a view to promoting human rights and to countering racialism, the mass media should contribute to promoting human rights, in particular by giving expression to oppressed peoples who struggle against all forms of racial discrimination and oppression and who are unable to make their voices heard within their own territories. *(Article 2(3) Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War)*
- The mass media has an essential part to play in the education of young people in a spirit of peace, justice, freedom, mutual respect and understanding, in order to promote human rights, equality of rights as between all human beings, and economic and social progress. *(Article 4 Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International*

Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War)

- The first International Congress on the Teaching of Human Rights, held at Vienna in 1978, stated that “human rights education must aim at fostering the attitudes of tolerance, respect and goodwill towards fellow human beings”, and that teaching about human rights is a continuing process and shall embrace all levels of the educational system—from primary school to university level, to professional education as well as out-of-school or university settings.

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- State parties should take measures against any dissemination of ideas of caste superiority and inferiority or which attempt to justify violence, hatred or discrimination against descent-based communities; take strict measures against any incitement to discrimination or violence against the communities, including through the Internet; take measures to raise awareness among media professionals of the nature and incidence of descent-based discrimination. (CERD. (2002). *General Recommendation 29: Descent Based Discrimination*, paras 18-20)
- State parties should take necessary measures in cooperation with civil society to educate the population as a whole in a spirit of non-discrimination and respect for the communities subject to descent-based discrimination. (CERD. (2002). *General Recommendation 29*, para. 47)
- The Committee encourages the Bangladesh State to continue to take steps to strengthen awareness about human rights in general, and the Convention in particular, through education. It further recommends that the State party undertake training in the provisions of the Convention in the training programmes of law enforcement officials. (CERD. (2001). *Concluding Observations on Bangladesh State Report*. UN Doc. CERD/C/304/Add.118)

4. NATIONAL STANDARDS AND MECHANISMS

- The National Human Rights Commission has a “committee for Dalits and other marginalized groups”. Under the committee, NHRC organizes programmes to promote human rights of the said groups. Recently, in 30 January 2014, this committee, in collaboration with BDERM and Nagorik Uddyog, organized a national seminar on “CEDAW and Dalit Women”. NHRC urged for the provision of special support for the development of Dalit women in the seminar.
- National Human Rights Commission Chairman Prof Mizanur Rahman underscored the need for a law to prevent discrimination against underprivileged people in the country, particularly the Dalit community. ‘They remain victims of many kinds of discrimination despite the government initiative to enact a law to protect their rights’, he said. Rahman made the comments at two separate workshops held 4th August 2012 on the Universal Periodic Review (UPR). NHRC organized both the workshops, one titled “UPR and Progress in Achieving Rights of Destitute, Helpless and Underprivileged People of Bangladesh” and the other “UPR: Follow Up on the Recommendations on Women Rights and Bangladesh Compliance with CEDAW”. The NHRC Chairman said that many Dalits are still treated as lesser humans, and that this attitude has to be changed through the establishment of a humanitarian, equal and justice based society. After the workshops, Dr Mizanur Rahman told The Daily Star that many countries have separate laws to ensure equal rights for the Dalit community, but there is no such law in Bangladesh. His office - which has received demands from different classes of citizens for a law to protect the rights of the Dalit community - will make recommendations to the government. (The Daily Star, Sunday, August 5, 2012. Retrieved July, 2014 from: (<http://archive.thedailystar.net/newDesign/news-details.php?nid=244877>).
- The National Human Rights Commission and Law Commission are working towards a law against discrimination, which would include the issue of non-discrimination on the basis of caste. This issue has got media coverage

and has thereby created a level of awareness among the media and the wider Bangladeshi society on the existence and seriousness of caste discrimination.

- In Bangladesh there are no specific measures yet by the government or any of its agencies to raise awareness as regards caste discrimination among the public or officials.

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

Government bodies or agencies have not produced any specific recommendations with respect to the raising of public awareness on the issue of caste discrimination at the national level.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

Since there has not been any particular measure to raise public awareness about discrimination based on work and descent, there is no question of evaluating the status of implementation.

7. GAPS IN THE MEASURES

- In Bangladesh, both state and wider society have remained alarmingly silent about the plight of marginalised population groups such as Dalits. The greater society and state machinery have not paid much heed to the voices that have surfaced at times. Hence, there has been no move at the government level to raise awareness on the situation of Dalits and their right to non-discrimination on the basis of caste.
- Though the state has made periodic submissions to the UN as regards its implementation of different treaties, it has not taken measures particularly to operationalize the directives of CERD as regards widespread sensitisation on non-discrimination based on caste.
- The spirit of CERD Recommendation XXIX is yet to resonate in Bangladesh's legal and policy regimes. This gap needs to be repeatedly brought to the government's notice.
- The UNESCO Declaration on Fundamental

Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism does not appear to have much impact on the mass media of the country.

- 'Human rights education' is an area that has not been adequately explored in the Bangladesh context. In textbooks and curriculum much more emphasis could be given on this and there special emphasis could be laid on the condition of these most marginalised communities of the country like Dalits.

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- In the absence of initiatives from the government side, a number of Dalit CSOs and human rights organizations, including BDERM, have undertaken efforts in recent time to create a level of awareness and understanding among the print and electronic media. A few Dalit and human rights organizations have been carrying out campaigns to raise awareness on the issue with efforts to shed light on the daily abuses and atrocities that Dalits suffer. Due to campaigns and regular advocacy, the issue has started to get coverage in both the national and local newspapers. However, in the electronic media the sufferings and movement of Dalits are yet to get any significant coverage.
- The term 'Dalit' has gained a certain level of acceptance in Bangladesh and among civil society members and academicians. It is now possible to have substantial understanding as regards the issue, which was not likely even a decade earlier.
- In recent years a number of Dalit organizations have launched their own websites. Particularly the websites maintained by BDERM and Paritran work as substantial sources of information and analysis on issues of Dalit rights.
- Even in the social media, such as facebook, Dalit issues in Bangladesh have come to feature in recent times.

- Seminars, workshops and discussion sessions are being organized by BDERM, Horijon Oikko Parishad, FAIR and other CSOs at the divisional and district levels. Local citizens and the media regularly take part in such sessions. These are working as quite effective forums for raising awareness among citizens about the discriminatory practices that need to be amended.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Several leading civil society organisations have become aware about the existence of caste-based discrimination in the country. Donor agencies and leading international and national NGOs are also giving much more attention to the issue. None, however, have embarked on any large scale campaign or trainings on issues of caste discrimination.
- FAIR held a advocacy meeting at Bheramara Municipality auditorium on 28th July 2011 led by Md. Anwarul-Azim with the Mayor of Bheramara, and on 16th August 2011 with the mayor of Kumarkhali municipality led by Md. Abdur Rafique and Md. Aminul Islam regarding Harijans/Dalits' rights to access facilities, jobs, sanitation and safe water (Harijan Barta, Fifth Issue (2011, April – Sept.). Retrieved July 2014 from: www.fair-bd.org/pdf/hbr/5th%20Horijan%20Batra.pdf).
- Nagorik Uddyog has been working on Dalit issues from 2008. Several times Nagorik Uddyog arranged meetings and conferences on Dalit right issues. For example, on 3rd June 2014 a press conference was held by Nagorik Uddyog in the Chamber of Commerce, Pirojpur regarding the rights to life and justice, which emerged from the Arpita Rape and Murder of a Dalit. (The Daily Prothom-Alo. (2014, June 4). Retrieved July 2014 from: <http://www.prothom-alo.com/bangladesh/article/233077/>)

10. RECOMMENDATIONS

- Government officials need to have a comprehensive understanding about the issue of caste discrimination. Discussions on caste, stratification and the politics of exclusion can be included in the curricula of training organizations such as BPATC, Judicial Training Academy and Police Academy and other civil services related academies and centres.
- Awareness raising initiatives on caste discrimination at both the national and local levels should be organised with a high degree of coherence and integration, in order to constitute a strong task force aimed at eradicating this discrimination.
- A national campaign against 'untouchability' practices and caste discrimination should be launched, with particularly intense focus on areas where there is evidence of strong caste discrimination and violence.
- Social media should be extensively used to generate awareness and share information on the status of efforts to eradicate caste discrimination in the country.
- The National Human Rights Commission should establish separate awareness raising seminars on the illegality of caste discrimination and on promoting equality and justice.
- All teacher training courses should contain a mandatory section on constitutional values such as non-discrimination, equality and inclusion.

GUIDELINE 52 : PUBLIC AWARENESS RAISING AND ELIMINATION OF DISCRIMINATORY CUSTOMS

The media, religious, educational and cultural institutions and other parts of civil society, and international organizations should contribute to correcting the spread of negative images of Dalit communities, and endeavour to build the capacity of those communities, as well as recognize the contributions of Dalits to the development of society.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

In fulfilment of this guideline, the media, religious, educational and cultural institutions and other parts of civil society, and international organizations working in Bangladesh should take specific programmatic measures to ensure awareness on caste-based discrimination among different stakeholders and the general citizenry with a view to:

- Correct the spread of negative images of Dalit communities;
- Build capacity of Dalit communities; and,
- Recognize the contributions of Dalits to the development of Bangladesh society.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- States should adopt immediate and effective measures, particularly in the fields of (...) culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating this Convention. (*Article 7 ICERD*)
- With a view to promoting human rights and to countering racialism, the mass media should contribute to promoting human rights, in particular by giving expression to

oppressed peoples who struggle against all forms of racial discrimination and oppression and who are unable to make their voices heard within their own territories. (*Article 2(3) Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War*)

- The mass media has an essential part to play in the education of young people in a spirit of peace, justice, freedom, mutual respect and understanding, in order to promote human rights, equality of rights as between all human beings, and economic and social progress. (*Article 4 Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- States should take steps to promote mixed communities in which members of affected communities are integrated with other elements of society. (CERD. (2002). *General Recommendation 29: Descent Based Discrimination*, para. 17)

- States should take necessary measures in co-operation with civil society to educate the population as a whole in a spirit of non-discrimination and respect for the communities subject to descent-based discrimination. (CERD. (2002). *General Recommendation 29*, para. 47)

4. NATIONAL STANDARDS AND MECHANISMS

- It is the duty of every citizen to observe the Constitution and the laws, to maintain discipline, to perform public duties and to protect public property. This includes observing the right to non-discrimination, as laid out in Article 28 and performing public duties vis-à-vis this right. (*Article 21(1)* read with *28 Constitution of Bangladesh*)
- In Bangladesh, there are no other specific government standards or measures in place to encourage the media, religious, cultural and educational institutions to promote positive images about Dalits, build their capacities, or to recognise their contributions to the country.
- In the absence of initiatives from the government, a number of Dalit CSOs and human rights organizations have undertaken efforts in recent times to create a level of awareness and understanding among the print and electronic media on Dalit rights issues. Several organizations have been carrying out campaigns to raise awareness of the topic with efforts to shed light on the daily abuses and atrocities that Dalits suffer. Due to campaigns and regular advocacy, the issue has started to get coverage in both the national and local newspapers.

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

There have been no recommendations from national bodies or agencies, or even religious, media and cultural institutions about the need for promoting positive images of Dalit communities and their contribution to the country.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

- There are no specific measures in Bangladesh and, therefore, nothing to report in terms of implementation and impact.

7. GAPS IN THE MEASURES

- In Bangladesh the state and wider society have remained alarmingly silent about the plight of its marginal population groups. People discriminated on the grounds of caste have also remained scattered and their wider mobilisation is yet to occur.

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Dalit civil society organisations and community-based organisations have been carrying out campaigning and advocacy programmes at both national and local levels to highlight the situation of Dalits and the need for special attention to their situation. Consequently, the term 'Dalit' has got significant level of acceptance in Bangladesh and among civil society members and academics. It is therefore possible now to have some understanding as regards the issue, which was not likely even a decade earlier.
- Seminars, workshops and discussion sessions are being organized by BDERM, Horijon Oikko Parishad, FAIR and other Dalit CSOs at the divisional and district levels. People from the localities and the media regularly take part in such sessions. These are working as quite effective forums for raising awareness among the citizens about the need to focus on Dalits and discriminatory practices. Less is done in terms of promoting the positive side of Dalits' contribution to the nation.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- A number of leading civil society organisations have become aware of the extent of caste-based discrimination in the country. Donor agencies and leading

international and national NGOs are also giving more attention to the situation of Dalits. This is mostly at the level of service delivery to Dalit communities. Less work has been done on building the capacities of Dalits to struggle for their rights. Moreover, few if any organisations have sought to engage with media, cultural and religious institutions to promote positive images of Dalits, combat stigmatisation due to caste identity, and to recognise their contributions.

- Research Development Centre, Dhaka is in the process of documenting the contributions of Dalit freedom fighters to the country, for the National Planning Commission. One focus area for RDC is to highlight the contribution of Dalits to the building of the nation - on freedom fighters, Dalits' contribution to production processes, etc., as part of positive image building.

10. RECOMMENDATIONS

- Educational institutions and authorities who decide on school textbooks and curriculum should adopt a special initiative to dismantle the negative image that pervades the public psyche as regards the Dalit population. They could do so by including positive descriptions of Dalits and their contribution to the country, talking about the values of equality and diversity for the nation, etc. in the school curriculum and textbooks.
- Television documentaries, dramas and movies should be utilized as strong medium for portraying positive image about the Dalits and to debunk the adverse perceptions of this community.
- More systematic work should be done by religious, cultural, educational and media institutions to build the capacities of Dalits – via inclusion initiatives into such institutions, building their skills to be able to document their life histories and struggles, and by engagement with the communities to build understanding and promote harmony among castes and religions.
- Media campaigns and writings should include the contributions of Dalit people to the country's social and economic advancement.
- Grants and awards should be accorded by the government to media persons who have shown fruitful engagement in the area of promoting positive images of Dalits and their contributions to the nation's development.
- Given the educational power of the media in promoting tolerance, Dalit institutions should start intensely using the new social media to propagate information about the community, its cultural and religious heritage, and social contributions.

GUIDELINE 53 : MULTIPLE DISCRIMINATION AGAINST WOMEN

National and local governments should collect, analyze and publicly provide disaggregated data on the situation of women affected by (caste) discrimination based on work and descent.

THE COUNTRY CONTEXT

Dalit women in Bangladesh experience widespread discrimination, exploitation, violence and inhumane treatment due to their intersecting caste, class and gender identities. They are vulnerable to a number of human rights violations both from the general society and from within their communities. However, there is little awareness among government policy makers as regards the sufferings of Dalits, let alone Dalit women. Hence, there has not been any significant initiative to generate data on the situation of these women. Disaggregated official government data on the status of Dalits is not available, let alone for Dalit women. The negative implications are that any future planning for special provisions for Dalit women cannot be made on accurate data on their status. Meanwhile, a report has noted: *“Dalit women 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, including 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. 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. (Joint NGO Submission related to Bangladesh for the 16th Universal Periodic Review, Oct, 2012)

1. WHAT IS REQUIRED TO FULFILL THE GUIDELINE

The Government of Bangladesh should take specific measures to ensure that:

- caste and gender disaggregated data is made publicly available in all major areas of Dalit women’s lives, not least education, health, employment, land, housing and violence.
- data should be disaggregated to the extent that it provides an analysis of the status of Dalit women in relation to other sections of women and men in the society.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- The 2001 World Conference against Racism in Durban, South Africa established focus on the intersections between gender and racial (caste) discrimination.
- The Committee on the Elimination of Discrimination against Women has explicitly recognized intersectionality as a basic concept for understanding the scope of state obligations to eradicate discrimination against women. This entails state parties undertaking specific measures to prohibit and eliminate intersectional discrimination, for which disaggregated data is necessary. (CEDAW, (2010). *General Recommendation 28: The Core Obligations of States parties under Article 2 CEDAW*, para. 18)

- The Committee on Economic, Social and Cultural Rights specifically recognizes the need to remedy the multiple discrimination some groups (like Dalit women) experience that is cumulative and has a unique impact on individuals. Again, for this, disaggregated data on different aspects of social, cultural and economic rights is necessary. (CESCR. (2009). *General Comment 20: Non-discrimination in Economic, Social and Cultural Rights*, paras. 9-10, 17)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- States should provide disaggregated data for the situation of women affected by descent-based (caste) discrimination. (CERD. (2002). *General Recommendation 29: Descent Based Discrimination*, para. 13)
- States are requested to describe, in quantitative and qualitative terms, factors affecting and difficulties experienced in ensuring the equal enjoyment by women, free from racial (caste) discrimination, of rights under ICERD. Data which have been categorized by race (caste), and which are then disaggregated by gender within those racial (caste) groups, will allow the states to identify, compare and take steps to remedy forms of racial (caste) discrimination against women that may otherwise go unnoticed and unaddressed. (CERD. (2000). *General Recommendation 25: Gender related Dimensions of Racial Discrimination*, annex V, para. 6)
- States should collect, compile and disseminate data according to race (caste) and gender. Data are often collected only according to the racial characteristics of a population or only on the basis of gender, leaving racial discrimination against women unnoticed. States should be encouraged to collect the data necessary to determine the extent to which marginalized women are subject to intersectional subordination. Multilateral organizations, governmental entities, and NGOs should disaggregate all information and data in terms of both race (caste) and gender and their intersections,

focusing on issues that are particularly relevant to women of disadvantaged racial (caste) groups. (UN Secretary General (2001). *Review of Reports, Studies and Other Documentation for the Preparatory Committee and the World Conference: Contribution by the Special Rapporteur on Violence against Women, on the subject of race, gender and violence against women*. UN Doc. A/CONF.189/PC.3/5, para. 202(b))

- The Bangladesh State should gather additional information [which requires data] on all minorities or similar marginalized groups of the population, and elaborate policies and programmes to ensure the implementation of their rights without discrimination. (CRC. (2003). *Concluding Observations on Bangladesh State report*. UN Doc. CRC/C/15/Add.221, para. 80)
- 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... The Bangladesh State should 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. (CEDAW. (2011). *Concluding Observations on Bangladesh State Report*. UN Doc. CEDAW/C/BGD/CO/7, para. 37)

4. NATIONAL STANDARDS AND MECHANISMS

- The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Women shall have equal rights with men in all spheres of the state and of public life. No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort or admission to any educational institution. (*Article 28 Constitution of Bangladesh*)

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

The Bangladesh Government has made several recommendations and taken steps to eliminate discrimination against women in the different socio-economic spheres of women's lives. However, none of the recommendations have made explicit mention of the need for disaggregated data on the situation of the most marginalised groups of women in the society like Dalit women.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

The Government of Bangladesh has not taken any measure as yet for collecting, analyzing and publicly providing disaggregated data on the situation of women affected by caste based discrimination. Hence, a review of implementation cannot be done.

7. GAPS IN THE MEASURES

- Currently, there is no policy or other provisions existing to make it mandatory that caste-and-gender or other disaggregated data is collected by all government statistical and other organizations that produce national and state level data on the socio-economic and political situation of different social groups.
- There also has not been any comprehensive data or survey on social and economic discrimination built into any of the current Government of India statistical data collection tools, which could also be disaggregated by caste and gender.

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Bangladesh Dalit and Excluded Rights Movement has carried out campaign to set an agenda in recent past national census to collect information about Dalits. Likewise, SHAREE, a Dalit organization, has a campaign for including Dalits in the National

Census. At a press conference organized by Sharee at Jatiya Press Club, Dhaka, it was reported: "Dalit and Harijan community leaders yesterday urged the government to uphold their rights by including them in the upcoming National Population and Housing Census 2011, based on their profession... Sharee Coordinator Umesh Shaha and Bangladesh Harijan Oikkya Parishad General Secretary Nirmal Chandra Das were also present." (Retrieved June 2014 from: http://sharee.org.bd/?news_portal=include-haijans-dalits-in-census)

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Under the UN Joint Programme on Violence against Women Project, focus has fallen on the need for disaggregated data on gender violence. "We know that a very large number of women suffer from psycho-social violence. It is difficult to report those cases through the formal mechanisms and so a special format for reporting such types of violence should be developed. The same is true for cases that occur in indigenous, religious and professional minority communities." (Sultana, Rabeya. (2013). *Policy Dialogue on National Digital Database on violence against women: An essential tool for effective services*. Retrieved June 2014 from 'Daily Star' news website: <http://archive.thedailystar.net/beta2/news/national-digital-database-on-violence-against-women-an-essential-tool-for-effective-services/>)

10. RECOMMENDATIONS

- The government should produce and disaggregated data on caste in the next census and other data collection, and ensure advanced categorization of affected communities in all data collection.
- Disaggregated data on the basis of caste-and-gender should be made mandatory in the collection of basic statistics regarding all major socio-economic and political arenas of life.

- As an immediate measure, a special survey and study should be commissioned by the government to produce data as regards different disadvantaged women groups including Dalit women.
- New surveys into emerging areas like migration patterns, etc. should be disaggregated by caste-and-gender in order to reveal new issues arising for Dalit women and help plan specific provisions to address these issues for the women.

GUIDELINE 54 : MULTIPLE DISCRIMINATION AGAINST WOMEN

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.

THE COUNTRY CONTEXT

Bangladesh is one of those developing countries that, despite many limitations, have emerged as a successful leader in inventing and implementing a number of development models. Microcredit, labour intensive ready-made garment industry and a resilient agrarian economy are among the sectors for which Bangladesh is given some credit. For the most part, these sectors are run by the female workforce of the country. Moreover, the top ranks of the political leadership of the country are occupied by women. Despite these apparent success and visibility, Bangladeshi women continue to experience widespread patriarchal attitudes and biases, and gender discrimination.

Within this wider context, the situation of Dalit women is even graver. Practices of 'untouchability', caste discrimination and violence, and structurally caused extreme poverty create a heightened level of vulnerability in their everyday lives. Since Hindu Dalits are evidently most vulnerable among the Hindu minorities living in the country, they become easy prey of communal atrocities. At the time of such violence, Dalit women are taken as easy target for torture, assaults and rape. The situation becomes further exacerbated by the violence and suffering afflicted upon them by Dalit men.

As this report has shown, Dalits of Bangladesh are yet to emerge as a substantial constituency for specific legal, policy, budgetary or programmatic interventions by the government. Only very recently has the government started to show some sensitivity regarding the

extreme exclusion of Dalits. It has also started to undertake programmatic interventions for the improvement of Dalits' living conditions. However, no specific measures have been taken to address the specific needs of Dalit women. Likewise, existing interventions and provisions to tackle gender discrimination and promote gender equality are silent about the specific situation of Dalit women. It is necessary for all the stakeholders to focus on the situation of Dalit women and girls, and to take into account their specific situation and needs in all measures taken to address caste and gender based discrimination.

1. WHAT IS REQUIRED TO FULFILL THE GUIDELINE

The Government of Bangladesh should make special provisions in laws, policies, programmes and budgetary allocation to ensure equal access, non-discrimination, freedom to exercise rights, and security of life for Dalits women as follows:

- All laws, policies, programmes and budgets for women should take into account the unique situation of Dalit women who face discrimination and violence based on their caste and gender. Moreover, all future laws to address caste discrimination and the situation of Dalits should also contain specific provisions to cater to the specific needs and vulnerabilities of Dalit women.
- Specific provisions are created within laws, policies, programmes and budgets for

Dalit women in order to protect and fulfil their rights. These provisions should also challenge and work towards eliminating the discriminatory practices, social stigma, caste and patriarchal values that underpin such discrimination.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- States parties agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake to take all appropriate measures, including legislation and policies, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. (*Article 2 CEDAW*)
- States parties agree to support women to participate in the formulation of government policy and the implementation thereof. (*Article 7(b) CEDAW*)
- States parties condemn racial (i.e. caste) discrimination and segregation, and undertake to pursue by all appropriate means and without delay a policy of eliminating racial (caste) discrimination in all its forms and promoting understanding among all races (castes). (*Articles 2 & 3 ICERD*)
- Intersectionality is a basic concept for understanding the scope of the general obligations of States. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as... caste. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States must legally recognise such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate,

temporary special measures. (CEDAW. (2010). *General Recommendation 28: The Core Obligations of States parties under Article 2 CEDAW*. UN Doc. CEDAW/C/GC/28, para. 18)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- Recognising that some forms of racial (caste) discrimination have a unique and specific impact on women, gender factors or issues should be taken into account which may be interlinked with racial (caste) discrimination... A systematic and consistent approach is required to evaluate and monitor racial (caste) discrimination against women, as well as the disadvantages, obstacles and difficulties women face in the full exercise and enjoyment of their human rights on grounds of race, descent (caste)... (CERD. (2000). *General Recommendation 25: The Gender Related Aspects of Racial Discrimination*. UN Doc. A/55/18, annex V, para. 3)
- The Bangladesh state should 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. (CRC. (2009). *Concluding Observations on Bangladesh State report*. UN Doc. CRC/C/BGD/CO/4, para. 33)
- The Bangladesh State should adopt proactive measures, including temporary special measures, for disadvantaged groups of women facing multiple forms of discrimination to eliminate such discrimination and protect them from violence and abuse. (CEDAW (2011). *Concluding Observations on Bangladesh State Report*. UN Doc. CEDAW/C/BGD/CO/7, para. 37)

4. NATIONAL STANDARDS AND MECHANISMS

Constitutional and legal provisions:

- The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Women shall have equal rights with men in all spheres of the state and of public life. No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort or admission to any educational institution. Nothing in this article shall prevent the state for making special provision in favor of women or children or for advancement of any backward section of citizens. (*Article 28 Constitution of Bangladesh*)
- *The Bangladesh Penal Code* and other criminal laws specify punishment for a number of crimes against women. (see Guideline 25)

Policy Provisions:

- The National Women's Development Policy 2011 mandates the government to pursue the following: to ensure all the rights of the small ethnic and backward groups of people for the development and growth of their womenfolk; to undertake special programmes aimed at the development of backward women. (para. 38.1)

Programmatic Provisions:

Recently, the Government of Bangladesh has taken a couple of particular development interventions that should affect the condition of Dalit communities in the country. The interventions include: *one*, budgetary allocation for constructing housing facilities for sweepers and cleaners; *two*, allocation made in the budgets of two consecutive financial years for Dalits and Harijans – based on this allocation government's 'Directorate of Social Services' (DSS) has undertaken 'Social Protection Project' for Dalits, Harijans and Bedes; *three*, the Prime Minister has expressed a desire that Dalits should have special quotas in certain sweepers'

jobs and there should be special privileges for the Dalit children regarding their admission into educational institutions. None of these interventions make any specific mention of the situation or needs of Dalit women and girls.

There are a number of measures taken by the Government of Bangladesh for the improvement of women's conditions in the country. Several key measures are laid out below. However, in spite of the state's evident sensitivity as regards the condition of women in general, it has not shown understanding or awareness about the heterogeneity of the women population of the county, and particularly about the caste discrimination one key section of the women's population endures. Hence, no specific measures have so far been taken for improving the condition of caste-discriminated women in particular.

- The Ministry of Women and Children Affairs (MoWCA) coordinates the National Plan of Action for Women's Advancement, while the General Economics Division (GED) of the Ministry of Planning (MoP) implements the National Strategy for Accelerated Poverty Reduction (NSAPR) I and II. Both these government measures emphasize on various strategies and activities to eliminate discrimination against women. In the NSAPR II gender mainstreaming has been reflected in all sectoral and line Ministries' Policy Matrices. In order to implement these national strategies and action plans, the government has been piloting a Medium Term Budget Framework (MTBF) exercise under the Financial Management Reform Project (FMRP) in a phased manner in 32 Ministries. Poverty reduction and gender equality for women's advancement have been indicated as key issues around which the Ministries should prepare their programmes.
- Most of the Ministries of the Government of Bangladesh have taken different temporary special measures to accelerate interventions towards gender equality.
- The Department of Social Services (DSS) under the Ministry of Social Welfare (MoSW) has been implementing several programmes for the upliftment and empowerment of

women, including social safety net programs. For example, the department provides microcredit to women for job creation, needs-based skills training for women's self-employment and wage employment.

- MoWCA and its two agencies (Department of Women Affairs and Jatiyo Mohila Sangstha) implement various programmes aimed at poverty reduction, employment creation and providing social safety nets, including:
 - Vulnerable Group Development (VGD) covering 750,000 distressed and ultra-poor women who receive food assistance and development package training.
 - Vulnerable Group Development for Ultra-Poor (VGDUP) covering 80,000 women who are provided life skills training on income generating activities, nutrition, primary health, human rights, reproductive health, gender and rights issues, environment etc. In addition, the women benefit from subsistence allowance, savings creation and asset transfer.
 - Micro credit programs for poor and distressed women to develop their socio-economic condition through self-employment.
 - Women Support Centres for distressed shelter less and helpless oppressed women for their rehabilitation and facilities for food, health and clothing.
- Through the MoWCA, the government has developed in-house institutional capacity to address gender equality through gender mainstreaming in seven Ministries, and trained officials in four ministries on gender budgeting. Furthermore, the MoWCA trained more than 200 officials from four ministries on the national and international policy commitments of the government on gender empowerment and gender mainstreaming issues through its Gender Responsive Budgeting (GRB) training workshops.
- Agencies under the Ministry of Industries have undertaken activities related to the socio-economic development of distressed women, and support to women

entrepreneurs and development and expansion of their micro enterprises.

- The Ministry of Religious Affairs has carried out through its agency (Islamic Foundation) some awareness raising activities to change the attitudes of the society towards women and to upgrade women's position in the society.
- MoWCA and its two agencies (Department of Women Affairs and Jatiyo Mohila Sangstha) have implemented a Urban-based Marginal Women Development project covering poor and unemployed women in Dhaka and five divisional towns for the provision of skills training.
- Under a Multi-Sectoral Program on violence against women six one-stop service centres have been established where women victims of violence receive medical treatment, police assistance, legal support, psychological counseling, rehabilitation service and shelter.
- From 2007, the Ministry of Post and Telecommunications has implemented some significant awareness raising and training activities regarding the promotion and protection of women's human rights.

Budgetary provisions:

- As part of the process to introduce a gender sensitive budget, the Ministry of Finance has taken the initiative to disaggregate the budgets and beneficiary data on a gender basis for four important Ministries – Education, Health and Family Welfare, Social Welfare, and, Food and Disaster Management. The aim is to cover other Ministries in the future. The respective Ministries address women's advancement and rights issues in their respective activities and within the decision-making structure from a gender perspective.

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

There is no specific national level recommendation with regard to ensuring that Dalit women are included in the existing gender measures of the government. Without a national

understanding and awareness as regards caste discrimination and its effects, policies and programmes do not give attention to the plight of Dalit women.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

The government of Bangladesh has not taken any steps yet to establish special measures, or targeting within existing general gender measures, for improving the lives of Dalit women in particular. This is despite the vast array of programmes being implemented across different Ministries. It is also despite the Ministry of Education, in 2009-2010, spending approximately 24.91% of its budget (Tk. 18,472 million) for the benefit of girls and women; the Ministry of Health and Family Welfare spending 63.7% of its budget (Tk. 44,594.7 million) for women's development; the Ministry of Social Welfare allocating 21.38% of its budget (Tk. 2,786 million) for women's development; the Ministry of Food and Disaster Management (MoFDM) spending 52.34% of its budget (Tk. 30,748 million) for women's development; etc.

7. GAPS IN THE MEASURES

Policy and Programmatic Gaps:

- No specific measures for Dalit women, or mention of Dalit women within general gender measures, have been created. Even though the National Women's Development Policy mandates special attention to the right of women from 'backward groups', this has not been translated into specific programmes as yet that could benefit Dalit women.
- Dalit women are not included or consulted in policy matters and programmes towards the development and empowerment of women. Often the programmes sponsored by the Central Government for poverty eradication at the local level are not implemented for their benefit. (Chowdhury, Iftekhar Uddin. (2009). 'Caste Based Discrimination in South Asia: A Study of Bangladesh', *Indian Institute of Dalit Studies, Working Paper Series, Volume III, No. 7, New Delhi, p.39*)

Situation in the absence of measures:

As no significant measure has been taken by government targeting Dalit women, the salient features of their situation in the absence of such measures is presented below. To be appreciated is that the condition of Dalit women cannot be understood in isolation from the overall state of deprivation, exclusion and neglect that Dalit communities in Bangladesh are subject to:

- A recent study found that Dalit women faced a number of problems in everyday life. Many of them identified bad living conditions as their most pressing problem. Often 8-10 members of two or three generations have to live in one tiny room. For the majority of the women interviewed, both the lack of job opportunities and non-access to education are main sources of their suffering. A large majority of Dalit women have no opportunity to generate their own income and suffer from financial hardship. However, if a Dalit woman gets a job, she often suffers from a double burden. She has to work the entire day with hardly any break as well as take care of the housework. One Dalit woman explained that she has to get up every day at 4 a.m. to cook for the whole family and goes to work afterwards. When she returns home she has to cook and look after her children. Often she can go to bed only at midnight. (Korn, Francisca. (2012). 'Struggle of Dalit Women in Bangladesh: South Asian Experience', paper presented in the seminar *South Asian Consultation on Protection for Dalits and socially excluded People in Bangladesh*, held in Dhaka in December, 2012)
- The same study reported how Dalit women are teased and violated by men from outside the community. Almost all the women interviewed had experienced some form of discrimination based on their caste identities. Most Dalit women reported getting teased by non-Dalits. A Dalit woman from the tea gardens explained: "Often when I walk home from school, they call me carrier, they push me, or they make fun of my skin colour and say I'm dirty". In addition many of the Dalit women suffer from physical or psychological discrimination by their supervisors during

their work. Thus, the majority of women are convinced that the combination of their identities as a women and a Dalit is the main reason for their sufferings. Similarly, the majority of Dalit girls interviewed hide their identity in school. In case their identity as Dalits is revealed, they are strongly insulted by other students. (Korn, Francisca. (2012). 'Struggle of Dalit Women in Bangladesh: South Asian Experience', paper presented in the seminar *South Asian Consultation on Protection for Dalits and socially excluded People in Bangladesh*, held in Dhaka in December, 2012)

- Exclusion and deprivation enforced by the majority Bengali Muslim population is so strong that in many cases Dalit women themselves are seen to be unwilling to recognize or highlight the gendered inequalities that their own community impose. Putting simply, the people – both men and women – are too preoccupied with their struggle to overcome economic and social difficulties that they do not find it readily relevant to engage with an issue that is not directly related with their day by day pursuit of livelihood. (Islam, Farzana and Uddin, Mohammad Nasir. (2009). 'Intricate Tale of Social Exclusion: Dalit Women's Experience of Caste, Class, Citizenship and Gender in Dhaka City', *The Jahangirnagar Review, Part II: Social Science*, Vol. 32, pp. 15-32)
- In many Dalit families when men are the main earning members, women have to depend fully on their husbands' income. A very insecure job situation and low-income opportunities keep them dependent on marriage. However, one study found that many Dalit women are left behind or abandoned by their husbands. These women have to fight hard to find a job. (Islam, Farzana and Uddin, Mohammad Nasir. (2009). 'Intricate Tale of Social Exclusion: Dalit Women's Experience of Caste, Class, Citizenship and Gender in Dhaka City', *The Jahangirnagar Review, Part II: Social Science*, Vol. 32)
- A study among Dalit women in Dhaka city revealed that Dalit women rarely have

public roles, within their own community or beyond. Lack of education and confidence compounded by economic dependency, forces them to stick to socially assigned roles of remaining within their homes and not participating in any public activities.

It is rare for Dalit women to have non-caste determined professions. Caste discrimination often impacts on their job prospects. Dalit women in one study thus stated: "It's highly unlikely that we can get the job that we want. We don't get a good job even if we do our best. We are Dalit people, of a lower caste, class and status. When employers come to know our caste, they are not willing to give us anything more than menial jobs."

Perceptions of hostility regarding the outside environment reinforce structural exclusion and create an environment in which both women and men feel discouraged to engage in public spaces. This discouragement lays the foundations for Dalit women not taking an interest or being involved in politics. Hence, their involvement in politics is yet to reach any significant level. Only a small number of women have become active in political activities through Dalit rights organisations, which offer them a platform for participating in meetings, protest marches or rallies to demand their rights or to protest any violations. (Islam, Farzana. (2011). *Dalit women in Bangladesh: Multiple Exclusions*. Dhaka: BDERM and Nagorik Uddyog, available at: http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Dalit_Women_in_Bangladesh_-_Multiple_Exclusions.pdf).

- Dalit women are deprived of everything: from proper nutrition to schooling, from decision making on their own fertility to decision making on their household, etc. Unemployment, wage discrimination, molestation, rape, deprivation of property, exploitation, harassments in hostels, incessant dowry demands -- these are some of the problems women suffers from. Violence, particularly of a sexual nature (rape, etc.), is what is feared most by women in general. It is indeed difficult, if not impossible, to know how many cases

of rape are perpetrated on Dalit women in particular. Because of social stigma, cases of rape are kept hidden and rarely do they surface in the news. It is a fact, however, that rapes committed against Dalit women are more often committed because of a certain culture of impunity. As a matter of fact to rape a Dalit woman is not the same as to rape a non-Dalit one: apparently the two facts bear different juridical weight. Dalit women are expendable. Besides, rape is used by influential people to suppress rebellion by lower groups, castes etc. Domestic violence is then another curse Dalit women have to struggle with all their life. ('The situation of Dalits in Bangladesh', Parittran website: <http://dalitbangladesh.wordpress.com/dalit-2/articles/>)

8. DALIT COMMUNITY RESPONSE TO GAPS ON IMPLEMENTATION

- Dalit Women's Forum (DWF) is an emerging platform for Dalit women in Bangladesh. With support from the Bangladesh Dalit and Excluded Rights Movement (BDERM) and Nagorik Uddyog (NU), a small but powerful group of Dalit women have begun to organize their communities and to demand change. In 2006 they founded the Dalit Women's Forum in Dhaka. The forum works with a view to support Dalit women leaders, to organise Dalit women and to give them the confidence and skills to advocate for change. The Forum raise awareness about the issues facing Dalit women and support Dalit women to improve their lives.
- 'FAIR' organization has particular programmatic focus on Dalit women and girls. They are focusing on education for Dalit girls, employment of Dalit women and violence against Dalit women.

9. OTHER COMMUNITY RESPONSE TO GAPS ON IMPLEMENTATION

- No NGO is working particularly on issues of Dalit women, though BLAST, Nijera Kori, Ain O Salish Kendra and Naripakkha include many Dalit women in their programmes.

10. RECOMMENDATIONS

- Planning and budgeting from a gender lens must necessarily include the intersectionality framework whereby the perspectives, interests and needs of women from the most disadvantaged groups like Dalit women are brought to the fore.
- The government should integrate gender and caste awareness trainings for all government officials and police at the national, district and local government institutional levels.
- Training programmes by the government, National Human Rights Commission and NGOs should empower Dalits and Dalit women in particular to secure the protection and promotion of their human rights.
- Special schemes should be created to ensure income generation schemes, skills trainings, vocational education and related initiatives for Dalit women across the country.
- The government should monitor the effective enforcement of legal provisions dealing with violence against women in order to end impunity for violence against Dalit women, prosecute and punish all perpetrators, and ensure to Dalit women equal protection of the law.
- The government should take measures to improve Dalit women's legal literacy as well as their equal access to justice in bringing claims of rights violations by providing quality, free legal services to them.
- The government should take preventive measures such as police trainings and public education campaigns on the criminal nature of acts of discrimination and violence against Dalit women, and provide legal, medical and psychological assistance as well as compensation to victims/survivors. There should be mechanisms for providing immediate relief and a long-term package of adequate rehabilitation for Dalit women victims/survivors of violence.
- It is necessary to identify areas in which Dalit girls are employed as child labourers. Rehabilitation schemes with incentives to pull them back into education can be

instituted accordingly.

- Educational institutions need to be encouraged to adopt equal opportunities policies coupled with affirmative action for Dalit girls.
- Focus should be there to ensure non-discriminatory health services and facilities to ensure Dalit women's access to adequate nutrition, including health and maternity benefits.
- Schemes should be developed to provide Dalit women with the education and skills to take up leadership positions within their households, communities and societies.

GUIDELINE 57 : HUMANITARIAN AID AND DEVELOPMENT ASSISTANCE

Governments and international organizations should develop measures to tackle exclusion and discrimination in all development and disaster recovery programmes, such as social equity audits and caste analysis frameworks. Appropriate ‘affected community inclusion tools’ should be developed and applied effectively in the planning and monitoring of programmes. Agencies should provide training on discrimination based on work and descent to their staff and should take responsibility to monitor and counter untouchability practices. Members of affected communities should be fully involved in decision-making on and the planning and evaluation of programmes, and agents involved should actively seek to employ members of affected communities in the recovery or development operations.

THE COUNTRY CONTEXT

Since caste based discrimination in Bangladesh still remains outside the purview of mainstream policy and legal discourses, both the government and international agencies working in the country have been very slow to take up this issue as part of their programmatic and policy interventions. In recent times the plight of Dalit communities has drawn the attention of development partners of the government. The government itself also is showing a level of sensitivity with respect to the structural disadvantages that these communities experience. However, agencies are yet to take active policies for providing training on discrimination based on work and descent to their staff. They are yet to take responsibility to monitor and counter untouchability and discriminatory caste practices, especially in the disaster relief and mitigation sector. Moreover, few if any Dalits find employment in disaster recovery and development programmes.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

The Government of Bangladesh and international organizations working in the country should take specific legal, policy, programmatic, and budgetary measures to ensure equal access and active participation of Dalits in respect of:

- *Tackling exclusion and discrimination in all development and disaster recovery programmes:* developing appropriate measures to challenge exclusionary and discriminatory practices post-disasters; creating social equity audits and caste analysis frameworks to capture for ensuring tackling of exclusion and discrimination; using ‘affected community inclusion tools’ while planning and monitoring programmes.
- *Providing training to staff involved in humanitarian operations:* training on the nature and manifestations of caste discrimination, social equity tools, and how to ensure inclusion of affected Dalits in programmatic interventions.
- *Fully involving Dalits in decision-making process as well as in the planning and evaluation of humanitarian programmes:* ensuring that Dalit communities are included in community decision making around disaster mitigation, relief and recovery efforts, as well as the evaluation of such programmes.
- *Employing Dalits in recovery operations as well as in development programmes:* proactively seeking to employ suitably qualified Dalits in such programmes.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- The principle of the right to life with dignity, liberty and security underpins all humanitarian interventions in disasters and internal conflicts. (*Article 3 UDHR*)
- States Parties shall take special and concrete measures to ensure the adequate development and protection of certain racial (caste) groups, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. (*Article 2(2) ICERD*)
- The Sphere Project, an initiative of NGOs and the Red Cross and Red Crescent movement in 1997, aims to produce an operational framework for accountability in disaster assistance efforts. Its Humanitarian Charter 'Protection Principles' and 'Core Standards' articulate a rights-based and people-centered approach to humanitarian response. This means ensuring a balanced representation of vulnerable people in discussions with the disaster-affected population and specifying the responsibility to ensure humanitarian assistance reaches the most excluded and vulnerable people. Caste and discrimination are seen as factors contributing to such vulnerability. The right to receive humanitarian assistance is viewed as a necessary element of the right to life with dignity, which includes the right to an adequate standard of living. This right is also linked to the right to protection and security, in that those affected by natural disasters or internal conflicts have the right not only to survival and physical security, but also to all other rights. (Sphere Project. (2011). *Humanitarian Charter and Minimum Standards in Humanitarian Response*. Retrieved October 2013 from <<www.SphereProject.org>>)
- For the purpose of vulnerability assessments, humanitarian agencies should compose aid workers' teams with a balanced ratio of women and men, ethnicity, age and social background, keeping the local culture and context in view. (Sphere Project. (2011). *Humanitarian Charter and Minimum*

Standards in Humanitarian Response, Core Standard 6)

- After the World Conference on Disaster Risk Reduction (DRR) in early 2006, many organisations adopted the Hyogo Framework for Action (HFA) 2005-2015. The Framework for Action specifies that cultural diversity, age and vulnerable groups should be taken into account when planning for disaster risk reduction. (*Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters, International Strategy for Disaster Reduction, A13(e)*)
- The Humanitarian Accountability Partnership Standard 2010 establishes the principles of impartiality, participation and informed consent, and transparency for organisations that assist or act on behalf of people affected by or prone to disasters, conflict, poverty or other crises. The aim is to design, implement, assess, improve and recognise accountable programmes, and to offer redress mechanisms to the beneficiaries of the programmes.

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- Social, political, cultural, economic, conflict and natural environment factors can increase people's susceptibility to disasters; changes in the context can create newly vulnerable people. Vulnerable people may face a number of factors simultaneously. The interplay of personal and contextual factors that heighten risk should be analysed and programmes should be designed to address and mitigate those risks and target the needs of vulnerable people. (Sphere Project. (2011). *Humanitarian Charter and Minimum Standards in Humanitarian Response*, p.67)
- If an imminent natural disaster creates a serious risk for the life, all appropriate measures necessary to protect those in danger, in particular vulnerable groups, should be taken to the maximum extent possible. (Inter-Agency Standing Committee. (2006). *Protecting Persons Affected by Natural Disasters: IASC Operational*

Guidelines on Human Rights and Natural Disasters. Washington DC: Brookings-Bern Project on Internal Displacement, Guideline A.1.1)

- During and after the emergency phase of the disaster, safe access to adequate food, water and sanitation, shelter, clothing, and essential health services should be provided without discrimination to all in need, including vulnerable and marginalized groups. (Inter-Agency Standing Committee. (2006). *Protecting Persons Affected by Natural Disasters: IASC Operational Guidelines on Human Rights and Natural Disasters*, para. B.2.1)

4. NATIONAL STANDARDS AND MECHANISMS

- The Disaster Management Vision of the Government of Bangladesh is to reduce the risk of people, especially the poor and the disadvantaged, from the effects of natural, environmental and human induced hazards, to a manageable and acceptable humanitarian level, and to have in place an efficient emergency response system capable of handling large scale disasters. (*Disaster Management Vision, National Plan for Disaster Management 2010-2015*, p.1)
- As an outcome of the climate change convention, the National Adaptation Programmes of Action (NAPAs) provide a process for Least Developed Countries to identify priority activities that respond to their urgent and immediate needs with regard to adaptation to climate change. Bangladesh was among the first countries to prepare and submit its NAPA to the UNFCCC Secretariat in November 2005. This report identifies women, children and elderly as the most vulnerable and there is no mention about the socially excluded communities in the country. (*National Adaptation Programme of Action (NAPA) 2005*, p.34)
- The Bangladesh Climate Change Strategy and Action Plan (BCCSAP) 2009 is in line with the state's vision to eradicate poverty and achieve economic and social wellbeing for all the people. This is to be achieved

through a pro-poor Climate Change Strategy, which prioritizes adaptation and disaster risk reduction, and also addresses low carbon development, mitigation, technology transfer and the provision of adequate finance. No specific mention is made about addressing the particular vulnerabilities of Dalit and other marginalised communities.

- The Department of Disaster Management (DDM), under the Ministry of Disaster Management and Relief, was set up in November 2012. The Department has the mandate to implement the objectives of Disaster Management Act by reducing the overall vulnerability from different impacts of disasters by undertaking risk reduction activities; conducting humanitarian assistance programs efficiently to enhance the capacity of poor and disadvantaged as well as strengthening and coordinating programmes undertaken by various government and non-government organizations related to disaster risk reduction and emergency response. DDM is responsible to execute the directions, recommendations by the government in connection with disaster management as well as the national disaster management principles and planning (available at: <http://www.ddm.gov.bd/index.php>). No mention is made about enhancing the capacities of specific vulnerable groups such as Dalits or Adivashis.

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

There have been no national recommendations to date on the need for specific tools to monitor social exclusion and discrimination in disaster recovery and development programmes, nor to ensure Dalit community participation in such programmes.

6. STATUS OF IMPLEMENTATION OF MEASURES AND IMPACT

Since the state has not taken any specific measure yet to ensure proper tackling of exclusion and discrimination in all development

and disaster recovery programmes, there is no scope to review the implementation status.

Note that there are several INGOs - International Federation of Red Cross and Red Crescent Societies (IFRC), Relief International, Oxfam Bangladesh, Catholic Relief Services, CARE, Caritas International etc. - working on disaster relief in Bangladesh who support very poor and vulnerable people who are victims of various natural or manmade disasters, including Bedes and people living on coastal areas. They tend to identify Dalits either as Hindu minorities or as Adivashis. None of the organizations have a specific focus on Dalits in such disaster relief.

7. GAPS IN THE MEASURES

- Neither the Government of Bangladesh nor international organizations working in the country in disaster recovery and development programmes have much awareness or understanding on issues of caste discrimination in disaster relief and recovery. Hence, measures such as social equity audits and caste analysis frameworks in order to tackle exclusion and discrimination in all development and disaster recovery programmes are not at all present.
- Agencies and organizations do not provide training to their staff on caste discrimination. There is also no system or mechanism in place to monitor and counter untouchability practices.
- Dalits are not involved at all in decision-making and the planning and evaluation of disaster recovery programmes.
- There is no active policy on the part of the relevant government agencies or international organizations to employ Dalits in the recovery or development operations.

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- On the ground, members of Dalit communities are yet to reach a level of

strength from where they can argue for introducing measures such as social equity audits and caste analysis frameworks into disaster recovery and development programmes, as well as community participation norms.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- Wider civil society organizations also have not entered into this level of proposing measures to tackle exclusion in disaster recovery and development programmes, nor to promoting Dalit community participation in such programmes.

10. RECOMMENDATIONS

- Steps and procedures should be laid down so that the complete inclusion of Dalits and other vulnerable groups is ensured as a non-negotiable entitlement in disaster management.
- The government authorities, through community wealth/resource mapping exercises like infrastructure audits, should assess the livelihood patterns, specific vulnerabilities and needs in Dalit localities. This would enable the authorities to set up mechanisms of direct warning signals and would help in devising needs-based employment generation programmes for those Dalits recovering from disasters.
- State agencies should collaborate with CSOs to develop tools based on participatory methods and principles of social equity audit, for monitoring / auditing the extent of social equity and inclusion of Dalits in disaster response and risk reduction programmes.
- There should be integrated planning for disaster mitigation and management by integrating various development schemes, in order to ensure multi-hazard resistant housing, alternative livelihoods, etc. in Dalit localities.
- Focal persons should be appointed by the Government in order to monitor all aspects of inclusion of Dalits at all levels of the

administration – planning, implementation and governance of disaster management interventions. In this regard, an internal MIS on the share of Dalits in the response programmes should be built.

- Dalits should be represented in institutional decision-making processes and consultations in disaster management at all levels, from local government level to the national level, as well as in specific programmes run by international agencies that cover their localities.
- The relevant government departments and international organizations should take active initiatives to provide training to their staff on caste discrimination, calling on support from local Dalit civil society organizations.

GUIDELINE 58 : HUMANITARIAN AID AND DEVELOPMENT ASSISTANCE

States should investigate all alleged cases in which members of affected communities have been denied assistance or benefits equal to that received by other people, or cases in which they have been discriminated against during the relief, rehabilitation and development processes, and compensate or retroactively grant such benefits to the victims of affected communities.

THE COUNTRY CONTEXT

In Bangladesh most upazilas (local government units) in the Southern belt that are prone to disasters also have a higher number of Dalits living in the most remote and adverse conditions. However, they do not get attention at the time of disasters or humanitarian crises. As the media and civil society are not very aware about the plight of Dalits and their experiences of caste discrimination, any systematic denials of relief, rehabilitation and development entitlements do not come to the fore. Despite the inadequacy of government relief, rehabilitation and development processes being exposed, no efforts have been taken to investigate the extent of caste discrimination in disaster relief and recovery, and development processes.

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

The government of Bangladesh should take specific legal, policy, programmatic and budgetary measures to ensure equal access, non-discrimination, equal enjoyment of entitlements and security for Dalits by:

- Swiftly and diligently *investigating cases of caste discrimination and the denial of equal benefits* during (a) relief, (b) rehabilitation, and (c) development processes.
- Taking steps to *compensate or retroactively grant benefits to Dalit victims* who are denied equal benefits during (a) relief, (b) rehabilitation, and (c) development processes.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- The right to receive humanitarian assistance is derived from a number of legal norms and rules that are part of international law. More specifically, international humanitarian law contains a number of relevant provisions on access to assistance and on the 'protection of objects indispensable to the survival of the civilian population.' (*1977 Additional Protocols to 1949 Geneva Conventions*)
- The Sphere Project, an initiative of NGOs and the Red Cross and Red Crescent movement in 1997, aims to produce an operational framework for accountability in disaster assistance efforts. Its Charter states the requirement to ensure people's access to impartial humanitarian assistance in proportion to need and without discrimination. (*Protection Principle 2*)
- The Sphere Project Charter lays down the responsibility of humanitarian actors to assist people to claim their rights, access available remedies from the government and provide them with information on their entitlements and available remedies. This includes assisting affected people in securing the documents they need to demonstrate their entitlements. (*Protection Principle 4*)
- Efficient and equitable distribution methods for humanitarian assistance should be planned in consultation with the affected population. Vulnerable individuals or households should not be omitted from distribution lists and can access both the

information and the distribution itself. A grievance process should be established to address any concerns arising during registration or distribution. (*Sphere Project Minimum Standards in Shelter, Settlement and Non-Food Items, Non-Food Items Standard 1, guidance note 5*)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

There are no recommendations by international mechanisms on the investigation of cases of denial of humanitarian assistance or grievance redress.

4. NATIONAL STANDARDS AND MECHANISMS

There are no national standards, measures or mechanisms in Bangladesh that provide a framework for investigating alleged cases in which Dalits are denied equal assistance or benefits, or cases in which they have been discriminated against during the relief, rehabilitation and development processes. Neither there is any mechanism to compensate or retroactively grant such benefits to the victims of affected communities.

At most, the National Plan for Disaster Management 2010-2015 states that the Disaster Management Vision is to reduce the risk of people, especially the poor and the disadvantaged, from the effects of natural, environmental and human induced hazards, to a manageable and acceptable humanitarian level, and to have in place an efficient emergency response system capable of handling large scale disasters. (Vision of the National Plan for Disaster Management 2010-2015).

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

There is no recommendation by national mechanisms on the investigation of cases of denial of humanitarian assistance or grievance redress for denial of assistance during disaster relief and recovery.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

There have not been any specific grievance redress measures introduced by the government in this area, to which Dalits could avail. Therefore, there is no scope to review any implementation.

7. GAPS IN THE MEASURES

- National mechanisms for disaster management, relief and rehabilitation do not refer to Dalits in particular, nor provide grievance redress mechanisms that they can access in case of facing any discrimination in disaster relief and rehabilitation programmes. Without specific grievance redress mechanisms mandated under the law, district disaster management authorities and the state executive committees are not obliged to investigate cases of the denial of humanitarian relief.
- At the same time, studies have shown that in terms of accessing relief and rehabilitation at the time of disasters, both Muslim and Hindu Dalits face discrimination to some extent. They are not given due help or cooperation because of their caste identity. In the villages, the local authorities try to oblige the non-Dalits, even though they might not require any help for disaster mitigation. Again, in the selection of items during relief, etc., Dalits do not have any voice or choice; whereas non-Dalits are allowed to select items of their own choice. Such cases do not get investigated. (Chowdhury, Iftekhhar Uddin. (2009). 'Caste Based Discrimination in South Asia: A Study of Bangladesh', *Indian Institute of Dalit Studies, Working Paper Series, Volume III, No. 7, New Delhi, p. 29*)
- In another study, over a five year period, over half the Dalit households had experienced the adverse effects of primarily floods and cyclones. Destruction wrought by natural disasters was compensated to some extent by the relief provided by the government, NGOs and individuals. While some Dalit households reported having received such relief, an average of 80% of the 373 households surveyed reported non-receipt

of relief materials. Moreover, over 20% of Dalit households reported having faced problems to receive relief. Ordeals at the time of receiving relief included factional favoritism, class biasness, kinship or religiosity. Both primordial and structural factors in sociological terms come to affect the distribution of relief. (Khan, Mezbah et al. (2010). *Dalits in Bangladesh: A Study on Deprivation*. Dhaka: Research and Development Collective)

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

On the ground, members of Dalit communities are yet to reach a level of strength from where they can insist that authorities investigate instances of discrimination in the provisioning of disaster relief and rehabilitation. Dalit CSOs are still struggling for acceptance of Dalit issues at a wider level.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

Wider civil society organisations also have not insisted on grievance redress mechanisms to tackle exclusion and discrimination in disaster relief and recovery and development programmes.

10. RECOMMENDATIONS

- Government agencies and international organizations working for humanitarian and development purposes should be made more aware about the patterns of discrimination and exclusion that Dalits undergo at the time of natural disasters. This is the first step towards the development of grievance redress mechanisms.
- Steps and procedures should be laid down so that the complete inclusion of Dalits and other vulnerable groups is ensured as a non-negotiable entitlement in disaster management.
- The National Plan for Disaster Management should be amended to contain a grievance

redress mechanism in case of denial or discrimination in access to disaster relief and rehabilitation materials.

- Cases of wilful discrimination, exclusion and atrocities against Dalits during humanitarian relief efforts should be investigated and prosecuted under the law, and preventive mechanisms developed to stop occurrence of such instances.
- Regular social audits should be organised at any disaster relief camps or distribution centres, and effective, pro-active mechanisms established for the registration of grievances, particularly those of socially marginalised communities like Dalits.

GUIDELINE 59 : MARKET ENTERPRISES AND FINANCIAL ALLOCATIONS

International financial institutions and private companies should affirm the unacceptability of discrimination based on work and descent within own organizations as well as within the sphere of influence including supplies and business partners with special focus on equal access to markets and services and actively implementing anti-caste laws; and such entities should incorporate caste and gender analyses as well as anti-discrimination policy measures into their corporate social development strategies.

THE COUNTRY CONTEXT

With the Government of Bangladesh yet to give full recognition to the caste based exclusion and discrimination that Dalits of the country experience, it is not surprising that international finance institutions and private companies working in the country do not take any explicit stand as regards caste-based discrimination. Since there is no law in force to prohibit and prevent caste discrimination, market stakeholders operate in major sectors like the garments sector without implementing any anti-discrimination guidelines. Corporate social development activities that companies have started to embark on in recent times do not follow any well-defined principles, and it is easily argued that there is little awareness among company executives about developing CSR programmes that cater to the social diversity in the country. At the same time, some have noted that businesses can have a positive impact on health and development for socially excluded communities through three main avenues: (a) employment benefits; (b) community development and philanthropy; and (c) the core business CSR strategy. (Werner, J. (2009). 'Corporate Social Responsibility Initiatives Addressing Social Exclusion in Bangladesh', *Journal of Health Population and Nutrition*, Vol. 27(4), pp. 545–562)

1. WHAT IS REQUIRED TO FULFIL THE GUIDELINE

International financial institutions and private companies should take specific policy and other measures as follows to ensure equal rights and opportunities for Dalits in the private sector:

- *Affirm unacceptability of caste discrimination within organisations as well as its sphere of influence:* to institute a specific policy on anti-discrimination in the company/ institution as well as vis-à-vis engagement with partners, as well as ensure all company procedures are non-discriminatory.
- *Actively ensure non-discrimination and equal access to markets and services:* to assign responsibility for non-discrimination and equal opportunities to a senior management level staff; to ensure grievance redress mechanisms are in place to deal with issues of caste discrimination; to have staff trainings on non-discrimination; to have affirmative action measures in place to ensure Dalits' *de facto* equal access to markets and services.
- *Incorporate caste and gender analyses and anti-discrimination measures into corporate social development measures:* to actively ensure employee diversity within the company/institution, with special focus on caste and gender; to ensure the corporate social responsibility policy of the company

places specific emphasis on engaging with Dalit communities.

2. INTERNATIONAL STANDARDS AND MECHANISMS

- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment. (*Article 23(1) UDHR*)
- Businesses should uphold the elimination of both direct and indirect discrimination in respect of employment and occupation, including the terms of employment. (*Principle 6, UN Global Compact 2000*)⁷
- Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved. (Office of the High Commissioner for Human Rights. (2011). *UN Guiding Principle on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework*. UN Doc. HR/PUB/11/04, principle 11)
- In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including: (a) A policy commitment to meet their responsibility to respect human rights; (b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights; (c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute. (OHCHR. (2011). *UN Guiding Principles on Business and Human Rights*, principle 15)
- Multinational enterprises should be guided throughout their operations by the general principle that governments should pursue policies designed to promote equality of opportunity and treatment in employment, with a view to eliminating any discrimination. This is without prejudice to the measures to ensure hiring of local workers or to government policies designed to correct historical patterns of discrimination and thereby to extend equality of opportunity and treatment in employment. (ILO. (2006). *Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy*. Geneva: ILO, para. 22)
- Multinationals and other enterprises shall be guided throughout their operations by the principle of equality of opportunity and treatment in employment and should not discriminate against their workers with respect to employment or occupation on such grounds as race, colour, sex, religion, political opinion, national extraction or social origin, or other status, unless selectivity concerning worker characteristics furthers established governmental policies which specifically promote greater equality of employment opportunity or relates to the inherent requirements of a job. (Organisation of Economic Cooperation and Development. (2011). *Guidelines for Multinationals and other Enterprises*. OECD Publishing, section V1e, p. 35)
- We express our support for universal human rights and, particularly, those of our employees, the communities within which we operate, and parties with whom we do business. We promote equal opportunity for our employees at all levels of the company with respect to issues such as color, race, gender, age, ethnicity or religious beliefs, and operate without unacceptable worker treatment such as the exploitation of children, physical punishment, female abuse, involuntary servitude, or other forms of abuse. (*Global Sullivan Principles 1999, principles 1-2*)⁸

⁷ The UN Global Compact aims at the development, implementation and disclosure of responsible corporate policies and practices. Companies are asked to voluntarily align their operations and strategies with 10 principles in the areas of human rights, labour, environment and anti-corruption.

⁸ Unveiled in 1999 by Rev. Sullivan and the UN Secretary General, these Principles are an expanded corporate code of conduct

- There shall be no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation. (Ethical Trading Initiative. *The ETI Based Code, para. 7.1*)⁹
- Fair employment practices are part of our commitment to responsible business practices and human rights. Microsoft policy prohibits discrimination in hiring, compensation, access to training, promotion, termination or retirement, when such discrimination is based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership, or political affiliation. (Microsoft. (2008). *Communication on Progress under the UN Global Compact*. Retrieved Nov. 2013 from <<www.unglobalcompact.org/system/attachments/204/original/COP.pdf?1262614174>>)
- The employment, classification, promotion, and assignment of persons on the staff of the International Monetary Fund shall be made without discriminating against any person because of sex, race, creed, or nationality [...] The IMF supports an inclusive work environment, where different perspectives are shared and respected and employees feel able to contribute without fear of discrimination, harassment or disparagement. (International Monetary Fund. (2004 & 2013). *Diversity Annual Reports 2004 & 2013*. Retrieved Nov. 2013 from <<www.imf.org/external/np/div/index.asp>>)
- Similarly, the World Bank is committed to inclusion and diversity in their hiring and employment policies, but does not mention the principle of non-discrimination based on caste. Its guidelines for evaluators of global and regional partnership programmes include sensitivity to the beliefs, manners, and customs of the social and cultural environments in which they work, including issues of discrimination and gender inequality. (Independent Evaluation Group. (2007). *Sourcebook for Evaluating Global and Regional Partnership Programs: Indicative Principles and Standards*. Washington DC: IEG-World Bank, para. 8.2)

3. RECOMMENDATIONS BY INTERNATIONAL MECHANISMS

- The Commission and the European External Action Service should include, where relevant, a 'caste-based discrimination clause' in all trade and association agreements... The EU should also promote non-discriminatory and inclusive policies and procedures in business operations with caste-affected countries, including affirmative action for Dalits and similarly affected people in the labour market and the private sector. (Committee on Development. (2013). *Motion for Resolution, European Parliament*. B7-0507/2013, paras. 17-18)

4. NATIONAL STANDARDS AND MECHANISMS

- In early 2001, the issue of CSR (Corporate Social Responsibility) programmes started to emerge in Bangladesh, especially in those sectors which were export-oriented such as the ready-made garments (RMG) sector. The ten basic principles of the UN Global Compact were increasingly becoming corporate concerns and were gradually developing into global agendas for the private sector and the development sector. Although driven by the UN, these principles were catalysts for changing the nature of progress and creating scope to access

based on the original code developed to focus on South African Apartheid. The Principles are designed to increase the active participation of corporations in the advancement of human rights and social justice at the international level.

⁹ ETI is an alliance of companies, trade unions and voluntary organisations working in partnership to improve the lives of poor and vulnerable workers by adopting a code of labour practice regarding wages, hours of work, health and safety, etc. that they expect all their suppliers to work towards.

international markets. (Analysis presented in CSR Centre, Bangladesh. Retrieved May 2014 from: <http://csrcentre-bd.org>). However, to date there has been no official law or policy on corporate social responsibility, nor any code of conduct, voluntary or otherwise, developed by government agencies for the corporate sector.

- The National Board of Revenue (NBR) of Bangladesh has issued a Statutory Regulatory Order (SRO) by providing tax exemption on the expenditure made by corporates for CSR activities in 2011. The SRO was further amended in 2012 and the area of CSR applicable for tax exemption was enhanced. The SRO mentions that companies have to submit a CSR Work Plan to the NBR in written form for availing an Income Tax Exemption Certificate. (Retrieved June, 2014 from <http://www.bb.org.bd/governor/speech/apr272014gse512.pdf>).
- In June 2008, the Bangladesh Bank issued a comprehensive circular titled 'Mainstreaming Corporate Social Responsibility (CSR) in banks and financial institutions in Bangladesh'. In that circular, CSR was defined as (i) considering the economic, social and environmental consequences of a business, (ii) mitigating the negative impacts and bolstering the benign effects, (iii) initiating action programs and community investments to trim down social exclusion and inequality as well as to address the core sustainable development challenges (Retrieved June, 2014 from <http://www.bb.org.bd/governor/speech/apr272014gse512.pdf>).

5. RECOMMENDATIONS BY NATIONAL MECHANISMS

There have been no national recommendations issued to date on a code of conduct or CSR for companies that include adherence to human rights and the principle of non-discrimination.

6. STATUS OF IMPLEMENTATION OF STATE MEASURES AND IMPACT

As there are no government measures such as codes of conduct for the corporate sector or CSR for companies, there is no scope to review implementation of any measures.

7. GAPS IN THE MEASURES

- There is a great opportunity for market stakeholders to redress the social exclusions that hinder the advancement of a society. In Bangladesh IFIs, MNCs and TNCs have become powerful role players in recent years. If they become aware of the disadvantages and exclusions that members of Dalit communities go through, they would be able to adopt non-discrimination principles and affirmative action policies that contribute to social justice. If their 'sphere of influence' becomes fully supportive to the causes of these marginal groups, Dalits would be able to avail the opportunities arising from the market. Incorporation of Dalit issues in CSR could be a great way forward. All these are still just 'possibilities' and, therefore, market expansion is instead causing unemployment, eviction and uncertainties for the Dalits.
- IFIs, MNCs, TNCs and other market entities that work in Bangladesh are not – as much as it can be understood from their annual reports and other official documents – aware or sensitized about the nature and extent of discrimination that is practised in Bangladesh on the basis of caste. Therefore, they do not follow any principle of 'affirmative action' while recruiting employees.
- Globalization and market developments have diverse implications on caste-affected communities, which constitute the largest single group in South Asia subjected to forced and bonded labour and other forms of gross exploitation in the labour market. These forms of human rights violations do not appear to be diminishing in spite of the contemporary focus on corporate social responsibility, increasing international investment, and the growing number of agreements on economic and trade

relations, including those between the EU and caste-affected countries. (IDSN. (2009). *Caste Based Discrimination in South Asia: Situational Overview, Responses and Ways Forward*. Copenhagen: http://idsn.org/fileadmin/user_folder/pdf/New_files/EU/EU_StudyWithAnnexes_Caste_Discrimination_June2009.pdf).

8. DALIT COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- As the Dalit rights work in Bangladesh is only at the nascent stage, Dalit communities and civil society organisations have not been in a position to respond in any systematic way to the impacts that have come with the expansion of market and the strengthening of the presence of corporate entities.

9. OTHER COMMUNITY RESPONSE TO GAPS IN IMPLEMENTATION

- IN ORDER TO PROMOTE AND FACILITATE THE ENGAGEMENT OF THE PRIVATE SECTOR TO UPHOLD THE 10 PRINCIPLES OF THE UNITED NATIONS GLOBAL COMPACT, THE BANGLADESH ENTERPRISE INSTITUTE AND THE CSR CENTRE, IN COLLABORATION WITH UNDP DHAKA, HAVE JOINTLY LAUNCHED THE UNITED NATIONS GLOBAL COMPACT (UNGC) BANGLADESH NETWORK ON 26 JANUARY 2009. THE PROJECT IS A TWO YEAR VENTURE WHICH CONSISTS OF TRAINING PROGRAMMES, ADVOCACY AND OUTREACH INITIATIVES, AND RESEARCH AND NETWORK DEVELOPMENT ACTIVITIES SUPPORTED BY UNDP DHAKA. THERE IS NO INDICATION THAT THE PRINCIPLE OF NON-DISCRIMINATION IS ADDRESSED THROUGH THIS PROGRAMME. ([HTTP://WWW.BEI-BD.ORG/RESEARCH-DETAILS.PHP?TEXT_ID=56](http://www.bei-bd.org/research-details.php?text_id=56))

10. RECOMMENDATIONS

- All inter-governmental organisations, including international financial institutions, should ensure that development or assistance projects which they support take into account the socio-economic situation of Dalits.

- There is a need for greater sensitization and the production of information materials for companies, in order to expose them to the situation of Dalit communities and enduring caste based discrimination.
- International Financial Institutions should incorporate caste and gender disaggregated analysis into corporate social development strategies and poverty and social assessments in order to ensure equal benefits to Dalits. Prior to approval of projects and in ongoing projects, in consultation with Dalit NGOs and academics, these institutions should investigate the effect of their proposed policies and programmes on caste discrimination and ensuring equal access and enjoyment of basic entitlements, and seek ways to strengthen Dalit communities in new and ongoing projects through anti-discriminatory and pro-Dalit measures.
- In case of the tea gardens, companies should be encouraged to take up CSR activities that would benefit Dalit tea garden workers and their children.
- In Sylhet, Dinajpur and other regions, a number of MNCs are exploring for natural resources. The exploration activities of many of these companies are causing havoc to the livelihood of Dalits and indigenous communities. The companies have got CSR programmes in place. However, these programmes do not have any specific focus on providing support to these marginalised groups. A comprehensive social audit can identify the ways in which CSR activities of the companies could be better linked up to the life ways of Dalit and other socially excluded communities.
- Companies should support and implement the UN Norms on Responsibilities of Transnational Corporations and other Business Enterprises with regard to Human Rights, the Global Compact, the OECD Guidelines for Multinationals and other Enterprises, the IDSN Ambedkar Principles and the principles contained in the ILO Tripartite Declaration.

- Companies should affirm and ensure the unacceptability of caste discrimination within own organisations as well as within the sphere of influence including suppliers and business partners, with special focus on equal access to markets and services and labour rights, and actively contribute to implementing all anti-caste laws of the Indian state.
- Companies should develop and implement affirmative action plan (setting targets wherever possible), including training opportunities for Dalit employees and potential recruits.

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DRAFT

UNITED NATIONS

PRINCIPLES AND GUIDELINES FOR THE EFFECTIVE ELIMINATION OF DISCRIMINATION BASED ON WORK AND DESCENT¹¹

A Comprehensive Legal Framework to Eliminate Caste Discrimination Globally

PREAMBLE

Bearing in mind the commitment to the principles and obligations under the Charter of the United Nations, including the Preamble and Articles 1, 2, 13, 55, and 56, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Recalling that the Universal Declaration of Human Rights proclaims a common standard of achievement for all peoples and nations, to respect for the equal freedom and dignity of all human beings, and their entitlement to the rights and freedoms specified therein without distinction of any kind, including race, colour, sex, language, religion, social origin, birth or other status,

Recalling also the International Convention on the Elimination of All Forms of Racial Discrimination, which seeks to eliminate discrimination based on race, colour, descent, or national or ethnic origin,

Taking into account General Recommendation 29 of the Committee on the Elimination of Racial Discrimination, which confirms the Committee's consistent view that the term 'descent' in article 1, paragraph 1 of the Convention applies not only to race but also other forms of inherited status and strongly condemns discrimination based on work and descent as a violation of the International Convention on the Elimination

of All Forms of Racial Discrimination, and the Committee's concluding observations addressed to States parties to the Convention,

Affirming the condemnation of discrimination in the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Noting that the World Summit 2005 Outcome emphasized the responsibilities of all States, in conformity with the Charter of the United Nations, to respect human rights and fundamental freedoms of all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status,

Taking into account also International Labour Organization Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, and its accompanying General Recommendation No. 111,

Affirming the UNESCO Convention on Cultural Diversity, and on Discrimination in Education,

Affirming also the principles set forth in the United Nations Global Compact, to the end of eliminating discrimination in respect of employment and occupation,

Highlighting that discrimination based on work and descent exacerbates poverty and constrains progress toward achieving the Millennium Development Goals,

¹¹ Source: <http://idsn.org/international-advocacy/un/un-principles-guidelines/un-pg-online-version/>

Reaffirming the importance of universal education expressed in the Millennium Development Goals,

Noting with grave concern the persistence of discrimination based on work and descent in many regions as reported by the Special Rapporteurs on Discrimination based on Work and Descent of the Sub-Commission on the Promotion and Protection of Human Rights, and by the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance of the Human Rights Council,

Aware of the Organisation for Economic Cooperation and Development's Guidelines on Companies

Taking note of the Kathmandu Dalit Declaration, the Ambedkar Principles, and the Sullivan Principles, (1)

Commending the efforts of governments to eliminate discrimination based on work and descent through national constitutional and other legislation and other measures,

Respecting and attaching the highest importance to ongoing efforts by affected communities, and international and regional organizations to eliminate discrimination based on work and descent,

Strongly condemning discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status, as a violation of human rights and international law,

Confirming the need for the concerted efforts of not only States but also regional and international bodies, donors, local authorities, political parties, private sector actors such as companies, schools, social, cultural and religious institutions, other non-governmental organizations (NGOs) and the media in order effectively to eliminate discrimination based on work and descent in their sphere of influence,

Recommends the following principles and guidelines for the effective elimination of discrimination based on work and descent.

SCOPE AND APPLICATION

1. The principles and guidelines concerning discrimination based on work and descent apply equally to all States and to all local, national, sub-regional, regional, and international governmental and non-governmental bodies.

DEFINITION

2. Discrimination based on work and descent is any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life. This type of discrimination is typically associated with the notion of purity and pollution and practices of untouchability, and is deeply rooted in societies and cultures where this discrimination is practiced.

3. Special measures taken for the sole purpose of securing adequate advancement of affected groups and individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed discrimination based on work and descent, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different groups and that they shall not be continued after the objectives for which they were taken have been achieved. (2)

PRINCIPLES

4. Discrimination based on work and descent is a form of discrimination prohibited by international human rights law as proclaimed by the Universal Declaration of Human Rights and, inter alia, by the International Convention on Civil and Political

Rights, International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child and the International Labour Organization Convention No. 111. (3)

5. Discrimination based on work and descent and other forms of discrimination are not only human rights violations but also major obstacles to achieving development. Inequalities inevitably diminish development gains and are among root causes of armed conflicts. Ineffective allocation of human resources due to discrimination based on work and descent distorts the labour market and affects the efficiency of an economy.

6. In addressing the problem of discrimination based on work and descent, special care should be taken to address the situation of women, children, the sick or disabled, the aged and people living below the poverty line. (4)

7. All States have a duty to acknowledge the existence of discrimination based on work and descent, to take all necessary constitutional, legislative, administrative, budgetary, judicial and educational measures to eliminate and prevent discrimination based on work and descent in their respective territories and to respect, protect, promote, implement and monitor the human rights of those facing discrimination based on work and descent. All persons of affected communities have the right to enjoy, on an equal footing with others, all civil, political, economic, social and cultural rights, including but not limited to: (5)

- The right to physical security and life and the right to be free from violence;
- The right to equal political participation;
- The right to fair access to justice;
- The right to own land;
- The right to equal access to public and social services;
- The right to freedom of religion;
- The right to marriage on free will

- The right to education;
- The right to cultural identity;
- The right to equal opportunity and free choice of employment;
- The right to equal, just and favorable conditions of work;
- The right to be free from forced or bonded labour;
- The right to be free from cruel, inhumane or degrading treatment;
- The right to health;
- The right to adequate food, water, sanitation, clothing and housing;

8. All States 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.

9. Regional and international bodies, including United Nations bodies and regional inter-governmental bodies, and national and international civil society, including private sector actors such as corporations, schools, hospitals, labour unions, agricultural associations and media practitioners, should provide assistance to efforts toward the effective elimination of discrimination based on work and descent.

GUIDELINES (6)

General measures

10. National and local governments should take all necessary constitutional, legislative, administrative, budgetary and judicial measures, including appropriate forms of affirmative actions 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.

11. National and local governments should take

specific and effective measures to implement laws regarding discrimination based on work and descent including affirmative action.

12. National and local governments should take proper measures to protect affected communities against acts of discrimination and violence, and measures to end impunity for violence against members of affected communities.

13. National and local governments should establish time-bound programmes to enforce the abolition of untouchability and segregation. Legal and judicial mechanisms should be established and enforced including by effectively punishing acts of “untouchability.” Governments should introduce and apply special measures to address the persistence of social norms of purity and pollution.

14. National and local governments should explicitly prohibit by law discrimination based on work and descent, and explicitly provide for criminal and civil remedies in cases of violation. Criminal and civil sanctions should explicitly apply not only to direct violations but also to complicity or aiding and abetting by other actors, including but not limited to corporations and public officials.

15. National and local governments should repeal all existing laws and regulations that directly or indirectly discriminate on the basis of work and descent, including but not limited to laws restricting voting or land ownership rights based on caste or analogous systems.

16. National and local governments should adopt comprehensive plans of action, including specific budgetary measures and create an office to implement and coordinate such plans of action, for the effective elimination of discrimination based on work and descent.

17. National human rights institutions and specialized institutions should be given power to specifically address the problems faced by affected communities. Governments of affected countries should ensure that, where they exist, national human rights institutions and

specialized commissions can act independently and effectively in protecting the interest of people affected by discrimination based on work and descent by providing adequate financial, statutory and personnel support. Where such institutions and specialized commissions do not exist, they should be established. Governments should, unless better solutions are found, implement the recommendations of specialized commissions, national human rights institutions and other relevant commissions on measures to eliminate discrimination based on work and descent; and intergovernmental agencies, including UN human rights bodies and agencies, should take note of such recommendations and where necessary provide technical assistance in support of their implementation.

18. In order to achieve not only de jure but also de facto equality and non-discrimination for those facing discrimination based on work and descent, national and local governments should take positive measures to improve the conditions of affected communities, such as special measures for the purpose of securing adequate advancement of affected groups and individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms in education and employment. (7)

19. Governments should ensure that timely reporting is submitted to all relevant United Nations treaty bodies, giving disaggregated data on discrimination based on work and descent.

Special measures

The draft Principles and Guidelines contain recommendations on the implementation of the following special measures:

- Survey and research
- Combating segregation
- Physical security and protection against violence
- Access to justice and equal political participation

- Equal employment opportunity and free choice of occupation
- Forced, bonded and child labour
- Health
- Adequate food, water, and housing
- Education
- Public awareness raising and elimination of discriminatory customs
- Multiple discrimination against women
- Participation of affected communities
- Humanitarian and development assistance
- Market enterprises and financial allocation
- International cooperation
- Responsibilities of States with diaspora communities

SPECIAL MEASURES

Survey and research

20. National and local governments should conduct regular surveys and other appropriate research in the social, political, economic, cultural and criminal justice fields, including the attitudes of the general public towards the affected communities, and utilize the resulting data, including disaggregated data for the situation of women, to develop effective measures for the elimination of discrimination based on work and descent. The surveys and research should present information on the situation of those affected by discrimination based on work and descent, and a review of the effectiveness of existing measures and proposals for the elimination of such discrimination. Research institutions and universities should also be encouraged to independently conduct such surveys and research.

Combating segregation

21. National and local governments should ensure access to public places, including community centers, hospitals, schools, places of worships, and water resources, by those from affected communities; take measures

to eliminate and prevent segregation in employment, housing and education and to ensure protection from violence against those who cross the boundaries of segregation.

22. 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.

Physical security and protection against violence

23. National and local governments should prohibit harmful practices of child marriages and dowry, and those forbidding the remarriage of widows, the dedication of girls to temple deities and forced, ritualized prostitution and create local law enforcement task forces for the effective implementation of the prohibition. (8)

24. State actors should take special measures, such as devising and implementing comprehensive plans of action and creating a monitoring mechanism, to protect affected communities from physical violence, including torture, sexual violence and extrajudicial killings.

25. Particular attention should be given to the situation of women and girls, including under domestic violence laws, and to sexual violence, sexual exploitation and trafficking committed against women and girls of affected communities.

26. National and local governments should investigate, prosecute and punish perpetrators of all forms of violence and atrocities, and sanction anyone found preventing or discouraging victims from reporting such incidents, including public officials.

27. National and local governments should encourage victims and witnesses to report such acts to the competent authorities and protect

them from acts of retaliation and discrimination, and ensure that complaints under relevant acts and other criminal law provisions are properly registered. National and local governments should make public information on the number and nature of complaints registered, the convictions and sentences imposed on perpetrators, and the remedies and assistance provided to victims of such acts.

Access to justice and equal political participation

28. Judicial, legislative, and law enforcement bodies should take specific and concrete measures to ensure equal protection of the law for affected communities.

29. National and local governments should take all necessary steps to ensure equal access to judicial remedies for affected communities, including the provision of legal aid or other kinds of support to public interest organizations representing the interests of those subject to discrimination based on work and descent.

30. State actors, including all bodies of government and public corporations, should adopt specific guidelines, including a scheme of incentives and sanctions, prohibiting discrimination based on work and descent in their internal practices. National and local governments should encourage the recruitment of members of affected communities into law enforcement agencies.

31. Law enforcement officials, including police, judges and prosecutors should be provided with adequate training in the prevention, investigation, and prosecution of cases involving discrimination based on work and descent.

32. National and local governments should take specific measures to ensure equal rights to political participation for affected communities, including rights to participate in public elections, and to equal opportunity to run and be elected to public office.

33. National and local governments should consider the introduction and implementation of a reservation policy to all categories of public service posts, including the judiciary in order to ensure adequate, effective and meaningful, not symbolic, representation at all levels of governments and legislatures and maintain and release statistical data on such representation.

Equal employment opportunity and free choice of occupation

34. National and local governments should enact equality laws that prohibit public and private employer discrimination on the basis of caste or analogous systems, take steps to remove customary constraints on leaving traditional caste-based occupations, and promote gainful alternative employment opportunities and full access to markets for members of affected communities.

35. National and local governments should enact and enforce legislation guaranteeing decent work, a living wage and labour rights for affected communities. (9) National and local governments should ensure the complete eradication of manual scavenging (10) and other unhealthy working conditions, in accordance with international standards.

36. The government should adopt measures to enhance affected communities' access to the labour market by introducing or extending reservation policies to the public and private sectors, which should effectively counter the impact of market liberalization and globalization.

37. The State and other agencies should secure and support the full exercise of the right of affected communities to free choice of labour and other occupations traditionally withheld from them because of their caste or other kinds of social origin.

Forced, bonded and child labour

38. 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 affected communities.

Health

39. National and local governments should take all necessary measures to ensure the highest attainable standard of physical and mental health, equal access to healthcare and a safe health environment for members of affected communities. Governments should pay special attention to child malnutrition and high maternal mortality rates in affected communities.

40. National, local and international health officials and practitioners should ensure equal treatment for members of affected communities including access to sanitation facilities and medical insurance and treatment at hospitals.

41. Development and financial assistance to ensure adequate hygiene and sanitation should be provided by national and local governments and international development and humanitarian organizations.

Adequate food, water, and housing

42. National and local governments should take all necessary measures to eliminate discriminatory practices that cause affected communities to suffer from inadequate food, water, sanitation, clothing and housing. (11)

43. National governments and local authorities should ensure affected communities due entitlement to land and protect against forced eviction.

44. Governments should ensure that the ministries, district administration and local bodies develop comprehensive mechanisms

and programmes for enhancing mandatory and increased access to development programmes and budgets for affected communities.

45. Donor agencies have an obligation to help governments ensure effective outreach in providing food, water and housing to affected communities on an equal footing with other parts of the population.

Education

46. National and local governments should take all necessary measures to ensure equal access to free quality primary and secondary education for children from affected communities, as well as equal opportunity to receive tertiary education. Effective special measures should be enacted for affected communities in admissions to public and private higher education institutions.

47. National and local governments should take effective measures to reduce dropout rates and increase enrolment rates among children of affected communities at all levels of public and private schooling, by providing scholarships or other financial subsidies, combating classroom segregation, harassment and discrimination against pupils of affected communities and ensuring non-discriminatory access to such schemes, including through provision of adequate equipment, staffing and quality of teaching in public schools, as well as adequate means of physical access to schools for children living in dominant caste neighbourhoods and armed conflict areas.

Governments should take all necessary measures to remove obstacles, including child labour, which keep children from regular full time education. Governments should also pay particular attention to the need of providing adequate education to children and adults who are unable to read and write because of lack of formal education.

48. National and local governments should review and eliminate language in school textbooks that conveys or encourages stereotypical and prejudicial beliefs, attitudes,

and actions against members of affected communities and ensure that the content of education and curricula reflect the contributions of affected communities and emphasize the need to eliminate discrimination based on work and descent through, among other things, inclusion of human rights education.

Public awareness raising and elimination of discriminatory customs

49. National and local governments should take specific measures to raise awareness both among the public and among government officials, teachers, and media practitioners on discrimination based on work and descent, such as through internal training and public campaigns. Areas of attention should include not only the print and broadcasting media but also alternative avenues of information dissemination, such as local oral information through theatre, songs, etc. as well as information via internet.

50. National and local governments should, wherever necessary, review or enact libel, slander, and hate speech laws to explicitly prohibit and punish libellous and slanderous speech or speech inciting discrimination, hatred, or violence based on work and descent.

51. Governments should take special measures to promote due representation in the mass media of affected communities, and carry out sensitization campaigns and awareness raising programme with media representatives. It is recommended that government and other relevant institutions encourage media outlets to profile and publicize abuses faced by descent-affected communities, as well as promoting tolerance and positive examples of combating descent based discrimination.

52. The media, religious, educational and cultural institutions and other parts of civil society, and international organizations should contribute to correcting the spread of negative images of affected communities, and endeavour to build the capacity of those communities, as

well as recognize the contributions of affected communities to the development of society.

Multiple discrimination against women

53. National and local governments should collect, analyze and publicly provide disaggregated data on the situation of women affected by discrimination based on work and descent.

54. 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.

Participation of affected communities

55. Any measures taken for the effective elimination of discrimination based on work and descent should be made on the basis of genuine and informed consultations with affected communities . Procedural mechanisms of those measures should be set up to ensure that the affected communities' interests are adequately represented .

Humanitarian and development assistance

56. All States should recognize and take measures to address the special problem of increased discrimination based on work and descent in situations of humanitarian crises, such as internal conflicts, wars, or natural disasters.

57. Governments and international organizations should develop measures to tackle exclusion and discrimination in all development and disaster recovery programmes, such as social equity audits and caste analysis frameworks. Appropriate 'affected community inclusion tools' should be developed and applied effectively in the planning and monitoring of programmes. Agencies should provide training

on discrimination based on work and descent to their staff and should take responsibility to monitor and counter untouchability practices. Members of affected communities should be fully involved in decision-making on and the planning and evaluation of programmes, and agents involved should actively seek to employ members of affected communities in the recovery or development operations.

58. States should investigate all alleged cases in which members of affected communities have been denied assistance or benefits equal to that received by other people, or cases in which they have been discriminated against during the relief, rehabilitation and development processes, and compensate or retroactively grant such benefits to the victims of affected communities.

Market enterprises and financial allocations

59. International financial institutions and private companies should affirm the unacceptability of discrimination based on work and descent within own organizations as well as within the sphere of influence including supplies and business partners with special focus on equal to markets and services and actively to implementing anti-caste laws; and such entities should incorporate caste and gender analyses as well as anti-discrimination policy measures into their corporate social development strategies.

International cooperation

60. International, regional and sub-regional bodies should provide support for the effective elimination of discrimination based on work and descent, through financial, technical and legal assistance. Inter-governmental bodies, including financial institutions, bilateral donors and diplomatic organizations including embassies, should ensure that the development assistance projects which they support are consistent with efforts to eliminate discrimination based on work and descent. Regional and international human rights institutions and procedures, as

well as international civil society, should monitor and support efforts to eliminate discrimination based on work and descent. Humanitarian organizations should recognize affected communities as being at special risk of rights violations and deprivations, and prioritize the distribution of aid accordingly.

61. All international organisations, including United Nations agencies, should pay particular attention to discrimination based on work and descent and seek to prevent and address the multiple forms of human rights violations resulting from this form of discrimination. It is recommended that all agencies include analyses of the situation of affected communities in their country and regional strategies, and develop policies, strategies and instruments to address work and descent based discrimination as well as operational guidance to staff.

Responsibilities of States with diaspora communities

62. Governments of the countries with diaspora communities where discrimination based on work and descent is practiced should take effective measures to prevent such discrimination.

Interpretation

63. These principles and guidelines for the effective elimination of discrimination based on work and descent shall not be interpreted as limiting, altering, or otherwise prejudicing the rights of individuals recognized under international human rights law, humanitarian law, or immigration and refugee laws.

পেশা ও জন্মের ভিত্তিতে বৈষম্য কার্যকরভাবে দূরীকরণের লক্ষ্যে জাতিসংঘের নীতিমালা ও নির্দেশনাবলী (খসড়া)

বিশ্বব্যাপী কাস্ট বা জাতপাত বৈষম্য দূরীকরণে সমন্বিত আইনগত কাঠামো

অনুবাদ : এ্যাড. তাজুল ইসলাম ও মাজহারুল ইসলাম

প্রস্তাবনা

মানবাধিকার ও মৌলিক স্বাধীনতার প্রতি সর্বজনীন শ্রদ্ধা ও তা চর্চায় অগ্রগতি সাধনে জাতিসংঘ সনদের প্রস্তাবনা এবং ১,২,১৩, ৫৫ ও ৫৬ অনুচ্ছেদসহ এ সনদের নীতিমালা ও বাধ্যবাধকতার প্রতি অঙ্গীকারের কথা মনে রেখে,

মানবাধিকারের সর্বজনীন ঘোষণায় প্রচারকৃত সকল মানুষের সমান মর্যাদা ও স্বাধীনতার প্রতি শ্রদ্ধা এবং স্বাধীনতা ও অধিকার প্রাপ্তিতে কোন প্রকার পার্থক্য যেমন: জাতিগোষ্ঠী, বর্ণ, লিঙ্গ, ভাষা, ধর্ম, সামাজিক উৎপত্তি, জন্ম বা অন্য অবস্থান ব্যতিরেকে সকল ব্যক্তি ও জাতির জন্য সাধারণ মানদণ্ড অর্জনের বিষয় স্মরণ করে,

সকল প্রকার বর্ণবৈষম্য বিলোপ সংক্রান্ত আন্তর্জাতিক সনদ যা জাতি, গাভ্রবর্ণ, বংশ কিংবা জাতীয়তা বা নৃতাত্ত্বিক উৎসভিত্তিক বৈষম্য বিলোপের উপায় খোঁজে, তাও স্মরণ করে,

বর্ণবৈষম্য বিলোপ কমিটির ২৯ নম্বর সাধারণ সুপারিশ যা কমিটির সংগতিপূর্ণ মতামত নিশ্চিত করে যে, সনদের প্রথম অনুচ্ছেদের প্রথম প্যারায় জন্ম বা বংশ শব্দটি শুধুমাত্র বর্ণের ক্ষেত্রে ছাড়াও অন্যান্য বংশগত অবস্থানের ক্ষেত্রেও প্রয়োগযোগ্য এবং সকলপ্রকার বর্ণবৈষম্য বিলোপের আন্তর্জাতিক সনদের পরিপন্থী পেশা ও জন্মের ভিত্তিতে বৈষম্যকে দৃঢ়ভাবে নিন্দা জানায় এবং সনদের সদস্য রাষ্ট্রসমূহের প্রতি কমিটির সমাপনী পর্যবেক্ষণ বিবেচনা করে,

ডারবান ঘোষণা এবং বর্ণবাদ, বর্ণবৈষম্য, বিদেশিবিদ্বেষ ও এ সংশ্লিষ্ট অসহিষ্ণুতার বিরুদ্ধে বিশ্ব সম্মেলনের কর্মসূচি যা বৈষম্যকে নিন্দা করে তা দৃঢ়ভাবে ঘোষণা করে,

জাতিসংঘ সনদ অনুযায়ী কোন প্রকার পার্থক্য যেমন: জাতি, বর্ণ, লিঙ্গ, ভাষা বা ধর্ম, রাজনৈতিক ও অন্যান্য মতামত, জাতীয়তা বা সামাজিক উৎপত্তি, সম্পত্তি, জন্ম বা অন্যান্য

অবস্থান ব্যতিরেকে সকলের মানবাধিকার এবং মৌলিক স্বাধীনতার প্রতি শ্রদ্ধাশীল হতে ২০০৫ সালের বিশ্বসম্মেলনের ফলাফল অনুসারে সকল রাষ্ট্রের দায়িত্বের ওপর গুরুত্বের বিষয়টি মনোযোগ দিয়ে,

চাকুরি ও পেশা সংক্রান্ত বৈষম্য বিষয়ে আন্তর্জাতিক শ্রম সংস্থার ১১১ নম্বর কনভেনশন এবং এ কনভেনশনের ১১১ নম্বর সাধারণ পর্যবেক্ষণও বিবেচনা করে,

ইউনেস্কোর সাংস্কৃতিক বৈচিত্র কনভেনশন এবং শিক্ষাক্ষেত্রে বৈষম্য সংক্রান্ত কনভেনশন দৃঢ়ভাবে ঘোষণা করে,

চাকুরি ও পেশাভিত্তিক বৈষম্য দূর করার জন্য জাতিসংঘের গ্লোবাল কমপ্যাক্টে ঘোষণাকৃত নীতিমালাও দৃঢ়ভাবে ঘোষণা করে,

পেশা ও জন্মের ভিত্তিতে বৈষম্য দারিদ্রকে ত্বরান্বিত করে এবং সহস্রাব্দ উন্নয়ন লক্ষ্যমাত্রা অর্জনে বাধা সৃষ্টি করে, তার উপর গুরুত্বারোপ করে,

সহস্রাব্দ উন্নয়ন লক্ষ্যমাত্রায় বর্ণিত সর্বজনীন শিক্ষার গুরুত্বের বিষয়টি পুনরায় দৃঢ়ভাবে ঘোষণা করে,

মানবাধিকার সুরক্ষা ও অগ্রগতি সংক্রান্ত সাব-কমিশনের পেশা ও জন্মের ভিত্তিতে বৈষম্য বিষয়ে বিশেষ প্রতিবেদক এবং মানবাধিকার কাউন্সিলের বর্ণবাদ, বর্ণবৈষম্য, বিদেশিবিদ্বেষ ও এ সংশ্লিষ্ট অসহিষ্ণুতার সমসাময়িক ধরণ সংক্রান্ত বিশেষ প্রতিবেদকের প্রতিবেদনে অনেক অঞ্চলে পেশা ও জন্মের ভিত্তিতে বৈষম্যের অনড় অবস্থানের প্রতি গভীর উদ্বেগের বিষয়টি নজর দিয়ে,

অর্থনৈতিক সহযোগিতা ও উন্নয়ন সংস্থা (ওইসিডি) এর কোম্পানি সংক্রান্ত নির্দেশিকা অবহিত হয়ে,

কাঠমুন্ডু দলিত ঘোষণা, আশ্বেদকার নীতিমালা এবং সুলিভান নীতিমালা বিবেচনা করে,

জাতীয় সাংবিধানিক ও অন্যান্য আইন এবং অন্যান্য ব্যবস্থার মাধ্যমে পেশা ও জন্মের ভিত্তিতে বৈষম্য দূরীকরণের সরকারি প্রচেষ্টার প্রশংসা করে,

পেশা ও জন্মের ভিত্তিতে বৈষম্য দূরীকরণে ক্ষতিগ্রস্ত জনগোষ্ঠী এবং আন্তর্জাতিক ও আঞ্চলিক সংস্থার চলমান প্রচেষ্টাকে সর্বোচ্চ গুরুত্বের সাথে শ্রদ্ধা ও সহতি জানিয়ে,

কাস্ট বা জাতপাতভিত্তিক বৈষম্য ও জন্মগত অবস্থানের সমজাতীয় বৈষম্যসহ পেশা ও জন্মের ভিত্তিতে বৈষম্যকে মানবাধিকার ও আন্তর্জাতিক আইনের লঙ্ঘন হিসেবে তীব্র নিন্দা জানিয়ে,

কার্যকরভাবে পেশা ও জন্মের ভিত্তিতে বৈষম্য দূরীকরণে শুধুমাত্র রাষ্ট্রই নয়, বরং আঞ্চলিক ও আন্তর্জাতিক প্রতিষ্ঠান, দাতাসংস্থা, স্থানীয় কর্তৃপক্ষ, রাজনৈতিক দল, প্রাইভেট সেক্টরসমূহ যেমনঃ কোম্পানি, বিদ্যালয়, সামাজিক, সাংস্কৃতিক ও আঞ্চলিক প্রতিষ্ঠান, অন্যান্য বেসরকারি সংস্থা (এনজিও) এবং মিডিয়া প্রভৃতির নিজ নিজ প্রভাব বলয়ে সম্মিলিত প্রচেষ্টার প্রয়োজন নিশ্চিত করে,

পেশা ও জন্মের ভিত্তিতে বৈষম্য কার্যকরভাবে দূর করতে নিম্নোক্ত নীতিমালা ও নির্দেশাবলী সুপারিশ করা হচ্ছে।

পরিসর ও প্রয়োগ

১. পেশা ও জন্মের ভিত্তিতে বৈষম্য সংক্রান্ত নীতিমালা ও নির্দেশাবলী সকল রাষ্ট্র এবং সকল স্থানীয়, জাতীয়, উপ-আঞ্চলিক, আঞ্চলিক ও আন্তর্জাতিক সরকারি এবং বেসরকারি প্রতিষ্ঠানে সমভাবে প্রয়োগযোগ্য।

সংজ্ঞা

২. পেশা ও জন্মের ভিত্তিতে বৈষম্য হলো, যেকোন ধরনের পার্থক্য, বঞ্চনা, নিষেধাজ্ঞা, অথবা বংশানুক্রমিক আনুকূল্য যেমন কাস্ট বা জাতপাত, তথা বর্তমান অথবা বংশানুক্রমিক পেশা, পরিবার, গোষ্ঠী অথবা সামাজিক উৎপত্তি, নাম, জন্মস্থান, বাসস্থান, সামাজিক শ্রেণীভেদে ভাষা এবং উচ্চারণ যার ফলে রাজনৈতিক, অর্থনৈতিক, সামাজিক, সাংস্কৃতিক অথবা জনজীবনের অন্য কোন ক্ষেত্রে মানবাধিকার ও মৌলিক স্বাধীনতা সমভাবে স্বীকৃতি, ভোগ ও চর্চা ক্ষতিগ্রস্ত ও রদ করে। এ ধরনের বৈষম্য সাধারণত শুদ্ধতা, অশুদ্ধতার ধারণা ও অস্পৃশ্যতার চর্চার সাথে সম্পর্কিত এবং যেখানে এ ধরনের বৈষম্যের চর্চা হয় সেখানকার সমাজ ও সংস্কৃতির গভীর মূলে প্রোথিত।

৩. শুধুমাত্র ক্ষতিগ্রস্ত জনগোষ্ঠী ও ব্যক্তির পর্যাপ্ত উন্নতি নিশ্চিতের জন্য বিশেষ ব্যবস্থা নেওয়া হলে এবং এ ধরনের সুরক্ষা ঐ গোষ্ঠী এবং ব্যক্তির মানবাধিকার ও মৌলিক স্বাধীনতা সমভাবে ভোগ ও চর্চার জন্য প্রয়োজন হলে তা পেশা ও জন্মের ভিত্তিতে বৈষম্য হিসেবে বিবেচনা করা হবে না, তবে শর্ত থাকে যে, যদিও এ ধরনের বিশেষ ব্যবস্থার ফলে অন্যান্য গোষ্ঠীর পৃথক অধিকার সংরক্ষণ করে না, তাই এই বিশেষ ব্যবস্থাসমূহ যে উদ্দেশ্যে গ্রহণ করা হয়েছে তা অর্জনের পর আর বহাল থাকবে না।

নীতিমালা

৪. পেশা ও জন্মের ভিত্তিতে বৈষম্য হলো, এক ধরনের বৈষম্য যা আন্তর্জাতিক মানবাধিকার আইন তথা মানবাধিকারের সর্বজনীন ঘোষণা ও অন্যান্য আন্তর্জাতিক দলিল যেমন: নাগরিক ও রাজনৈতিক অধিকারের আন্তর্জাতিক সনদ, অর্থনৈতিক, সামাজিক ও সাংস্কৃতিক অধিকারের আন্তর্জাতিক চুক্তি, সকলপ্রকার বর্ণবৈষম্য বিলোপ সংক্রান্ত আন্তর্জাতিক সনদ, নারীর প্রতি সকল প্রকার বৈষম্য বিলোপ সনদ, শিশু অধিকার সনদ এবং আন্তর্জাতিক শ্রম সংস্থার ১১১ নং সনদ ইত্যাদিতে নিষিদ্ধ ঘোষণা করা হয়েছে।
৫. পেশা ও জন্মের ভিত্তিতে বৈষম্য এবং অন্যান্য ধরনের বৈষম্য কেবলমাত্র মানবাধিকার লঙ্ঘনই নয়, উন্নয়ন অর্জনেরও প্রধান অন্তরায়। অসমতা উন্নয়ন অর্জনকে নিশ্চিতভাবে হ্রাস করে এবং সশস্ত্র সংঘর্ষের অন্যতম প্রধান কারণ। পেশা ও জন্মের ভিত্তিতে বৈষম্যের কারণে সৃষ্ট মানবসম্পদের অকার্যকর বন্টন শ্রমবাজারকে বিকৃত করে যা অর্থনীতিতে নেতিবাচক প্রভাব ফেলে।
৬. পেশা ও জন্মের ভিত্তিতে বৈষম্যের সমস্যা মোকাবেলায় নারী, শিশু, অসুস্থ বা প্রতিবন্ধী, প্রবীণ এবং দারিদ্র সীমার নিচে বসবাসকারী জনগণের বিষয়ে বিশেষ নজর দেওয়া উচিত।
৭. প্রত্যেক রাষ্ট্রের দায়িত্ব পেশা ও জন্মের কারণে বিদ্যমান বৈষম্যের অস্তিত্বকে স্বীকার করা, তা প্রতিরোধ ও বিলোপ করতে সংশ্লিষ্ট এলাকায় সাংবিধানিক, আইন প্রণয়নগত, প্রশাসনিক, বাজেট সংক্রান্ত, বিচারিক এবং শিক্ষাসংক্রান্ত সকল প্রয়োজনীয় ব্যবস্থা গ্রহণ করা এবং যারা এ ধরনের বৈষম্যের শিকার তাদের মানবাধিকারের প্রতি শ্রদ্ধা, সুরক্ষা, অগ্রগতিসাধন, বাস্তবায়ন এবং পরিবীক্ষণ করা। ক্ষতিগ্রস্ত জনগোষ্ঠীর সবাই, অন্যদের

সাথে সমানভাবে, সকল নাগরিক, রাজনৈতিক, অর্থনৈতিক, সামাজিক এবং সাংস্কৃতিক অধিকার ভোগের অধিকার রয়েছে যা শুধুমাত্র নিম্নোক্তে সীমাবদ্ধ নয়:

- শারীরিক নিরাপত্তা ও বেঁচে থাকার অধিকার এবং নির্যাতনমুক্ত থাকার অধিকার;
- রাজনৈতিক অংশগ্রহণের সমান অধিকার;
- ন্যায়বিচার পাওয়ার অধিকার;
- ভূমিতে মালিকানার অধিকার;
- সরকারি ও সামাজিক সেবায় সমান প্রবেশাধিকার;
- ধর্মীয় স্বাধীনতার অধিকার;
- স্বেচ্ছায় বিবাহ করার অধিকার;
- শিক্ষার অধিকার;
- সাংস্কৃতিক আত্মপরিচয়ের অধিকার;
- সমান সুযোগ এবং স্বাধীনভাবে চাকুরি পছন্দ করার অধিকার;
- সমান, যথাযথ এবং অনুকূল কাজের পরিবেশের অধিকার;
- জবরদস্তি-শ্রম ও শ্রমদাসত্ব থেকে মুক্ত থাকার অধিকার;
- নিষ্ঠুর, অমানবিক বা অপমানজনক ব্যবহার থেকে মুক্ত থাকার অধিকার;
- স্বাস্থ্যের অধিকার;
- পর্যাপ্ত খাদ্য, পানি, স্যানিটেশন, বস্ত্র এবং বাসস্থানের অধিকার;

৮. পেশা ও জন্মের ভিত্তিতে বৈষম্য তথা অস্পৃশ্যতা, অপবিত্রতা ও কাস্টভিত্তিক বা জাতপাতকেন্দ্রিক শ্রেষ্ঠত্ব বা নিকৃষ্টতার ধারণা সৃষ্টি, সমর্থন এবং জোরদার করে এমন কুসংস্কারমূলক বিশ্বাস দূর করার জন্য প্রত্যেক রাষ্ট্রের দায়িত্ব হচ্ছে আন্তরিক প্রচেষ্টা নেওয়া এবং এ ধরনের বিশ্বাসের ভিত্তিতে গৃহীত কার্যক্রম প্রতিরোধ করা।

৯. আঞ্চলিক ও আন্তর্জাতিক সংস্থা যেমন জাতিসংঘের সংস্থাসমূহ ও আঞ্চলিক আন্তঃরাষ্ট্রীয় সংস্থা এবং জাতীয় ও আন্তর্জাতিক সুশীল সমাজ যেমন বেসরকারি খাত তথা কর্পোরেশন, শিক্ষা প্রতিষ্ঠান, হাসপাতাল, শ্রমিক ইউনিয়ন, কৃষিভিত্তিক সমিতি এবং মিডিয়া ব্যক্তিত্ব প্রভৃতির পেশা ও জন্মের ভিত্তিতে বৈষম্যকে কার্যকরভাবে বিলোপ করার প্রচেষ্টাকে সহযোগিতা করা উচিত।

নির্দেশিকা

সাধারণ

১০. জাতীয় ও স্থানীয় সরকারের উচিত ব্যক্তি ও জনজীবনের সকল স্তরে পেশা ও জন্মের ভিত্তিতে বৈষম্যকে প্রতিরোধ ও নিষিদ্ধ করা এবং প্রতিকারের জন্য উপযুক্ত ইতিবাচক পদক্ষেপ এবং গণশিক্ষা কর্মসূচিসহ প্রয়োজনীয় সকল সাংবিধানিক, আইনপ্রণয়নগত, প্রশাসনিক, বাজেট সংক্রান্ত ও বিচারিক ব্যবস্থা গ্রহণ করা এবং রাষ্ট্রের সকল প্রশাসন-যন্ত্রের উচিত সর্বস্তরে এ ব্যবস্থাসমূহ অনুসরণ ও বাস্তবায়ন নিশ্চিত করা।
১১. জাতীয় ও স্থানীয় সরকারের উচিত পেশা ও জন্মের ভিত্তিতে বৈষম্য দূর করা সংক্রান্ত আইনসমূহ বাস্তবায়নের সুনির্দিষ্ট ও কার্যকর ব্যবস্থা এবং ইতিবাচক পদক্ষেপ গ্রহণ করা।
১২. জাতীয় ও স্থানীয় সরকারের উচিত বৈষম্য ও নির্যাতনমূলক কার্যক্রম থেকে ক্ষতিগ্রস্ত জনগোষ্ঠীকে রক্ষা করার জন্য যথোচিত ব্যবস্থা গ্রহণ এবং ক্ষতিগ্রস্ত জনগোষ্ঠীর সদস্যদের নির্যাতনের জন্য নির্যাতনকারীদের দণ্ডান থেকে অব্যাহতি দেওয়া বন্ধ করা।
১৩. জাতীয় ও স্থানীয় সরকারের অস্পৃশ্যতা ও বিভক্তি বিলোপের প্রক্রিয়া জোরদার করার জন্য সময়সীমা নির্দিষ্ট করে কর্মসূচি গ্রহণ করা উচিত। ‘অস্পৃশ্যতা’কে কার্যকরভাবে শাস্তিযোগ্য করে আইনগত ও বিচারিক ব্যবস্থা প্রতিষ্ঠা ও তা প্রয়োগ করা উচিত। সরকারের উচিত পবিত্রতা ও অপবিত্রতা সম্পর্কিত সামাজিক অনড় দৃষ্টিভঙ্গি মোকাবেলা করার জন্য বিশেষ ব্যবস্থা প্রচলন ও তা প্রয়োগ করা।
১৪. জাতীয় ও স্থানীয় সরকারের উচিত পেশা ও জন্মের ভিত্তিতে বৈষম্যকে আইন দ্বারা সুস্পষ্টভাবে নিষিদ্ধ করা এবং উক্ত আইন লঙ্ঘনের জন্য দেওয়ানি ও ফৌজদারি প্রতিকারের স্পষ্ট বিধান রাখা। দেওয়ানী ক্ষতিপূরণ ও ফৌজদারি দণ্ড কেবলমাত্র সরাসরি আইন অমান্যকারীর উপর সুনির্দিষ্টভাবে প্রয়োগই নয়, তা এর অন্যান্য সহায়তাকারী এবং পরোচনাকারীর উপরও প্রয়োজ্য হওয়া উচিত যা কর্পোরেশন ও সরকারি কর্মকর্তা-কর্মচারিসহ সবার ক্ষেত্রে প্রয়োজ্য।
১৫. জাতীয় ও স্থানীয় সরকারের উচিত কাস্ট বা জাতপাত কিংবা সমজাতীয় ব্যবস্থার কারণে ভূমি মালিকানা বা ভোটের অধিকার খর্ব করে এমন আইনসহ সকল প্রচলিত আইন এবং প্রবিধান বাতিল করা যা প্রত্যক্ষ

বা পরোক্ষভাবে পেশা ও জন্মের ভিত্তিতে বৈষম্য সৃষ্টি করে।

১৬. পেশা ও জন্মের ভিত্তিতে বৈষম্য কার্যকর বিলোপের জন্য জাতীয় ও স্থানীয় সরকারের উচিত সুনির্দিষ্ট বাজেট সংক্রান্ত পদক্ষেপসহ সমন্বিত কর্মপরিকল্পনা গ্রহণ এবং উক্ত কর্মপরিকল্পনা বাস্তবায়ন ও সমন্বয়ের জন্য একটি অফিস স্থাপন করা।

১৭. ক্ষতিগ্রস্ত জনগোষ্ঠী যেসব সমস্যার সম্মুখীন হচ্ছে সেগুলো সুনির্দিষ্টভাবে মোকাবেলার জন্য জাতীয় মানবাধিকার প্রতিষ্ঠান এবং বিশেষায়িত প্রতিষ্ঠানসমূহকে ক্ষমতা প্রদান করা উচিত। যেসব ক্ষতিগ্রস্ত দেশে জাতীয় মানবাধিকার প্রতিষ্ঠান ও বিশেষায়িত কমিশন রয়েছে সেসব দেশের সরকারের উচিত পেশা ও জন্মের ভিত্তিতে বৈষম্যের ফলে ক্ষতিগ্রস্ত ব্যক্তিদের স্বার্থ রক্ষার জন্য পর্যাপ্ত আর্থিক, আইনগত ও জনবল যোগান দিয়ে উক্ত প্রতিষ্ঠান ও কমিশন যাতে স্বাধীন ও ফলপ্রসূভাবে কাজ করতে পারে তা নিশ্চিত করা। যেসব দেশে এ ধরনের প্রতিষ্ঠান ও কমিশন বিদ্যমান নেই, সেসব দেশে অবশ্যই তা প্রতিষ্ঠা করা উচিত। অধিকতর ভাল কোন সমাধান না পাওয়া পর্যন্ত সরকারের উচিত পেশা ও জন্মের ভিত্তিতে বৈষম্য দূর করার জন্য বিশেষায়িত কমিশন, জাতীয় মানবাধিকার প্রতিষ্ঠান ও সংশ্লিষ্ট অন্যান্য কমিশন এবং আন্তর্জাতিক সংস্থা যথা জাতিসংঘ মানবাধিকার প্রতিষ্ঠান ও এজেন্সিসমূহ কর্তৃক সুপারিশমালা বাস্তবায়ন করা এবং এ ধরনের সুপারিশগুলো বিবেচনা করা ও তা বাস্তবায়নে প্রয়োজনীয় ক্ষেত্রে কারিগরী সহায়তা প্রদান করা।

১৮. যারা পেশা ও জন্মের ভিত্তিতে বৈষম্যের শিকার তাদের শুধু আইনগতই নয় কার্যত সমতা ও পক্ষপাতহীনতা অর্জনের লক্ষ্যে জাতীয় ও স্থানীয় সরকারের ক্ষতিগ্রস্ত জনগোষ্ঠীর অবস্থা উন্নয়নের জন্য ইতিবাচক পদক্ষেপ গ্রহণ করা উচিত যেমন: ক্ষতিগ্রস্ত গোষ্ঠী ও ব্যক্তির পর্যাপ্ত উন্নতি নিশ্চিত করার জন্য বিশেষ ব্যবস্থা নেয়া, এ ধরনের ব্যবস্থা তাদের শিক্ষা ও চাকুরি ক্ষেত্রে মৌলিক স্বাধীনতা এবং মানবাধিকারের সমান ভোগ ও চর্চার জন্য প্রয়োজন হতে পারে।

১৯. সরকারের উচিত পেশা ও জন্মের ভিত্তিতে বৈষম্যের উপর বিভাজিত উপাত্ত দিয়ে প্রস্তুত প্রতিবেদন জাতিসংঘের সংশ্লিষ্ট সংস্থায় সময়মত দাখিল নিশ্চিত করা।

জরিপ ও গবেষণা

২০. পেশা ও জন্মের ভিত্তিতে বৈষম্য দূর করতে কার্যকর ব্যবস্থা গ্রহণের লক্ষ্যে জাতীয় ও স্থানীয় সরকারের উচিত ক্ষতিগ্রস্ত জনগোষ্ঠীর প্রতি সাধারণ মানুষের দৃষ্টিভঙ্গিসহ সামাজিক, রাজনৈতিক, অর্থনৈতিক, সাংস্কৃতিক এবং ফৌজদারি বিচার ক্ষেত্রে নিয়মিত জরিপ ও অন্যান্য উপযুক্ত গবেষণা পরিচালনা করা এবং নারীদের অবস্থান সম্পর্কিত বিভাজিত উপাত্ত বিবেচনা করে গবেষণা ও জরিপ থেকে প্রাপ্ত উপাত্ত ব্যবহার করা। গবেষণা ও জরিপে প্রাপ্ত পেশা ও জন্মের ভিত্তিতে বৈষম্যের ফলে ক্ষতিগ্রস্তদের অবস্থা সম্পর্কিত তথ্য প্রদান এবং বিদ্যমান ব্যবস্থার কার্যকারিতা পর্যালোচনা ও এ ধরনের বৈষম্য দূরীকরণের প্রস্তাবনা উপস্থাপন করা উচিত। গবেষণা প্রতিষ্ঠান ও বিশ্ববিদ্যালয়সমূহকে স্বতন্ত্রভাবে এ ধরনের গবেষণা ও জরিপ পরিচালনায় উৎসাহ প্রদান করা উচিত।

বিভাজনের বিরুদ্ধে সংগ্রাম

২১. জাতীয় ও স্থানীয় সরকারের উচিত কমিউনিটি সেন্টার, হাসপাতাল, শিক্ষা প্রতিষ্ঠান, উপাসনালয় এবং পানি সম্পদসহ জনসাধারণের জন্য উন্মুক্ত সকল স্থানে ক্ষতিগ্রস্ত জনগোষ্ঠীর অভিগমন নিশ্চিত করা; চাকুরি, বাসস্থান এবং শিক্ষা ক্ষেত্রে বিভাজন প্রতিরোধ ও দূরীকরণের ব্যবস্থা গ্রহণ করা এবং যারা বিভাজনের পরিসীমা অতিক্রম করে তাদেরকে নির্যাতন হতে সুরক্ষা করা।

২২. জাতীয় ও স্থানীয় সরকারের উচিত সমাজে বিদ্যমান অপবিত্র ও অশুচি সংক্রান্ত সামাজিক ও সাংস্কৃতিক বৈশিষ্ট্যের অনড় অবস্থান দূর করার জন্য বিশেষ ব্যবস্থার প্রচলন ও প্রয়োগ করা যা কার্যত ক্ষতিগ্রস্ত ও ক্ষতিগ্রস্ত নয় এমন জনগোষ্ঠীর সদস্যদের মধ্যে বিবাহ অসম্ভব করে তোলে এবং কোন কোন সমাজে ভিন্ন ভিন্ন জাতির দম্পতির নির্যাতন, যৌথ-শাস্তি ও সামাজিকভাবে বর্জনের শিকার হয়।

শারীরিক নিরাপত্তা ও নির্যাতন হতে সুরক্ষা

২৩. জাতীয় ও স্থানীয় সরকারের উচিত বাল্যবিবাহ ও যৌতুক, বিধবাদের পুনর্বিবাহে বাধা দান, মেয়েদের মন্দিরের দেবতা হিসেবে উৎসর্গকরণ এবং জোরপূর্বক পতিতাবৃত্তির মতো ক্ষতিকর লোকাচার নিষিদ্ধ করা এবং তা সঠিকভাবে বাস্তবায়নের জন্য স্থানীয় আইন

প্রয়োগকারী টাস্কফোর্স তৈরি করা।

২৪. রাষ্ট্র পরিচালনাকারীদের উচিত নিপীড়ন, যৌন নির্যাতন এবং বিচারবহির্ভূত হত্যাকাণ্ডসহ শারীরিক নির্যাতন হতে ক্ষতিগ্রস্ত জনগোষ্ঠীকে রক্ষা করার জন্য বিশেষ ব্যবস্থা গ্রহণ করা যেমন: সমন্বিত কর্মপরিকল্পনা উদ্ভাবন ও তা বাস্তবায়ন এবং পরিবীক্ষণ পদ্ধতি তৈরি করা।
২৫. ক্ষতিগ্রস্ত জনগোষ্ঠীর নারী ও কন্যাসন্তানদের প্রতি সংগঠিত পারিবারিক পর্যায়ের সহিংসতা এবং তাদের প্রতি যৌন নির্যাতন, যৌন নিপীড়ন ও পাচার ইত্যাদি বিষয়ে বিশেষ দৃষ্টি দেওয়া উচিত।
২৬. জাতীয় ও স্থানীয় সরকারের উচিত সব ধরনের নির্যাতন ও হত্যাজঙ্কের তদন্ত, বিচার এবং তা সংগঠনকারীদের শাস্তি দেয়া এবং সরকারি কর্মকর্তা-কর্মচারিসহ যারা এ ধরনের ঘটনায় ক্ষতিগ্রস্তদের অভিযোগ দাখিলে বাধা দেয় বা নিরুৎসাহিত করে তাদের শাস্তি প্রদান করা।
২৭. জাতীয় ও স্থানীয় সরকারের উচিত উপযুক্ত কর্তৃপক্ষের নিকট এ ধরনের ঘটনার অভিযোগ দায়ের করতে ক্ষতিগ্রস্ত ব্যক্তি ও সাক্ষীদের উৎসাহিত করা, দুর্ব্যবহার ও বৈষম্যমূলক কর্মকাণ্ড থেকে রক্ষা করা এবং প্রাসঙ্গিক আইন ও অন্যান্য ফৌজদারি আইনের বিধান অনুযায়ী অভিযোগসমূহ যথাযথভাবে দায়ের নিশ্চিত করা। জাতীয় ও স্থানীয় সরকারের উচিত দায়েরকৃত অভিযোগের সংখ্যা ও প্রকৃতি, অপরাধ সংগঠনকারীদের উপর আরোপিত দোষ ও দণ্ড প্রদান এবং এ ধরনের ঘটনায় ক্ষতিগ্রস্ত ব্যক্তিদের প্রতিকার ও সহযোগিতা প্রদানের তথ্য প্রকাশ করা।

ন্যায়বিচার ও রাজনৈতিক সম-অংশগ্রহণ

২৮. বিচারিক, আইন প্রণয়নকারী ও আইন প্রয়োগকারী সংস্থার উচিত ক্ষতিগ্রস্ত জনগোষ্ঠীর আইনের সমান সুরক্ষা নিশ্চিত করতে সুনির্দিষ্ট ও বাস্তবসম্মত ব্যবস্থা গ্রহণ করা।
২৯. জাতীয় ও স্থানীয় সরকারের উচিত ক্ষতিগ্রস্ত জনগোষ্ঠীর আইনগত প্রতিকারের সম-অভিগম্যতা নিশ্চিত করতে সকল প্রয়োজনীয় পদক্ষেপ গ্রহণ করা, যার মধ্যে রয়েছে যে সকল সংস্থা পেশা ও জন্মের ভিত্তিতে বৈষম্যের শিকার ব্যক্তিদের স্বার্থে কাজ করে এমন জনকল্যাণমূলক সংস্থাকে আইনগত বা অন্যান্য ধরনের সহযোগিতা করা।

৩০. সরকারের সকল প্রতিষ্ঠান ও পাবলিক কর্পোরেশনসহ রাষ্ট্রের সকল কর্তৃপক্ষের উচিত তাদের অভ্যন্তরীণ সকল ক্ষেত্রে পেশা ও জন্মের ভিত্তিতে বৈষম্য নিষিদ্ধ করতে সুনির্দিষ্ট নীতিমালা গ্রহণ করা, যার মধ্যে রয়েছে প্রযোজ্য ক্ষেত্রে প্রণোদনা কিংবা শাস্তির বিধান রাখা। জাতীয় ও স্থানীয় সরকারের উচিত আইন প্রয়োগকারী সংস্থায় ক্ষতিগ্রস্ত জনগোষ্ঠীর সদস্যদের নিয়োগ প্রদানে উৎসাহিত করা।

৩১. আইন প্রয়োগকারী কর্মকর্তা যেমন: পুলিশ, বিচারক এবং প্রসিকিউটরদের পেশা ও জন্মের ভিত্তিতে বৈষম্য বিষয়ক ঘটনা প্রতিরোধ, তদন্ত এবং মামলা পরিচালনা বিষয়ে পর্যাপ্ত প্রশিক্ষণ প্রদান করা উচিত।

৩২. জাতীয় ও স্থানীয় সরকারের উচিত ক্ষতিগ্রস্ত জনগোষ্ঠীর গণপ্রতিনিধিত্বমূলক নির্বাচনে অংশগ্রহণের অধিকারসহ রাজনৈতিক সম-অংশগ্রহণের অধিকার নিশ্চিত করা এবং সরকারি প্রতিষ্ঠানের নির্বাচনে প্রতিদ্বন্দ্বিতা ও নির্বাচিত হতে সম-সুযোগ সৃষ্টির জন্য সুনির্দিষ্ট ব্যবস্থা গ্রহণ করা।

৩৩. আইনপ্রণয়নকারী সংস্থা ও সরকারের সকল পর্যায়ে প্রতিকী নয় বরং পর্যাণ্ড, কার্যকর ও অর্থবহ অংশগ্রহণ নিশ্চিত করতে জাতীয় ও স্থানীয় সরকারের উচিত বিচার বিভাগসহ সব ধরনের সরকারি চাকুরির পদে সংরক্ষণ নীতিমালা প্রচলন ও তা বাস্তবায়নের বিষয় বিবেচনা করা এবং এর পরিসংখ্যানগত উপাত্ত রক্ষণাবেক্ষণ ও তা প্রকাশ করা।

চাকুরির সমসুযোগ ও পেশা গ্রহণের স্বাধীনতা

৩৪. জাতীয় ও স্থানীয় সরকারের উচিত সরকারি এবং বেসরকারি নিয়োগদাতা কর্তৃপক্ষকে কাস্ট বা জাতপাতবৈষম্য কিংবা এ জাতীয় বৈষম্যভিত্তিক নিয়োগদান নিষিদ্ধ করতে সমতামূলক আইন প্রণয়ন করা; প্রচলিত কাস্ট বা জাতপাতভিত্তিক পেশা ছাড়তে যে সকল প্রথাগত বাধা রয়েছে তা দূর করতে পদক্ষেপ নেওয়া এবং ক্ষতিগ্রস্ত জনগোষ্ঠীর সদস্যদের লাভজনক বিকল্প পেশার সুযোগ ও বাজার ব্যবস্থায় পূর্ণ অভিগমনের জন্য অগ্রগতি সাধন করা।

৩৫. জাতীয় ও স্থানীয় সরকারের ক্ষতিগ্রস্ত জনগোষ্ঠীর জন্য শোভন পেশা, জীবনধারণযোগ্য মজুরি এবং শ্রম অধিকার নিশ্চিতকরণে আইন প্রণয়ন ও তা যথাযথভাবে প্রয়োগ করা উচিত। জাতীয় ও স্থানীয় সরকারের উচিত আন্তর্জাতিক মানদণ্ড অনুযায়ী হাত দ্বারা বর্জ্য

পরিষ্কার এবং অন্যান্য অস্বাস্থ্যকর কাজের পরিবেশকে সম্পূর্ণভাবে দূরীকরণের নিশ্চয়তা প্রদান করা।

৩৬. সরকারি ও বেসরকারি উভয় খাতে সংরক্ষণ ব্যবস্থা প্রচলন অথবা আরো বৃদ্ধি করে সরকারের উচিত ক্ষতিগ্রস্ত জনগোষ্ঠীর মানুষদের শ্রমবাজারে প্রবেশাধিকার তরান্বিত করা যা কার্যকরভাবে বাজার উদারীকরণ এবং বিশ্বায়নের প্রভাব মোকাবেলায় কার্যকর ভূমিকা রাখবে।

৩৭. রাষ্ট্র ও অন্যান্য এজেন্সিসমূহের উচিত ক্ষতিগ্রস্ত জনগোষ্ঠীর স্বাধীনভাবে শ্রম পছন্দ ও অন্যান্য পেশা গ্রহণের অধিকার পূর্ণভাবে চর্চা নিশ্চিত ও সমর্থন করা যা প্রথাগতভাবে কাস্ট বা জাতপাত ও অন্যান্য সামাজিক অবস্থানের কারণে তাদেরকে বিরত রাখে।

জবরদস্তি-শ্রম, শ্রমদাসত্ব এবং শিশুশ্রম

৩৮. জাতীয় ও স্থানীয় সরকার, কর্পোরেশন, শ্রমিক সংগঠন এবং আন্তর্জাতিক শ্রম, আর্থিক ও উন্নয়ন সংস্থার পারস্পরিক সহযোগিতার ভিত্তিতে শ্রমশোষণমূলক ব্যবস্থা প্রতিরোধ, চিহ্নিতকরণ ও দূরীকরণের জন্য সুনির্দিষ্ট পন্থা নিশ্চিত এবং জবরদস্তি-শ্রম, শ্রমদাসত্ব ও শিশুশ্রম প্রভৃতি ক্ষেত্রে ক্ষতিগ্রস্ত জনগোষ্ঠীর প্রতি বিশেষ নজর দিয়ে পুনর্বাসন স্কিম বাস্তবায়ন করা উচিত।

স্বাস্থ্য

৩৯. জাতীয় ও স্থানীয় সরকারের ক্ষতিগ্রস্ত জনগোষ্ঠীর সদস্যদের শারীরিক ও মানসিক স্বাস্থ্যের সর্বোচ্চ অর্জনযোগ্য মানদণ্ড, স্বাস্থ্যসেবায় সমঅভিগম্যতা ও নিরাপদ স্বাস্থ্য রক্ষার পরিবেশ নিশ্চিত করতে সকল প্রয়োজনীয় ব্যবস্থা গ্রহণ করা উচিত। ক্ষতিগ্রস্ত জনগোষ্ঠীর শিশু অপুষ্টি এবং মাতৃমৃত্যুর উচ্চ হারের প্রতি সরকারের বিশেষ নজর দেওয়া উচিত।

৪০. জাতীয়, স্থানীয় ও আন্তর্জাতিক স্বাস্থ্য কর্মকর্তা-কর্মচারি ও চিকিৎসকদের উচিত ক্ষতিগ্রস্ত জনগোষ্ঠীর সদস্যদের সমান দৃষ্টিতে সেবা প্রদান নিশ্চিত করা যার মধ্যে রয়েছে স্যানিটেশন সুবিধা, স্বাস্থ্যবীমা এবং হাসপাতালে চিকিৎসা।

৪১. পর্যাপ্ত হাইজিন ও স্যানিটেশন নিশ্চিতকরণে জাতীয় ও স্থানীয় সরকার এবং আন্তর্জাতিক উন্নয়ন ও মানবিক সংস্থার উচিত উন্নয়ন ও আর্থিক সহযোগিতা প্রদান করা।

পর্যাপ্ত খাদ্য, পানি ও বাসস্থান

৪২. জাতীয় ও স্থানীয় সরকারের উচিত বৈষম্যমূলক প্রথা বিলোপ করতে সকল প্রকার প্রয়োজনীয় ব্যবস্থা গ্রহণ করা যা ক্ষতিগ্রস্ত জনগোষ্ঠীর খাদ্য, পানি, স্যানিটেশন, বস্ত্র এবং বাসস্থানের অপরিপূর্ণতার কারণ।

৪৩. জাতীয় সরকার ও স্থানীয় কর্তৃপক্ষের উচিত ক্ষতিগ্রস্ত জনগোষ্ঠীর ভূমিতে প্রাপ্য অধিকার নিশ্চিত করা এবং তাদেরকে জবরদস্তিমূলক উচ্ছেদ থেকে রক্ষা করা।

৪৪. সরকারের উচিত উন্নয়ন কর্মসূচি ও বাজেটে ক্ষতিগ্রস্ত জনগোষ্ঠীর অভিগম্যতা বাধ্যতামূলক ও বৃদ্ধি করার লক্ষ্যে বিভিন্ন মন্ত্রণালয়, জেলা প্রশাসন এবং স্থানীয় প্রতিষ্ঠান কর্তৃক সমন্বিত কর্মসূচি ও কার্যপদ্ধতি নিশ্চিত করা।

৪৫. সরকারকে সহায়তা করার ক্ষেত্রে দাতাসংস্থার দায়বদ্ধতা রয়েছে যাতে সরকার অন্যান্য জনগোষ্ঠীর ন্যায় ক্ষতিগ্রস্ত জনগোষ্ঠীর জন্য খাদ্য, পানি এবং বাসস্থান কার্যকরভাবে আউটরিচ নিশ্চিত করতে পারে।

শিক্ষা

৪৬. জাতীয় ও স্থানীয় সরকারের উচিত ক্ষতিগ্রস্ত জনগোষ্ঠীর শিশুদের জন্য অবৈতনিক, গুণগত মানসম্পন্ন প্রাথমিক ও মাধ্যমিক শিক্ষায় সম-প্রবেশাধিকার, অধিকন্তু উচ্চ শিক্ষা গ্রহণের সম-সুযোগ নিশ্চিত করতে সকল প্রয়োজনীয় ব্যবস্থা গ্রহণ করা। সরকারি ও বেসরকারি উচ্চ শিক্ষা প্রতিষ্ঠানে ভর্তির ক্ষেত্রে ক্ষতিগ্রস্ত জনগোষ্ঠীর জন্য কার্যকর বিশেষ ব্যবস্থা প্রণয়ন করা উচিত।

৪৭. স্থানীয় ও জাতীয় সরকারের উচিত বৃত্তি বা অন্যান্য আর্থিক ভর্তুকি প্রদান এবং ক্ষতিগ্রস্ত জনগোষ্ঠীর শিক্ষার্থীদের প্রতি শ্রেণীকক্ষে বিভাজন, নিপীড়ন ও বৈষম্য প্রতিরোধ করার মাধ্যমে সকল সরকারি ও বেসরকারি বিদ্যালয়ে ক্ষতিগ্রস্ত জনগোষ্ঠীর শিশুদের বারে পড়ার হার কমাতে এবং ভর্তির হার বৃদ্ধি করতে কার্যকর পদক্ষেপ নেয়া এবং পর্যাপ্ত উপকরণ, স্টাফ, সরকারি স্কুলে মানসম্পন্ন শিক্ষার পাশাপাশি যুদ্ধরত ও আধিপত্য বিস্তারকারী প্রতিবেশীদের সাথে বসবাসরত শিশুদের স্কুলে যেতে পর্যাপ্ত সুযোগ সৃষ্টি করার মাধ্যমে শিক্ষার্থীদের বৈষম্যহীন অভিগমন নিশ্চিত করা। সরকারের উচিত শিশু শিক্ষার বাধা দূর করতে প্রয়োজনীয় সকল ব্যবস্থা গ্রহণ করা যার মধ্যে রয়েছে শিশুশ্রম যা নিয়মিত ও পূর্ণকালীন শিক্ষা থেকে শিশুদের

বিরত রাখে। যেসকল বয়স্ক ও শিশু আনুষ্ঠানিক শিক্ষার অভাবে লিখতে ও পড়তে পারে না, তাদের পর্যাপ্ত শিক্ষা প্রদানেও সরকারের বিশেষ নজর দেওয়া উচিত।

৪৮. জাতীয় ও স্থানীয় সরকারের উচিত ক্ষতিগ্রস্ত জনগোষ্ঠীর সদস্যদের বিরুদ্ধে যে সকল গতানুগতিক ও পূর্বসংস্কারমূলক বিশ্বাস, আচরণ এবং কার্যক্রম স্কুলের পাঠ্য পুস্তকের ভাষায় বহন করে বা উৎসাহিত করে তা পর্যালোচনা ও দূর করা এবং শিক্ষার বিষয়বস্তু ও কারিকুলামে ক্ষতিগ্রস্ত জনগোষ্ঠীর অবদান যাতে প্রতিফলিত হয় তা নিশ্চিত করা এবং অন্যান্য বিষয়ের পাশাপাশি মানবাধিকার শিক্ষা অন্তর্ভুক্ত করার মাধ্যমে পেশা ও জন্মের ভিত্তিতে বৈষম্য দূর করার প্রয়োজনীয়তার উপর গুরুত্বারোপ করা।

জনসচেতনতা বৃদ্ধি এবং বৈষম্যমূলক প্রথা দূরীকরণ

৪৯. জাতীয় ও স্থানীয় সরকারের উচিত পেশা ও জন্মের ভিত্তিতে বৈষম্য বিষয়ে জনসাধারণের মাঝে এবং সরকারি কর্মকর্তা-কর্মচারি, শিক্ষক, মিডিয়া ব্যক্তিত্বদের মাঝে সচেতনতা বৃদ্ধির জন্য সুনির্দিষ্ট ব্যবস্থা গ্রহণ করা, যেমন: অভ্যন্তরীণ প্রশিক্ষণ ও গণপ্রচার অভিযান। শুধুমাত্র মুদ্রণ ও সম্প্রচার মিডিয়া নয়, বরং তথ্য প্রচারের অন্যান্য বিকল্প ব্যবস্থা যেমন: নাটক, গান ইত্যাদির মাধ্যমে স্থানীয়ভাবে মৌখিক তথ্য প্রদান ছাড়াও ইন্টারনেটের মাধ্যমে তথ্য প্রচারের প্রতি বিশেষ দৃষ্টি দেয়া উচিত।
৫০. জাতীয় ও স্থানীয় সরকারের উচিত মানহানিকর ও অপবাদমূলক বক্তব্য বা যে ধরনের বক্তব্য পেশা ও জন্মের ভিত্তিতে বৈষম্য, ঘৃণা বা সহিংসতাকে প্ররোচিত করে তা সুনির্দিষ্টভাবে নিষিদ্ধ ও শাস্তির বিধান করে প্রয়োজনীয় ক্ষেত্রে মানহানিকর, অপবাদ ও ঘৃণামূলক বক্তব্য সংক্রান্ত আইন পর্যালোচনা বা প্রণয়ন করা।
৫১. গণমাধ্যমে ক্ষতিগ্রস্ত জনগোষ্ঠীর যথাযথ প্রতিনিধিত্ব তুলে ধরতে সরকারের উচিত বিশেষ ব্যবস্থা গ্রহণ করা এবং মিডিয়া প্রতিনিধিদের সাথে উদ্দীপনামূলক প্রচার অভিযান এবং সচেতনতা বৃদ্ধিমূলক কর্মসূচি পরিচালনা করা। সহনশীলতা বিকাশ ও জন্মগত কারণে বৈষম্য প্রতিরোধের ইতিবাচক উদাহরণের পাশাপাশি জন্মগত কারণে ক্ষতিগ্রস্ত জনগোষ্ঠী যে সকল অমর্যাদার সম্মুখীন হয় তার রিপোর্ট তৈরি ও তা মিডিয়ায় প্রচার করতে সরকার ও অন্যান্য সংশ্লিষ্ট প্রতিষ্ঠানকে উৎসাহ প্রদান করতে সুপারিশ করা হচ্ছে।

৫২. মিডিয়া, ধর্মীয়, শিক্ষা ও সাংস্কৃতিক প্রতিষ্ঠান এবং নাগরিক সমাজের অন্যান্য অংশ এবং আন্তর্জাতিক সংস্থার উচিত ক্ষতিগ্রস্ত জনগোষ্ঠী সম্পর্কে যে নেতিবাচক দৃষ্টিভঙ্গি রয়েছে তা সংশোধনে ভূমিকা রাখা এবং সমাজ উন্নয়নে ক্ষতিগ্রস্ত জনগোষ্ঠীর অবদানকে স্বীকৃতি দেয়ার পাশাপাশি তাদের সক্ষমতা বৃদ্ধির প্রচেষ্টা গ্রহণ করা।

নারীর প্রতি বহুমাত্রিক বৈষম্য

৫৩. জাতীয় ও স্থানীয় সরকারের উচিত পেশা ও জন্মের ভিত্তিতে বৈষম্যের ফলে ক্ষতিগ্রস্ত নারীদের অবস্থার উপর বিভাজিত উপাত্ত সংগ্রহ, বিশ্লেষণ এবং তা সর্বসাধারণকে প্রদান করা।
৫৪. জাতীয় ও স্থানীয় সরকারের উচিত পেশা ও জন্মের ভিত্তিতে বৈষম্য নিরসনকল্পে নেওয়া সকল পদক্ষেপে ক্ষতিগ্রস্ত জনগোষ্ঠীর নারী ও কন্যাদের অবস্থা বিবেচনা করা এবং সম্ভাব্য ক্ষেত্রে পেশা ও জন্মের ভিত্তিতে বৈষম্যের ফলে ক্ষতিগ্রস্ত নারী ও কন্যাসন্তানদের অধিকার নিশ্চিত করতে সুনির্দিষ্টভাবে যথোপযুক্ত বিধান তৈরি করা।

ক্ষতিগ্রস্ত জনগোষ্ঠীর অংশগ্রহণ

৫৫. পেশা ও জন্মের ভিত্তিতে বৈষম্য কার্যকরভাবে নিরসন করতে যেকোন ব্যবস্থা গ্রহণকালে ক্ষতিগ্রস্ত জনগোষ্ঠীকে প্রকৃত ও পর্যাপ্ত তথ্য প্রদান করে তাদের সাথে আলোচনার ভিত্তিতে হওয়া উচিত। ক্ষতিগ্রস্ত জনগোষ্ঠীর স্বার্থ যথাযথভাবে নিশ্চিত করতে এ সকল পদক্ষেপের পদ্ধতিগত ব্যবস্থা প্রতিষ্ঠা করা উচিত।

মানবিক ও উন্নয়ন সহযোগিতা

৫৬. সকল রাষ্ট্রের উচিত অভ্যন্তরীণ সংঘাত, যুদ্ধ বা প্রাকৃতিক বিপর্যয় ইত্যাদি যেকোন মানবিক বিপর্যয়ের সময় পেশা ও জন্মের কারণে বৈষম্য বৃদ্ধির বিশেষ সমস্যাকে মোকাবেলা করার জন্য এটিকে স্বীকৃতি দেয়া এবং উপযুক্ত ব্যবস্থা গ্রহণ করা।
৫৭. সরকার ও আন্তর্জাতিক সংস্থার উচিত বঞ্চনা ও বৈষম্য মোকাবেলা করতে সকল প্রকার উন্নয়ন এবং বিপর্যয় উত্তরণ কর্মসূচিতে বিভিন্ন মানদণ্ড উদ্ভাবন করা যেমন, সামাজিক সমতা নিরীক্ষা এবং কাস্ট বা জাতপাত বিশ্লেষণ কাঠামো। পরিকল্পনা ও পরিবীক্ষণ কার্যক্রমে উপযুক্ত 'ক্ষতিগ্রস্ত কমিউনিটি অন্তর্ভুক্তকরণ টুলস'

উদ্ভাবন করা এবং তা যথাযথ প্রয়োগ করা উচিত। এজেন্সির উচিত পেশা ও জন্মের ভিত্তিতে বৈষম্যের ওপর তাদের কর্মীদের প্রশিক্ষণ প্রদান এবং অস্পৃশ্যতার চর্চা পরিবীক্ষণ ও তা মোকাবেলা করার দায়িত্ব নেয়া। ক্ষতিগ্রস্ত জনগোষ্ঠীর সদস্যদের কর্মসূচিতে সিদ্ধান্ত গ্রহণ, পরিকল্পনা ও মূল্যায়ন প্রক্রিয়ায় সম্পূর্ণরূপে সম্পৃক্ত থাকা এবং সংশ্লিষ্ট এজেন্সিসমূহের পুনর্বাসন ও উন্নয়ন কাজে ক্ষতিগ্রস্ত জনগোষ্ঠী থেকে সদস্য নিয়োগ করা উচিত।

৫৮. রাষ্ট্রের উচিত যে সকল ক্ষেত্রে ক্ষতিগ্রস্ত জনগোষ্ঠীর সদস্যরা অন্যান্যদের তুলনায় সমান সহায়তা বা সুযোগ-সুবিধা প্রাপ্তি থেকে প্রত্যাখ্যাত হয়েছে অথবা দ্রাণ, পুনর্বাসন ও উন্নয়ন প্রক্রিয়ায় বৈষম্যের শিকার হয়েছে, সে সকল অভিযোগের তদন্ত করা এবং ক্ষতিগ্রস্ত জনগোষ্ঠীর উপদ্রুতদের ক্ষতিপূরণ বা অতীতক্ষেত্রে প্রযোজ্য সুযোগ-সুবিধা প্রদান করা।

বাজার উদ্যোগ এবং আর্থিক বরাদ্দ

৫৯. আন্তর্জাতিক আর্থিক প্রতিষ্ঠান ও প্রাইভেট কোম্পানির উচিত বাজার ও সেবায় সমসুযোগ সৃষ্টি করতে তাদের প্রতিষ্ঠানের পাশাপাশি তাদের সাথে সম্পর্কিত অন্যান্য প্রতিষ্ঠান, বিশেষ করে সরবরাহকারী ও ব্যবসায়িক অংশীদার প্রতিষ্ঠানে পেশা ও জন্মের ভিত্তিতে বৈষম্যকে অগ্রহণীয় ও কাস্ট বা জাতপাত বৈষম্য আইন সক্রিয়ভাবে বাস্তবায়ন করা। এ সকল প্রতিষ্ঠানের উচিত কাস্ট বা জাতপাত ও জেভার বিশ্লেষণের পাশাপাশি তাদের কর্পোরেট সামাজিক উন্নয়ন কৌশলে বৈষম্য বিরোধী নীতি গ্রহণ করা।

আন্তর্জাতিক সহযোগিতা

৬০. আন্তর্জাতিক, আঞ্চলিক ও উপআঞ্চলিক সংস্থার উচিত আর্থিক, কারিগরি ও আইনগত সহযোগিতার মাধ্যমে পেশা ও জন্মের ভিত্তিতে বৈষম্য সক্রিয়ভাবে দূর করতে সহযোগিতা প্রদান করা। আন্তঃরাষ্ট্রীয় সংস্থা যেমন: বিভিন্ন আর্থিক প্রতিষ্ঠান, দ্বিপাক্ষিক দাতা এবং কুটনৈতিক পর্যায়ে যথা দূতাবাস ইত্যাদির উচিত তাদের প্রদত্ত উন্নয়ন সহযোগিতা প্রকল্প যাতে পেশা ও জন্মের ভিত্তিতে বৈষম্য দূর করার প্রচেষ্টার সাথে সংগতিপূর্ণ হয় তা নিশ্চিত করা। আঞ্চলিক এবং আন্তর্জাতিক মানবাধিকার প্রতিষ্ঠান ও পদ্ধতি পাশাপাশি আন্তর্জাতিক নাগরিক সমাজের উচিত পেশা ও জন্মের ভিত্তিতে বৈষম্য দূর করার প্রচেষ্টা সমর্থন ও পরিবীক্ষণ করা।

মানবিক সহায়তা প্রদানকারী সংস্থার উচিত ক্ষতিগ্রস্ত জনগোষ্ঠী যে অধিকার লঙ্ঘন ও বঞ্চনার বিশেষ ঝুঁকিতে রয়েছে তার স্বীকৃতি দেওয়া এবং সে অনুযায়ী সাহায্য বিতরণে অগ্রাধিকার দেওয়া।

৬১. জাতিসংঘের সংস্থাসমূহসহ সকল আন্তর্জাতিক সংস্থার উচিত পেশা ও জন্মের ভিত্তিতে বৈষম্যের প্রতি বিশেষ নজর দেওয়া এবং এ ধরনের বৈষম্যের ফলে বহুমাত্রিক মানবাধিকার লঙ্ঘন মোকাবেলা ও প্রতিরোধের উপায় খুঁজে বের করা। সকল সংস্থাকে তাদের সংশ্লিষ্ট রাষ্ট্র ও আঞ্চলিক কৌশলপত্রে ক্ষতিগ্রস্ত জনগোষ্ঠীর অবস্থা বিশ্লেষণ সন্নিবেশ করা এবং পেশা ও জন্মের ভিত্তিতে বৈষম্য মোকাবেলায় কর্মীদের জন্য ব্যবহারিক নির্দেশিকাসহ নীতিমালা, কৌশলপত্র ও দলিলাদি তৈরি করার জন্য সুপারিশ করা হচ্ছে।

প্রবাসী কমিউনিটি বিদ্যমান এমন রাষ্ট্রের দায়িত্ব

৬২. যেসব দেশে পেশা ও জন্মের ভিত্তিতে বৈষম্য এবং প্রবাসী জাতিগোষ্ঠী রয়েছে সেসব দেশের সরকারের এ ধরনের বৈষম্য দূর করতে কার্যকর ব্যবস্থা গ্রহণ করা উচিত।

ব্যাখ্যা

৬৩. পেশা ও জন্মের ভিত্তিতে বৈষম্য কার্যকরভাবে দূরীকরণের নীতিমালা ও নির্দেশনাসমূহ এমনভাবে ব্যাখ্যা করা যাবে না যাতে আন্তর্জাতিক মানবাধিকার আইন, মানবিক আইন বা অভিবাসন ও উদ্বাস্ত আইনে স্বীকৃত ব্যক্তির অধিকার সীমাবদ্ধ, পরিবর্তন অথবা অন্যভাবে হানি হয়।

গবেষণা প্রতিবেদনটির সার-সংক্ষেপ

অনুবাদ : হোজ্জাতুল ইসলাম

জীবনের সকল ক্ষেত্রে 'জাত-পাত ভিত্তিক বৈষম্য দূরীকরণে রাষ্ট্রের আবশ্যিক করণীয় সম্পর্কে জাতিসংঘের খসড়া 'পেশা ও বংশভিত্তিক বৈষম্য দূরীকরণ নীতিমালা' একটি সমন্বিত কাঠামো উপস্থাপন করে। এই লক্ষ্য অর্জনে উন্নয়নসংস্থা, কর্পোরেট প্রতিষ্ঠান ও বাজার অংশীদারদের করণীয় সম্পর্কেও এখানে দিক-নির্দেশনা রয়েছে। আন্তর্জাতিক পরিসরের মানবাধিকার বিষয়ক যে আইনগুলো বাংলাদেশ সরকার ইতোমধ্যে স্বাক্ষর করেছে এবং স্বীকৃতি দিয়েছে এটি সেগুলোর সাথে সামঞ্জস্যপূর্ণ। জাতিসংঘের অধীনে মানবাধিকার বিষয়ে ইতিপূর্বে সম্পাদিত মানবাধিকার চুক্তি ও কনভেনশনসমূহের সারবত্তা অনুসারে 'গৃহীতব্য ব্যবস্থা' বা 'করণীয় কার্যাদি' কী হতে পারে তার একটি বিস্তারিত রূপরেখা এই নির্দেশনায় রয়েছে।

নির্দেশিকাটি যদিও এখনও খসড়া পর্যায়ে রয়েছে, তারপরও বাংলাদেশের মতো রাষ্ট্রগুলো যদি সমাজের সকল পর্যায়ে সমতার নীতি প্রতিষ্ঠা, মানবাধিকারের প্রতি সম্মান প্রদর্শন এবং জাত-পাতের বৈষম্য মুক্ত সমাজ গড়ার বিষয়ে অঙ্গীকারবদ্ধ থাকে, তাহলে তাদের এটিকে গুরুত্বের সাথে গ্রহণ করতে হবে। নির্দেশিকাটির ধারণাগত ও প্রায়োগিক দিকগুলোর যথাযথ অনুধাবন সঠিক আইন প্রণয়ন, নীতি গ্রহণ এবং বাজেট বরাদ্দের ক্ষেত্রে গুরুত্বপূর্ণ পথ নির্দেশ করতে পারে। এ ধরনের অনুধাবন দেশের সংবিধানকে জাতভিত্তিক বৈষম্যের বিরুদ্ধে আরও বেশি সুস্পষ্ট করতে পারে এবং সমতার মানদণ্ড নিশ্চিত করতে পারে। সমধর্মী বিভিন্ন উদ্যোগ জাতীয় অবস্থানের কাঠামোগত অসমতা দূর করতে এবং ইতিবাচক পদক্ষেপ গ্রহণের ক্ষেত্রে সহাবস্থান তৈরি করতে পারে। জাতীয় পরিকল্পনা প্রণয়ন, আইনের শাসন প্রতিষ্ঠা এবং স্বল্প ও দীর্ঘ মেয়াদে বাজেট বরাদ্দের ক্ষেত্রে এই নির্দেশিকাটি সরাসরি কাজে লাগতে পারে।

যাহোক, সবকিছুর আগে নিসংকোচে এটা স্বীকার করা গুরুত্বপূর্ণ যে, বাংলাদেশের প্রেক্ষাপটে রাষ্ট্রীয় ও সমাজের বিভিন্ন স্তরে জাতভিত্তিক বৈষম্য বিদ্যমান রয়েছে। রাষ্ট্রে

সামাজিক স্থিতিশীলতার স্বার্থে বিদ্যমান এ ধরনের বৈষম্য কোনোভাবেই গ্রহণযোগ্য বা প্রত্যাশিত নয়। অবিলম্বে এ বৈষম্যের চর্চা রোধ করতে প্রয়োজনীয় পদক্ষেপ গ্রহণ জরুরি হয়ে পড়েছে।

বাংলাদেশের প্রেক্ষাপটে পরিচালিত ও প্রস্তুতকৃত এই বেধগমার্ক রিপোর্টে ২২টি নীতিমালাকে বৃহদার্থে ১২টি ভাগে ভাগ করা হয়েছে। যথা: (১) বিচ্ছিন্নতার সংগ্রাম; (২) শারীরিক নিরাপত্তা এবং সহিংসতার বিরুদ্ধে সুরক্ষা; (৩) ন্যায়বিচার লাভের সুযোগ এবং রাজনীতি সমান অংশগ্রহণ; (৪) সমান কর্মসংস্থানের সুযোগ এবং পছন্দসই পেশা গ্রহণের স্বাধীনতা; (৫) জোরপূর্বক, চুক্তিভিত্তিক শ্রম ও শিশুশ্রম; (৬) স্বাস্থ্য; (৭) পর্যাপ্ত খাদ্য, পানি ও আবাসন; (৮) শিক্ষা; (৯) জনসচেতনতা বৃদ্ধি এবং বৈষম্যের রীতি দূরীকরণ; (১০) নারীর প্রতি বহুমুখী বৈষম্য; (১১) মানবিক ও উন্নয়ন সহায়তা; এবং (১২) বাজার সৃষ্টি ও আর্থিক বরাদ্দ। এই গবেষণাটি সম্পাদনের জন্য সরকারি ও বেসরকারি বিভিন্ন উৎস থেকে তথ্য সংগ্রহ করা হয়েছে। গবেষণালব্ধ ফলাফলের গুরুত্বপূর্ণ অংশ নিম্নে উপস্থাপন করা হলো:

১। জাতভেদ ও দলিত সমাজ : পরিপ্রেক্ষিত বাংলাদেশ

(ক) জাতভিত্তিক বৈষম্য নিয়ে ব্যাপক উদাসীনতা : পরিস্থিতি পর্যালোচনা

দক্ষিণ এশিয়ার সমাজ কাঠামোতে জাতিগত অনুক্রম ও বিভেদ সবচেয়ে গুরুত্বপূর্ণ একটি বিষয় হিসেবে বিবেচিত হয়। ভারত ও নেপালে জাতভিত্তিক বৈষম্য, বিশেষ করে দলিত হওয়ার কারণে বৈষম্যমূলক আচরণের শিকার হওয়ার বিষয়টি একটি বিশেষ মাত্রা পেয়েছে এবং কয়েক বছরে সবার মনোযোগ আকৃষ্ট করেছে। বাংলাদেশে এই পরিস্থিতি সম্পূর্ণ ভিন্ন। এখানে জাতভেদে বৈষম্যের সাথে সংশ্লিষ্ট বিষয়গুলো- আরও সুনির্দিষ্ট করে বললে 'অস্পৃশ্যতা'র ধারণা রাষ্ট্র ও সমাজ ব্যবস্থায় এবং জনপরিসরে উদ্বেগজনক একটি বিষয় হয়ে দাঁড়িয়েছে। বাংলাদেশের সমাজ ব্যবস্থায় এখনও জাতি ভেদে

উঁচু-নিচু ধারণার চর্চা রয়েছে এবং সমাজ এটিকে যেন নীরবে মেনেও নিয়েছে! বিভিন্ন রীতি-নীতি ও ঐতিহ্যবাহী প্রথার আড়ালে এ ধরনের চর্চাকে অনুমতি দেওয়া হয়েছে।

যদিও সর্বত্রই অবহেলা ও অনীহার উপস্থিতি চোখে পড়ে, তারপরও ‘অস্পৃশ্যতা’র ব্যাপক চর্চা কোনোভাবেই তুচ্ছ কোনো বিষয় নয়। সংখ্যালঘু ও জাতিভেদে বৈষম্যের মূল প্রয়োগ ঘটে পেশাগ্রহণের স্বাধীনতা, আবাসন ও পুনর্বাসন, বিভিন্ন নাগরিক সেবা ও সুবিধা (যেমন- শিক্ষা ও স্বাস্থ্য, মুক্ত চলাচল ও যোগাযোগ) লাভের অভিজ্ঞতার ক্ষেত্রে। জনপরিসরের নীরবতা সমাজ কাঠামোর এই চর্চাকে জিইয়ে রেখেছে এবং এই সুযোগে এটির স্বীকৃতিও মিলেছে, যেটাকে জনসাধারণের সম্পৃক্ততা নেই বললেই চলে। এখানকার সামাজিক কাঠামো প্রকৃতিগতভাবে কৃষিকেন্দ্রিক। এই অঞ্চলের দলিত পেশাজীবীরা যেমন- জেলে, সুইপার, ধোপা, পরিচ্ছন্নতা কর্মী ও মুঁচিরাও এই সমাজের সামাজিক, রাজনৈতিক ও অর্থনৈতিক কাঠামোর অন্তর্ভুক্ত বিভিন্ন প্রতিষ্ঠানেরই অংশ। কিন্তু সমাজে তাদের এতোটা সম্পৃক্ততার পরেও তারা শত শত বছর ধরে উঁচু-নিচু শ্রেণীভেদ বা জাত প্রথার যাঁতাকলে পিষ্ট হচ্ছে। এই সকল পেশাকে সমাজের মূলধারা বা আধিপত্যবাদী গোষ্ঠী খুবই নগন্য হিসেবে বিবেচনা করে এবং দলিত কমিউনিটির সদস্যদেরকে মানুষ হিসেবেই গণ্য করতে চায় না। সামাজিক স্তরবিন্যাসের এই প্রক্রিয়ায় দলিত জনগোষ্ঠীকে নিচু শ্রেণীতে রাখা হয়েছে। জাত প্রথা ও এর খারাপ দিকগুলো চর্চার মাধ্যমে বিভিন্ন ধরনের কুসংস্কার তাদের মনে গেঁথে দেওয়া হয়েছে। কার্যত কমিউনিটিতে জাতভেদ প্রথার প্রয়োগের ক্ষেত্র আরও জটিল রূপ ধারণ করে, যেখানে জাত প্রথার সাথে শ্রেণী-বিভাজন, নাগরিকত্ব এবং ধর্ম ওতপ্রোতভাবে জড়িত। এগুলোর সাথে লিঙ্গীয় পরিচিতির বিষয়টি যুক্ত করলে আরও জটিল পরিস্থিতির সৃষ্টি হয়। বাংলাদেশের দলিত পরিস্থিতি বুঝতে হলে এ সকল কাঠামোগত বিষয়গুলো একসাথে পর্যায়ক্রমে বিশেষণ করা জরুরি।

ব্যাপক অসচেতনতার ফলে সৃষ্ট দলিত কমিউনিটিগুলোর জাতিভেদ প্রথাকে ১৯৪৭ সালের পরবর্তী সময়ে অগ্রাহ্য করা হতে থাকে। বৃটিশ উপনিবেশিক শাসনামলের শাসকরা অসমতার সমাজ কাঠামো আরও দৃঢ় করেছিল এবং বিভিন্ন গোত্রের প্রথা, আইন ও নীতিমালার সফল প্রাতিষ্ঠানিকীকরণ করতে পেরেছিল। আগ্রহের অভাবে পরবর্তীতে তৎকালীন পাকিস্তানি শাসকশ্রেণী রাষ্ট্রীয়ভাবে ছদ্মবেশী ধর্মীয় জাতীয়তাবাদ নিয়ে সোচ্চার হয়, যেটা রাষ্ট্রের ভিত্তি স্থাপনকেই ব্যাপকমাত্রায় প্রভাবিত করে। যাহোক, দুর্ভাগ্যবশত স্বাধীন বাংলাদেশ রাষ্ট্রও দেশজুড়ে দলিত জনগোষ্ঠীর প্রতি চলমান বৈষম্যকে ন্যূনতম সহানুভূতির দৃষ্টিতে বিবেচনা করেনি।

ইতিহাসের পরম্পরায় বৈষম্যের শেকড় এতোটাই গভীর হয়েছে যে, রাষ্ট্রের অস্থায়ী বিভিন্ন কৌশলেও অস্পৃশ্যতার ধারণা বিলোপ করতে এবং দলিত কমিউনিটির মানুষের প্রতি বৈষম্য নিরসনে বাংলাদেশ কার্যত কোনো ইতিবাচক পদক্ষেপ গ্রহণ করেনি। এমনকি বেসরকারি প্রতিষ্ঠানগুলোও জাতিভেদ প্রথার শিকার এসব দলিত মানুষের সমঅধিকারের প্রতি মনোনিবেশ করেনি, যদিও তুলনামূলকভাবে বাংলাদেশে দলিত মানুষের সংখ্যা অনেক বেশি। এ কারণেই ‘জাতিভেদ’, ‘অস্পৃশ্যতা’ বা ‘দলিত’ শব্দগুলোর সাথে সবাই সমানভাবে পরিচিত নয় এবং তাদের এই বৈষম্যকে অনুধাবন করতে পারে না।

এমনকি বিদ্যায়তনিক ধারণার মধ্যেও জাতিভেদ ও কুসংস্কারের অস্তিত্ব রয়েছে। মুদ্রণ ও ইলেকট্রনিক মাধ্যমও বিস্ময়করভাবে জাতভিত্তিক বৈষম্য এবং এই কেন্দ্রিক সহিংসতার ক্ষেত্রে সবসময়ই নীরব থেকেছে। শিক্ষা মন্ত্রণালয় সংক্রান্ত সংসদীয় স্থায়ী কমিটির সদস্য একজন সাংসদকে উদ্ধৃত করে সংবাদপত্রে লেখা হয়েছে, ‘দেশে যে ৭০ লক্ষ দলিত রয়েছে এবং তারা যে ব্যাপক বৈষম্যের শিকার হচ্ছে, এটা তো আমি একদমই জানি না’। সুতরাং বিভিন্ন পেন্সাপটে দলিতরা যে বিভিন্ন নামে, গোত্রে, ধর্মে ও লিঙ্গে পরিচিতি পেয়েছে, তা ভারত ও নেপালের সাথে তুলনা না করলেও চলে।

(খ) জাতীয়তাবাদী মতাদর্শের সংকীর্ণতা সরকারের উদাসীনতার কারণ

বাংলাদেশে এক ধরনের আধিপত্যবাদী গোষ্ঠী মনে করেন যে, জাতভিত্তিক বৈষম্য ভারতীয় সমাজের একটি অপরিহার্য বৈশিষ্ট্য। এ জন্যই জাতিবাদের উপর মনোনিবেশ না করে বৈষম্যভেদে জাত-পাতের উপর মনোনিবেশ করা হয়। এটাই মূলত দেশের ৫৫ থেকে ৬৫ লক্ষ দলিত মানুষের দারিদ্র্যতার সবচেয়ে বড় কারণ।

এর সাথে যোগ করে বলতে হয়, যে জাতীয়তাবাদী আদর্শের উপর ভিত্তি করে বাংলাদেশের জন্ম তা আজ মৃতপ্রায়। ‘বাঙালি’রা বিশেষ করে ‘বাঙালি মুসলমান’রা এখানে প্রভাবশালী গোষ্ঠী যারা এদেশের প্রতিটি জাতীয়তাবাদী ধারণার কেন্দ্রে রয়েছে, তারা সবসময়ই ‘সংখ্যালঘু’ ও ‘প্রান্তিক’ জনগোষ্ঠীকে অবহেলার চোখে দেখে। আর বাংলাদেশের রীতি-নীতি ও সংস্কৃতিতে এটারই ছায়া পড়েছে। জাতি হিসেবে বাংলাদেশ নিজেকে ‘সমজাতীয়তাবাদী’ হিসেবে পরিচয় দিতেই বেশি পছন্দ করে, যদিও এখানে বিভিন্ন ধরনের মানুষ, ভাষা বা সামাজিক-সাংস্কৃতিক বৈশিষ্ট্য বিদ্যমান। এমন প্রেক্ষাপটে, মুসলিম প্রধান এদেশে দলিতদের জন্য সবচেয়ে বড় চ্যালেঞ্জ হলো, ‘অস্বীকৃতির সংস্কৃতি’ যেখানে তাদেরকে খুব সাধারণভাবে স্বীকার করা হয় না। এই অস্বীকৃতিই বৃহৎ

পরিসরে দলিতদের অধিকার আদায়ে ঐতিহাসিক প্রক্রিয়ায় কাজ করার সুযোগ তৈরি করে দিয়েছে।

(গ) সাম্প্রতিক পরিবর্তন : নীতি প্রতি মনোনীবেশ দিয়ে শুরু

‘অস্পৃশ্যতা’র প্রয়োগ, শারীরিক লাঞ্ছনা এবং বৈষম্য নিয়ে এখানে যুতসই কোনো গবেষণা নেই যেটাতে বাংলাদেশের সমাজে বিদ্যমান জাত-পাতভেদে বৈষম্যের কোনো কারণ সনাক্ত করা হয়েছে। তবে সম্প্রতি জাতভিত্তিক বৈষম্যের প্রকৃতিকে কেন্দ্র করে বিভিন্ন প্রমাণাদি সংগ্রহের অল্প কিছু উদ্যোগ চোখে পড়ছে। এটাকে ‘নীরবতা ভঙ্গের’ প্রাথমিক লক্ষণ হিসেবে বিবেচনা করা যেতে পারে। যাহোক, দেশের বিভিন্ন প্রান্তের অবস্থানকে ব্যাখ্যা করার জন্য এসব গবেষণা কোনোভাবেই যথেষ্ট নয়। আনুষ্ঠানিক ও অনানুষ্ঠানিকভাবে দলিতদেরকে বর্জন করার যে সংস্কৃতি তা কোনোভাবেই এ সকল গবেষণায় বিস্তারিতভাবে ফুটে ওঠে না। বৈষম্যের বিভিন্ন ধরন রয়েছে যেগুলো দেশের লক্ষ লক্ষ দলিত মানুষের জীবন ও জীবিকাকে ব্যাপকমাত্রায় প্রভাবিত করছে; এগুলোর পেছনে রয়েছে আধিপত্যবাদী রাজনীতি, শিক্ষা ও বাজার ব্যবস্থা।

বাংলাদেশের প্রেক্ষাপটে, সরকার ও এর উন্নয়ন সহযোগী, বিশেষ করে নাগরিক সমাজের সংগঠনগুলোর জন্য জাত-পাত ভেদে বৈষম্য অপেক্ষাকৃত নতুন একটি বিষয়। যদিও বিষয়টি এখনও বিশেষ কোনো উন্নয়ন ধারণা এবং নীতিক্ষেত্র হিসেবে গড়ে ওঠেনি। যাহোক, সাম্প্রতিক বছরগুলোতে মানুষ জাত-পাত ভেদে বিদ্যমান বৈষম্যের বিরুদ্ধে লড়াই শুরু করেছে। তারা এই বিষয়ে সমধর্মী প্যাটফর্ম তৈরি করেছে এবং কাঠামো ও প্রক্রিয়াগত বিভিন্ন অন্যান্য-অবিচারের বিরুদ্ধে কথা বলছে। দলিত নারী ও পুরুষেরা বিভিন্ন দল ও সংগঠন গড়ে তুলে তাদের আবাসস্থলের অমানবিক অবস্থাগুলো তুলে ধরছে। নাগরিক সমাজের কিছু প্রতিনিধিও দলিতদের দুর্দশার চিত্র সমাজের সামনে তুলে ধরে এগুলোর প্রতিকার চাইছে। সবে শুরু হওয়া এই প্রবণতায় দলিত নেতৃবৃন্দ ও নাগরিক সমাজের বিভিন্ন সংগঠন সরকারের সংশ্লিষ্ট বিভিন্ন পক্ষের সাথে কাজ করে ধীর গতিতে তাদের স্বীকৃতি আদায় করেছে যেটা দলিতদের অবস্থার পরিবর্তনের জন্য বিশেষ জরুরি।

(ঘ) বাংলাদেশে ‘দলিত’দের সংখ্যা ও উন্নয়ন অবস্থা : সরকারি তথ্যের অভাবে সূষ্ট সমস্যাসমূহ

বাংলাদেশে জাত-পাতের ভিত্তিতে বৈষম্যের শিকার মানুষের সংখ্যা কত তা নিয়ে কোনো জরিপ বা সামাজিক বা জনসংখ্যাতাত্ত্বিক কোনো তথ্য নেই। সর্বশেষ আদমশুমারি চলাকালে দলিত জনগোষ্ঠীর জন্য তথ্য সংগ্রহের বিষয়ে একটি প্রচার অভিযান চালানো হয়েছিল, তবে সেটির কোনো সুফল পাওয়া যায় নি।

যাহোক, নির্ভরযোগ্য তথ্য অনুযায়ী বাংলাদেশে প্রায় ৫৫-৬৫ লক্ষ মানুষ জাত-পাতের ভিত্তিতে বৈষম্যের শিকার হচ্ছে। এদেশে বৃহদার্থে তিন শ্রেণীর দলিত মানুষের বসবাস রয়েছে। এক, বাঙালি দলিত যারা সারা দেশজুড়ে গ্রামে বসবাস করে; দুই, এমন অনেক দলিত রয়েছে যারা মুসলমান; এবং তিন, সে সকল দলিত যারা ভারত থেকে তৎকালীন পূর্ব-বাংলায় চলে এসেছে (তাদেরকে বিতাড়িত করা হয়েছে), তারা এখন মূলত শহর এলাকা বা চা বাগানে বসবাস করছে। নানা রকম বঞ্চনা ও বৈষম্যের কারণে দলিতদের মধ্যে আর সমরূপতা চোখে পড়ে না- যদিও তাদের মৌলিক ভিত্তি একই। তাদের মধ্যে যারা পরিচ্ছন্নতা কর্মী বা সুইপার হিসেবে কাজ করে তারা সবচেয়ে বেশি বৈষম্যের শিকার। তারা নিজেদেরকে হরিজন বলে পরিচয় দেয়। তারা বিচ্ছিন্নভাবে খুবই জনবসতি (গাদাগাদি করে) পূর্ণভাবে বসবাস করে যেখানে ন্যূনতম মানবীয় মৌলিক সুবিধার অস্তিত্ব খুঁজে পাওয়া যায় না। এছাড়াও তারা জন্মগত ও পেশাগত কারণে বৈষম্যের শিকার হয়। এসব কারণে তাদেরকে খুবই তাচ্ছিল্যভরে মূল্যায়ন করা হয়। অন্যদিকে চা বাগানে বসবাসরত দলিতরা নির্দিষ্ট ধরনের বৈষম্যে শিকার হয়। চা বাগানের দলিতরা চুক্তিভিত্তিক শ্রমের কারণে বিভিন্ন বাধ্যবাধকতার মধ্যে বসবাস করে এবং খুবই সামান্য মজুরি পেয়ে থাকে। তারা নিজেদের ও সন্তানদের জন্য পর্যাপ্ত খাবার যোগান করতে পারে না, স্বাস্থ্য সেবা গ্রহণ ও শিক্ষার সুযোগ পায় না।

২০১৩ সালে জাতিসংঘের ইউপিআর অধিবেশনে দলিত অধিকার সম্পর্কে নাগরিক উদ্যোগ ও বিডিইআরএম যে প্রতিবেদন দাখিল করে তাতে বাংলাদেশে দলিত নারী ও পুরুষের বিভিন্ন মৌলিক বঞ্চনার প্রেক্ষাপট তুলে ধরা হয়:

দলিত জনগোষ্ঠীকে বাংলাদেশের সমাজে ‘অপবিত্র’ হিসেবে বিবেচনা করা হয় এবং তথাকথিত পবিত্র তাদের প্রতিবেশিরা দলিতদের বসবাসের জন্য পৃথক জায়গা সুনির্দিষ্ট করে দেয়। বাংলাদেশ সরকার কর্তৃক একটি নির্দিষ্ট এলাকায় তাদের বসবাসের জায়গা সুনির্দিষ্ট করে দেওয়ায় এই বৈষম্যমূলক পরিস্থিতি আরও ভয়াবহ রূপ ধারণ করে। সেই সুনির্দিষ্ট এলাকার বাইরে দলিতরা বাসা ভাড়া নিতে পারে না বা বাসাবাড়ি নির্মাণ করতে পারে না। তারা মন্দির বা দলিত নয় এ ধরনের জনগোষ্ঠীর কোনো ধর্মীয় উপসনালয় বা অনুষ্ঠান বা বাসাবাড়িতে যেতে প্রতিনিয়ত প্রতিবন্ধকতার সম্মুখীন হয়। চায়ের দোকান বা খাবার হোটেলে তারা বসতে পারে না, গোরস্তানে, সামাজিক বিভিন্ন অনুষ্ঠানে,

সিনেমা হল বা খেলার মাঠে, বিনোদন কেন্দ্রে বা সাংস্কৃতিক অনুষ্ঠানেও তাদেরকে ঢুকতে দেওয়া হয় না। দলিতরা কোনো কোনো সময় ভয়াবহ মানবাধিকার লঙ্ঘনজনিত ঘটনা যেমন- অপহরণ, ধর্ষণ, নির্যাতন, ঘরবাড়ি ধংস, জমি দখল, বসতভিটা থেকে উচ্ছেদের জন্য ভয়ভীতি প্রদর্শন ও হুমকির শিকার হয়।^{১০}

যেহেতু জাতীয় আদমশুমারিতে বঞ্চিত জনগোষ্ঠীর তথ্য তুলে ধরা হয় নি, এ জন্য বাংলাদেশে দলিতদের সার্বিক চিত্র বোঝার জন্য একটি স্বতন্ত্র জরিপ পরিচালনা করা আবশ্যিক যেটাতে দেশ, ধর্ম ও জেলাভিত্তিক পর্যায়ক্রমিক ও নির্ভরযোগ্য তথ্য-পরিসংখ্যান পাওয়া যাবে। নীতি নির্ধারক বিশেষ করে যারা বিভিন্ন আইন, সরকারি নীতিমালা, বাজেট এবং সুযোগ-সুবিধার কর্মসূচি প্রণয়ন করে থাকেন তাদের জন্য এ ধরনের তথ্য খুবই জরুরি। এই জনগোষ্ঠীর জীবনমানের উন্নয়নের জন্য কোন ধরনের কর্মপরিকল্পনা গ্রহণ করা যেতে পারে- তা নির্ধারণ করা নীতিনির্ধারকদের জন্য সহজ হবে।

২। জাতভিত্তিক বৈষম্য নিরূপণে সরকারি উদ্যোগ (অথবা উদ্যোগের ঘাটতি)

(ক) সাংবিধানিক ও আইনি পদক্ষেপ

জাতভিত্তিক বৈষম্য বা বহুধর্মী বৈষম্য রোধে বাংলাদেশের সংবিধানে সুনির্দিষ্ট কোনো ধারা নেই। যদিও ধারা-২৮ এ বলা হয়েছে: ‘কেবল ধর্ম, গোষ্ঠী, বর্ণ, নারী-পুরুষভেদ বা জন্মস্থানের কারণে কোনো নাগরিকের প্রতি রাষ্ট্র বৈষম্য প্রদর্শন করিবেন না’। একই ধারায় আরও বলা হয়েছে, ‘কেবল ধর্ম, গোষ্ঠী, বর্ণ, নারী পুরুষভেদ বা জন্মস্থানের কারণে জনসাধারণের কোনো বিনোদন বা বিশ্রামের স্থানে প্রবেশের কিংবা কোনো শিক্ষা-প্রতিষ্ঠানে ভর্তির বিষয়ে কোনো নাগরিককে কোনোরূপ অক্ষমতা, বাধ্যবাধকতা, বাধা বা শর্তের অধীন করা যাইবে না’। সামাজিক ন্যায়বিচারের প্রতি বিশেষ গুরুত্বারোপ করে বাংলাদেশের সংবিধানের প্রস্তাবনায় বলা হয়েছে: ‘আমরা অঙ্গীকার করিতেছি যে, আমাদের রাষ্ট্রের অন্যতম মূল লক্ষ্য হইবে গণতান্ত্রিক পদ্ধতিতে এমন এক শোষণমুক্ত সমাজতান্ত্রিক সমাজের প্রতিষ্ঠা- যেখানে সকল নাগরিকের জন্য আইনের শাসন, মৌলিক মানবাধিকার এবং রাজনৈতিক, অর্থনৈতিক ও সামাজিক সাম্য, স্বাধীনতা ও সুবিচার নিশ্চিত হইবে’।

সংবিধানের ২৬-৪৭ নং ধারা সকল নাগরিককে এই নিশ্চয়তা দেয় যে, আইনের দৃষ্টিতে সকলে সমান হবে, সবাই সমান মানবাধিকার ও মৌলিক স্বাধীনতা যেমন- চলাফেরার স্বাধীনতা, সভা-সমাবেশ ও সংগঠন করার স্বাধীনতা, চিন্তা, বিবেক ও কথা বলার স্বাধীনতা এবং নিজের পছন্দ অনুযায়ী ধর্ম পালনের স্বাধীনতা ভোগ করবে। সংবিধান প্রতিটি নাগরিককে এই অধিকার দিয়েছে যে, সকল নাগরিক আইনের দৃষ্টিতে সম-মর্যাদার অধিকারী হবেন এবং জীবনযাপন ও ব্যক্তি স্বাধীনতার ক্ষেত্রে আইনের দ্বারা সমান সুরক্ষা পাবেন এবং গ্রেপ্তার ও আটক থাকাকালে সমান সুযোগ-সুবিধা পাবেন। একই সাথে জোরপূর্বক কোনো শ্রমে নিয়োজিত হওয়া থেকে সুরক্ষা পাবেন এবং ন্যায় বা উপযুক্ত পেশা গ্রহণের স্বাধীনতা থাকবে। বৈষম্যের ক্ষেত্রে সাংবিধানিক নিষেধাজ্ঞা থাকলেও কিছু বিশেষ ধারা রয়েছে যেগুলো নাগরিকদের অনগ্রসর কোনো অংশকে এগিয়ে নিতে ইতিবাচক বৈষম্যকে সমর্থন করে। এ সকল ধারার কোনোটিতেই জাতভিত্তিক বৈষম্যের বিষয়টি উল্লেখ করা হয় নি; ‘অস্পৃশ্যতা’ রোধকল্পে বা দলিতদের বিষয়টি আলাদাভাবে গুরুত্বসহকারে দেখে নি; অথবা সংবিধানেও এমন কোনো নির্দেশনা নেই যা বঞ্চিত জনগোষ্ঠীর সামাজিক ও অর্থনৈতিক উন্নয়নকে উৎসাহিত করবে।

সংবিধানের ধারা-২৯ ধর্মীয় বিবেচনায় যেকোনো ধরনের বৈষম্যকে নিষিদ্ধ করেছে। ইতিবাচক বৈষম্যের পদক্ষেপ এবং সরকারি চাকুরী বা সম্প্রদায়ভিত্তিক বিভিন্ন প্রতিষ্ঠানে নিয়োগের ক্ষেত্রে ধর্মীয় সংখ্যালঘু বিবেচনায় বিশেষ কোটা সংরক্ষণের অঙ্গীকার সরকারি নীতিমালায় রয়েছে। ধারা-২৮(৪) নাগরিকদের অনগ্রসর অংশকে এগিয়ে নেওয়ার জন্য বিশেষ সুযোগ তৈরি করে, যেখানে ধারা-১৪ ‘পিছিয়ে পড়া’ জনগোষ্ঠীর মুক্তির উপায় নিশ্চিত করার প্রতিশ্রুতি দেয়।

সমাজের প্রান্তিক ও ‘পিছিয়ে পড়া’ জনগোষ্ঠীর বিশেষ চাহিদা পূরণের জন্য সংবিধানের সক্ষমতাকে বিশেষ দৃষ্টিভঙ্গি থেকে আরও বিস্তার পরিসরে পর্যালোচনা করা যেতে পারে, বিশেষ করে আদিবাসী ও ‘আদিবাসী’ নাগরিকদের জন্য। সরকারি চাকুরীতে নিয়োগের ক্ষেত্রে এবং শিক্ষা প্রতিষ্ঠানে ভর্তির ক্ষেত্রে ‘আদিবাসীদের’ জন্য বিশেষ কোটা চালু করা হয়েছে।

সিভিল প্রসিডিউর কোড (সিপিএসি) এবং ক্রিমিনাল প্রসিডিউর কোড (সিআরপিএসি) জাতি, বর্ণ, ধর্ম ও গোত্র নির্বিশেষে দেশের সকল নাগরিককে সকল ধরনের বৈষম্য ও সহিংসতার ক্ষেত্রে সুরক্ষার জন্য সমঅধিকার প্রদান করেছে।

২০১২ সাল থেকে বাংলাদেশের জাতীয় মানবাধিকার কমিশন এবং জাতীয় আইন কমিশন অন্যান্য নাগরিক সমাজের সংগঠনগুলোর (নাগরিক উদ্যোগ, বিডিইআরএম আরডিসি,

¹⁰ IDSN. (2012). *Discrimination against Dalits in Bangladesh*, IDSN Briefing Note, http://idsn.org/fileadmin/user_folder/pdf/New_files/Bangladesh/Bangladesh_briefing_note_2012.pdf.

এমজেএফ) সহযোগিতায় জাতভিত্তিক বৈষম্যসহ বিভিন্ন ধরনের বৈষম্য রোধে একটি আইনের খসড়া প্রস্তুত করেছে। খসড়াটি ইতোমধ্যে গত ২৪ এপ্রিল ২০১৪ তারিখে আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়ে দাখিল করা হয়েছে। আইনমন্ত্রী গত ২২ মার্চ অনুষ্ঠিত একটি সেমিনারে আইনটি পাশের ব্যাপারে প্রয়োজনীয় পদক্ষেপ গ্রহণ করবেন বলে প্রত্যয় ব্যক্ত করেছেন।

(খ) দলিতদের জন্য সুনির্দিষ্ট কোনো সুরক্ষা বা ইতিবাচক উদ্যোগ নেই

সংবিধানের ধারা-১৪ ও ধারা-২৮(৪) এর নির্দেশনা অনুযায়ী দলিতদের অবস্থার উন্নতির জন্য এখনও পর্যন্ত কোনো ইতিবাচক উদ্যোগ গ্রহণ করা হয় নি। একই সাথে সরকারি চাকুরীতে নিয়োগের ক্ষেত্রে কোনো কোটা বা সংরক্ষিত আসন নেই। যাহোক, ২০১২ সালে মাননীয় প্রধানমন্ত্রীর কার্যালয় থেকে একটি নির্দেশনা জারি করা হয়েছিল, যেটার সূত্র ধরে স্থানীয় সরকার মন্ত্রণালয় সকল পৌরসভায় পরিচ্ছন্নতা বিষয়ক চাকুরীর ক্ষেত্রে কমপক্ষে ৮০ শতাংশ পদ দলিতদের জন্য সংরক্ষণের সিদ্ধান্ত নেয়। ২০১৩-২০১৪ শিক্ষাবর্ষ থেকে ঢাকা বিশ্ববিদ্যালয় প্রথম বর্ষে ভর্তির ক্ষেত্রে দলিতদের জন্য এক শতাংশ আসন কোটা বরাদ্দ চালু করেছে। একইভাবে কুষ্টিয়ার ইসলামী বিশ্ববিদ্যালয়ও ২০১৪-১৫ শিক্ষাবর্ষ থেকে হরিজন বা দলিত শিক্ষার্থীদের জন্য কোটা ব্যবস্থার অনুমোদন করেছে।

(গ) নীতি, পরিকল্পনা এবং বিন্যাস

জাতীয় নীতি (জাতীয় শিক্ষা নীতি ২০১০, স্বাস্থ্য নীতি ২০১১, জাতীয় নারী উন্নয়ন নীতিমালা ২০১১, জাতীয় আবাসন নীতি ২০০৮, জাতীয় পানি নীতি) বা প্রধান প্রধান আইনগুলোর (পানি আইন ২০১৩) কোনোটিতেই ‘অস্পৃশ্যতা’ বা জাতভিত্তিক বৈষম্যে রোধের কোনো উল্লেখ নেই, এমনকি সমস্যাটিকে চিহ্নিত করার মতো কোনো পদক্ষেপও নজরে আসে না।

সামাজিক সুরক্ষা কর্মসূচীগুলোতেও জাতভিত্তিক বৈষম্য মোকাবেলার জন্য কোনো প্রস্তুতির উল্লেখ নেই। যাহোক, ২০১২ সালের মে মাসে মাননীয় প্রধানমন্ত্রী এ ধরনের কর্মসূচীগুলোতে দলিত, বেদে, হরিজনসহ অন্যান্য প্রান্তিক সম্প্রদায়ের জনগোষ্ঠীকে অন্তর্ভুক্ত করার নির্দেশ প্রদান করেন। সেই নির্দেশনা অনুসরণ করে ২০১২-১৩ অর্থ-বছরে সমাজকল্যাণ মন্ত্রণালয় দলিত, হিজড়া, হরিজন, বেদে ও অন্যান্য ‘নিচু’ জাতের জনগোষ্ঠীর আর্থ-সামাজিক অবস্থার উন্নয়নের জন্য কিছু প্রকল্প ও কর্মসূচী বাস্তবায়নের উদ্যোগ গ্রহণ করে। এ জন্য সরকার ১৬ কোটি ৭৫ লক্ষ টাকা বরাদ্দ দেয়। ঢাকা শহরের পরিচ্ছন্নতা কর্মী ও সুইপারদের (যাদের অধিকাংশ দলিত বা হরিজন) আবাসনের জন্য ১ হাজার

১৪৮টি ফ্ল্যাট নির্মাণের একটি প্রকল্প ২০১২ সালের অক্টোবর মাসে জাতীয় অর্থনৈতিক কাউন্সিল (একনেক)-এর নিবাহী পরিষদ অনুমোদন দেয়।

(ঘ) বাজেট বরাদ্দ

দলিত জনগোষ্ঠীর দুর্দশার পরিপ্রেক্ষিতে সাম্প্রতিক সময়গুলোতে সরকারি উদ্যোগ পরিলক্ষিত হচ্ছে। দলিতদের আর্থ-সামাজিক অবস্থার উন্নয়নে ব্যাপক কর্মসূচী বা প্রকল্প গ্রহণ করা হলেও বাজেট বরাদ্দ দেওয়া হয় খুবই সীমিত। ২০১২-১৩ অর্থ-বছরে ১৬ কোটি ৭৫ লক্ষ টাকা বরাদ্দ দেওয়া হয়েছিল, যেটা ২০১৩-১৪ অর্থ-বছরে হ্রাস পেয়ে ১২ কোটি ৩০ লক্ষ টাকায় দাঁড়ায়। ২০১৩-১৪ অর্থ-বছরে বাজেট বরাদ্দ দেওয়া হয় মূলত হিজড়া, দলিত, হরিজন ও বেদে জনগোষ্ঠীকে মূলধারায় সম্পৃক্ত করার উদ্দেশ্যে তাদের সন্তানদের শিক্ষাবৃত্তি প্রদান, তরুণ-তরুণীদের বিভিন্ন কারিগরি প্রশিক্ষণ প্রদান, কর্মক্ষমদের উপার্জনমূলক বিভিন্ন কাজে সম্পৃক্ত করা এবং উপার্জনে অক্ষম ব্যক্তি, প্রতিবন্ধি ও বয়স্কদের ভাতা প্রদানের ক্ষেত্রে। ২০১৪-১৫ অর্থ-বছরের জাতীয় বাজেটে ৫০ কোটি টাকা বরাদ্দ রাখা হয়েছে তাদের বাসাবাড়ির ভবন নির্মাণের জন্য। যদিও এই বরাদ্দগুলো কীভাবে কোন খাতে ব্যয় হচ্ছে এবং কতটি দলিত পরিবার বা ব্যক্তি এর মাধ্যমে উপকার পেয়েছেন- এ সংক্রান্ত সরকারি কোনো হিসাব বা তথ্য পাওয়া যায় না।

(ঙ) প্রাতিষ্ঠানিক কর্মকোশল

বাংলাদেশে দলিতদের কল্যাণ নিশ্চিত করতে বা তাদের সুরক্ষার জন্য জাতীয় দলিত কমিশন বা এ ধরনের কোনো বিশেষায়িত প্রতিষ্ঠান নেই। দলিত সংগঠনগুলোর প্রচার-প্রচারাভিযানের ফলে সাম্প্রতিক সময়ে জাতীয় মানবাধিকার কমিশন ও আইন কমিশন দেশজুড়ে চলমান জাতভিত্তিক বৈষম্যের বিষয়টিকে সামনে নিয়ে এসেছেন এবং ঢাকার সুইপার কলোনীগুলো পরিদর্শন করেছেন। জাতীয় মানবাধিকার কমিশনের সক্ষমতা বৃদ্ধির লক্ষ্যে ইউএনডিপিএর একটি প্রকল্প রয়েছে যেটিতে জাতভিত্তিক বৈষম্যের প্রতি আলোকপাত করা হয়েছে। জাতীয় মানবাধিকার কমিশন ইতোমধ্যে একজন কমিশনারকে দলিতদের অধিকারের বিষয়টি দেখভালের জন্য দায়িত্ব দিয়েছেন। এছাড়া, সামাজিক বৈষম্য নিয়ে ইউনিসেফের একটি সাম্প্রতিক প্রতিবেদনে অস্পৃশ্যতার বিষয়টির উপর গুরুত্ব দেওয়া হয়েছে যেটি দলিত জনগোষ্ঠীর মানুষ প্রতিনিয়ত মোকাবেলা করছে।

৩। সরকারি উদ্যোগের বাস্তবায়ন

ইতোমধ্যে যেমনটি উল্লেখ করা হয়েছে, বাংলাদেশের দলিতরা এখনও তাদের পরিচিতির পূর্ণ স্বীকৃতি পায় না। আইন প্রণেতাগণসহ দেশের নীতি-নির্ধারণী ফোরামকে সামাজিকভাবে বঞ্চিত এই জনগোষ্ঠীর লাঞ্ছনা ও অতি দরিদ্রতাকে বিবেচনায় নিতে হবে। সর্বোপরি, দলিত জনগোষ্ঠীকে ‘নীতি প্রণয়নের’ একটি উপাদান হিসেবে গণ্য করতে হবে। এই জনগোষ্ঠীর অধিকার রক্ষার জন্য ইতোমধ্যে কিছু পদক্ষেপ গ্রহণ করা হয়েছে, কিন্তু এগুলোর কতটা বাস্তবায়িত হয়েছে- এ সংক্রান্ত কোনো সরকারি তথ্য পাওয়া যায় না। সাম্প্রতিক অর্থ-বছরগুলোতে যে সকল কর্মপরিকল্পনা গ্রহণ করা হয়েছে এবং যে পরিমাণ অর্থ বরাদ্দ করা হয়েছে, তা দলিতদের এই ভঙ্গুর অবস্থা থেকে উত্তরণের জন্য খুবই নগন্য- এটা থেকেই অনায়াসেই বলতে পারেন। তাছাড়াও এ সকল কার্যক্রম ও বরাদ্দের প্রভাব কতটা তা কোনো গ্রহণযোগ্য প্রক্রিয়ায় এখনও খতিয়ে দেখা হয় নি। যাহোক, মার্চপর্যায়ের পর্যবেক্ষণ এবং তৃণমূল কর্মীদের বিভিন্ন প্রতিবেদন থেকে প্রতীয়মান হয় যে, সমাজে দলিত জনগোষ্ঠী যে বঞ্চার শিকার হয়, সে অবস্থার এখনও উল্লেখযোগ্য কোনো পরিবর্তন ঘটে নি।

তবে সাম্প্রতিক বছরগুলোতে দলিতদের সচেতনতা ও অধিকার বিষয়ক বোঝাপড়ার মাত্রাটা বেড়েছে, কিছু ঘটনায় দলিতরা তাদের চিরচেনা নীরবতা ভেঙ্গে প্রতিরোধ গড়ে তুলতে শুরু করেছে। এই পরিবর্তন বাংলাদেশের সমাজ ও অর্থনীতির সর্বক্ষেত্রে প্রয়োগ করতে হবে। ধীরগতির এই পরিবর্তনে দলিত ও অন্যান্য নাগরিক সমাজের সংগঠনগুলোর উদ্যোগ গুরুত্বপূর্ণ ভূমিকা পালন করেছে।

৪। বিশেষ দুর্বলতা

সাধারণ:

- দেশে জাত-পাতভিত্তিক বৈষম্যের চর্চা যেমন- ‘অস্পৃশ্যতার’ চর্চা রোধ করার জন্য বাংলাদেশের সংবিধানে কোনো সুনির্দিষ্ট নির্দেশনা নেই। বিভিন্ন জনসমাগমমূলক স্থানে, দোকানে, খাবার হোটেলে, নাপিতের দোকানে এমনকি নিজ ধর্মের ধর্মীয় উপসনালয়েও তারা যে অবাধে প্রবেশ করতে পারে না- এ সংক্রান্ত কোনো প্রতিরোধমূলক নির্দেশনার উল্লেখ নেই। তাদের সামাজিক ও অর্থনৈতিক অবস্থার উন্নয়নের জন্য বিশেষ কোনো উদ্যোগ গ্রহণের নির্দেশনা কোথাও নেই।
- জাতীয় আদমশুমারিতে ও সরকারি বিভিন্ন জরিপে জাতভিত্তিক ক্ষুদ্র সামাজিক গোষ্ঠীগুলোর জনগোষ্ঠীকে সুনির্দিষ্টভাবে হিসাব করা হয় না। জীবনমানের সুরক্ষা ও উন্নয়ন পরিকল্পনা প্রণয়নের জন্য জাতীয় ও জেলাভিত্তিক দলিত জনগোষ্ঠীর সঠিক সংখ্যা

কত- তা জানার জন্য এ ধরনের কোনো আনুষ্ঠানিক নির্ভরযোগ্য তথ্য-উপাত্ত নেই। পরিসংখ্যানগত তথ্য সংগ্রহের উপাদানগুলো ব্যবহার করে সামাজিক ও অর্থনৈতিক বৈষম্যের সমন্বিত তথ্য বা জরিপ ভারতের সাম্প্রতিক কালের কোনো সরকারের আমলেই পরিচালিত হয়নি। লিঙ্গ ও জাতভিত্তিক এ ধরনের জরিপ হতেই পারতো। এটা দলিত ও দলিত নারীদের জন্য পরিকল্পনা প্রণয়নে কাজে লাগবে, বঞ্চিত জনগোষ্ঠীর অর্থনৈতিক সহযোগিতা প্রাপ্তির ক্ষেত্রেও এটাকে কাজে লাগানো যাবে।

- সংবিধানের ধারা-১৪ এর সাথে সামঞ্জস্য রেখে দলিতদের আর্থ-সামাজিক উন্নয়নের লক্ষ্যে এখনও কোনো ইতিবাচক কার্যক্রম হাতে নেওয়া হয় নি। সরকারি চাকুরীতে নিয়োগের ক্ষেত্রে দলিতদের জন্য কোনো কোটা ব্যবস্থা চালু করা হয়নি। দলিতদের অন্তর্ভুক্ত করে কোটা ব্যবস্থা সম্প্রসারণের জন্য সরকারের কোনো ধরনের উদ্যোগ নেই।
- প্রধান প্রধান সরকারি নীতিমালাগুলো যেমন- জাতীয় আবাসন নীতি, পানি নীতি ও শিক্ষা নীতিতে জাতভিত্তিক বৈষম্য ও ‘অস্পৃশ্যতার’ চর্চা রোধে কোনো ধরনের নিষেধাজ্ঞার উল্লেখ নেই। একদিকে, সকলের সার্বজনীনতার পরিপ্রেক্ষিতে বিবেচনার মাধ্যমে কিছু নীতি যেমন- জাতীয় খাদ্য নীতি, পানি নীতি প্রণয়ন করা হয়েছে। এগুলো প্রস্তুত করার ক্ষেত্রে এবং এ সকল মৌলিক সেবাপ্রাপ্তি নিশ্চিত করার জন্য সামাজিকভাবে বঞ্চিত জনগোষ্ঠী যেমন- দলিত জনগোষ্ঠীর প্রতি কোনো ধরনের গুরুত্বারোপ করা হয় নি। অন্যদিকে, অন্যান্য নীতিগুলোর ক্ষেত্রে যেমন- জাতীয় আবাসন নীতি সরকারকে ‘অতি-দরিদ্র’ ও ‘ছিন্নমূল’ মানুষের মৌলিক ও জরুরি চাহিদা বাসস্থানের সুযোগ নিশ্চিত করার জন্য বাধ্য করেছে। একইসাথে অতি-দরিদ্র ও বস্তিবাসীদের জন্য বিশুদ্ধ খাবার পানি ও স্যানিটেশন নিশ্চিত করার বিষয়টিও সুনির্দিষ্টভাবে উল্লেখ করা হয়েছে। এ ধরনের একটি বৃহৎ নীতিতে সামাজিকভাবে বঞ্চিত জনগোষ্ঠী বিশেষ করে দলিতদের বিষয়ে কোনো কিছুই উল্লেখ নেই, আবার নীতিগতভাবে বৈষম্য না করার জন্য কিছু বলা হয়নি।
- দলিত নারীদের উন্নয়নেও কোনো ধরনের সুনির্দিষ্ট পদক্ষেপ গ্রহণ করা হয় নি, এমনকি সাধারণভাবে নারীদের উন্নয়নের ক্ষেত্রে দলিত নারীদের বিষয়টি উল্লেখ করা হয় নি। জাতীয় নারী উন্নয়ন নীতিমালায় ‘পিছিয়ে পড়া নারীদের’ উন্নয়নের জন্য বিশেষ মনোযোগ প্রদানের কথা বলা হলেও এখানে এমন কোনো কর্মসূচি গ্রহণ করা হয়নি, যেটি থেকে দলিত নারীরা উপকৃত হবেন।

- হিজড়া, দলিত, হরিজন ও বেদে জনগোষ্ঠীকে মূলধারায় সম্পৃক্ত করার জন্য গৃহীত কল্যাণমূলক কার্যক্রম বাস্তবায়নে যে বাজেট বরাদ্দ করা হয়েছে, তা এ সকল জনগোষ্ঠীর দুর্দশা মোকাবেলায় খুবই অপ্রতুল। এ সকল কার্যক্রম সঠিকভাবে বাস্তবায়ন হচ্ছে কিনা এবং বরাদ্দকৃত অর্থ যথাযথ ক্ষেত্রে ব্যয় হচ্ছে কিনা তা তদারকির জন্য দাফতরিক কোনো আনুষ্ঠানিক তথ্য-উপাত্ত না থাকায় এ ধরনের অর্থ-বরাদ্দ সত্যিকার অর্থেই তাদের উন্নয়নে কোনো কাজে লাগছে কি না- তা নির্ণয় করা দুরূহ।
- যদিও বিভিন্ন আন্তর্জাতিক চুক্তি ও অঙ্গীকারনামার বাধ্য-বাধকতার কারণে রাষ্ট্র জাতিসংঘে পর্যায়ক্রমিক কিছু প্রতিবেদন দাখিল করেছে, তারপরও সিইআরডি-এর নির্দেশনা অনুযায়ী জাতপ্রথার ভিত্তিতে বৈষম্যহীনতার সংস্কৃতিকে ছড়িয়ে দিতে কোনো পদক্ষেপ গ্রহণ করা হয় নি। সিইআরডি-এর পরামর্শ বাংলাদেশের আইন ও নীতিমালায় এখনও প্রতিফলিত হয়নি। এই বিষয়টি সরকারের দৃষ্টিগোচরে আনা প্রয়োজন।

জীবনের নিরাপত্তা ও ন্যায়বিচার প্রাপ্তিতে অভিজম্যতা

- দলিতদের বিশেষ সুরক্ষার জন্য আইন ও নীতিমালায় তাদের স্বীকৃতির ঘাটতিগুলো উলেখ করে দলিতদের প্রতি সহিংসতা ও জাতভিত্তিক বৈষম্যমূলক আচরণের অভিযোগ নিবন্ধনের জন্য অনুপ্রাণিত করার কোনো সরকারি পদক্ষেপ চোখে পড়ে না। এছাড়া, কোনো থানায় দলিতদের অভিযোগ নিবন্ধনের জন্য আলাদা কোনো ফাইল রাখা হয় না। আর এ কারণেই দলিতদের প্রতি বৈষম্যমূলক আচরণ ও সহিংসতার অনেক ঘটনা গোপন থেকে যায়।
- যদিও বাংলাদেশের সংবিধানে আইনের দৃষ্টিতে সবাইকে সমানভাবে বিবেচনার কথা বলা হয়েছে, কিন্তু এখনও পর্যন্ত এ ধরনের কোনো আইন বা নীতিমালা নেই যেখানে বিশেষভাবে বঞ্চিত দলিতদের আইনি সুরক্ষা ও ন্যায়বিচার পাওয়ার বিষয়টি নিশ্চিত করে। দলিতদের ন্যায়বিচার প্রাপ্তির সুযোগ সৃষ্টিতে এবং আইনি সহায়তা পাওয়ার ক্ষেত্রে এটা একটি বড় ঘাটতি।

চাকুরী ও শ্রম

- বাংলাদেশ সরকার ও স্থানীয় সরকার প্রতিষ্ঠানগুলো দলিতদের বিকল্প চাকুরীর সুযোগ তৈরি এবং তাদের জন্য বাজার উন্মুক্ত করতে সুসংহত ও সুবিন্যস্ত কোনো প্রচেষ্টা চালায় নি। এছাড়া এমন কোনো নীতি বা কর্মসূচী গ্রহণ করে নি যা দ্বারা দলিত জনগোষ্ঠী প্রথাগত পেশার বাইরে অন্য কোনো

পেশায় নিয়োজিত হতে পারে যেটা তাদের অবস্থার পরিবর্তনে সহায়ক হবে।

- দলিতদের জন্য শালীন কাজ, ভালোভাবে জীবনযাপনের জন্য সম্মানজনক মজুরি এবং মৌলিক শ্রমিক অধিকার নিশ্চিত করার লক্ষ্যে সমন্বিত কোনো আইন পাশ করা হয় নি। এমনকি চাকুরী ও শ্রম অধিকার সংশ্লিষ্ট বিদ্যমান আইনগুলোতে দলিতদের জন্য শালীন ও সম্মানজনক কাজ নিশ্চিত করতে বিশেষ সুরক্ষা বা জাতি ও স্থান ভেদে সমতার কোনো বিধান রাখা হয় নি।
- এখনও বাংলাদেশের গ্রাম বা শহরের উপকণ্ঠে হাত দিয়েই মনুষ্য বর্জ্য অপসারণ করার প্রথা চালু রয়েছে। বছরের পর বছর ধরে এতোটা বৃহৎ পরিসরে এই অমানবিক, অস্বাস্থ্যকর ও ঝুঁকিপূর্ণ এই পেশা চালু থাকলেও এই প্রক্রিয়া সমূলে উৎপাতনের জন্য কোনো সরকারই বিষয়টির প্রতি গুরুত্ব দেয় নি বা কোনো কর্মপরিকল্পনা প্রণয়ন করে নি।
- জোরপূর্বক শ্রম, দাসত্ব ও শিশু শ্রম রোধে বাংলাদেশে বর্তমানে যে সকল আইন, নীতিমালা ও কর্মসূচি বাস্তবায়িত হচ্ছে সেগুলোর কোনোটিতেই নিষিদ্ধ কোনো শ্রমের কারণে কোনো সম্প্রদায়ের দুর্দশার বিষয়টির উল্লেখ করা হয় নি। এখানে বোঝাপড়ার একটি ঘাটতি খুব সহজেই প্রতীয়মান হয়। এই বিষয়টি দরিদ্র ও সুযোগ বঞ্চিতদের মধ্যে একটি সূক্ষ্ম বৈষম্য গড়ে তোলে, কাজের ক্ষেত্রে বহুমুখী ও বার বার ঘটতে থাকা বৈষম্যের রীতিগুলোকে সামনে নিয়ে আসে। সুযোগ-বঞ্চিতদেরকে শিশুদের মতোই জোরপূর্বক শ্রমে নিয়োগ করা হয়।
- বাংলাদেশ সরকার এখনও বংশগত পেশার প্রথা রোধ করতে কোনো বিশেষ নীতি গ্রহণ করে নি; অথচ বংশগত পেশা প্রথা জোরপূর্বক শ্রমেরই সামিল।
- আইএফআইএস, এমএনসিএস, টিএনসিএস এবং অন্য বাজারগুলো বাংলাদেশে কাজ করার ক্ষেত্রে দেশে বিদ্যমান জাতভিত্তিক বৈষম্যের বিষয়ে ওয়াকিবহাল নয়। এটা তাদের বার্ষিক প্রতিবেদন বা অন্যান্য দাফতরিক নথিপত্র থেকে সহজেই বোঝা যায়। এ কারণে তারা কর্মী নিয়োগের ক্ষেত্রে ‘ইতিবাচক কার্যক্রমের’ নীতিমালা মেনে চলে না।

জীবনযাপন ব্যবস্থা, স্বাস্থ্য ও শিক্ষা

- সরকারি নীতি, আইন, বাজেট ও কর্মসূচীগুলোতে এ ধরনের কোনো বিষয়ের উল্লেখ নেই যেটা মৌলিক স্বাস্থ্য সেবা, সুস্বাস্থ্য ও স্যানিটেশনে দলিতদের ক্ষেত্রে বৈষম্যহীন ও সহজলভ্যতার কোনো লক্ষ্যমাত্রাকে নিশ্চিত করে।
- সংবিধানে এমন একটি জাতি হিসেবে গড়ে ওঠার অঙ্গীকার করা হয়েছে যেখানে সবার ভূ-সম্পত্তির অধিকার নিশ্চিত হবে। অথচ বাস্তবে ভূমির অধিকার না পাওয়া দলিতদের জন্য একটি বড় উদ্বেগের বিষয়। বিদ্যমান আইন ও বিধি-বিধান অনুযায়ী দলিতদের সরকারি জমি বরাদ্দ বা প্রাপ্তি কার্যত অসম্ভব হয়ে উঠেছে ভূমির বণ্টন ব্যবস্থা ও গ্রামীণ আবাসন ব্যবস্থার ফলে। এর অন্যতম একটি কারণ হলো, অনেক দলিত বা তাদের পূর্বপুরুষরা ক্ষেতমজুর, চাষি বা কৃষক নয়, পেশাগতভাবে কৃষি কাজের সাথে সংযুক্ত না থাকা। এই বিষয়টিকে স্পষ্টভাবে চিহ্নিত করতে হবে, বিষয়টি নিয়ে আলোচনা করে সমাধানের পথ বের করতে হবে। তাদের পূর্ব-পুরুষরা যদি কৃষিকাজের সাথে সম্পৃক্ততা নাও থাকে, তারপরও তারা দেশের সবচেয়ে সুযোগ-বঞ্চিত জনগোষ্ঠী হিসেবে ন্যূনতম একখণ্ড জমি পাওয়ার অধিকার রাখে।
- শিক্ষা বিষয়ক কর্মসূচী ও নীতিমালাগুলো সমতা ও অভিজ্ঞতার কথা বলে এবং উপজাতি, নারী ও দরিদ্র জনগোষ্ঠীর অনগ্রসরতার বিষয়টিকে গুরুত্ব দিয়ে উল্লেখ করে। কিন্তু দলিত জনগোষ্ঠীর কোনো বিষয় এখানে উল্লেখ করা হয় নি, অন্যান্য সম্প্রদায়ের জনগোষ্ঠীর মতো করে তাদের শিক্ষা ক্ষেত্রে উন্নয়নের জন্য বিশেষ কোনো সুযোগ রাখা হয় নি।

দুর্যোগ ব্যবস্থাপনা

- বাংলাদেশ সরকার বা বাংলাদেশে কর্মরত কোনো আন্তর্জাতিক সংগঠনের দুর্যোগ পরবর্তী পুনরুদ্ধার কার্যক্রম ও উন্নয়ন কর্মসূচীতে জাতভিত্তিক বৈষম্যের বিষয়ে ব্যাপক সচেতনতা ও বোঝাপড়া রয়েছে। সামাজিক সমতার নিরীক্ষা ও জাতপ্রথা বিশ্লেষণের মতো পদক্ষেপগুলো উন্নয়ন ও দুর্যোগ পুনরুদ্ধার কর্মসূচীগুলোর ক্ষেত্রে বৈষম্য ও বঞ্চার চর্চাকে মোকাবেলা করে। তবে এটি যে সকল ক্ষেত্রেই ঘটে-এমন নয়।
- দুর্যোগ ব্যবস্থাপনা, ত্রাণ তৎপরতা ও পুনর্বাসনের জাতীয় কর্মকৌশলের ক্ষেত্রে দলিতদের বিষয়টি উল্লেখ করা হয় নি। এমনকি ক্ষতিপূরণ প্রদানের পরিকল্পনায়ও তাদের বিষয়টি উল্লেখ নেই যেটার

মাধ্যমে দলিতরা পুনর্বাসন কর্মসূচী বা ত্রাণ গ্রহণের ক্ষেত্রে কোনো বৈষম্যের শিকার হলে প্রতিকার পেতে পারে।

৫। গুরুত্বপূর্ণ সুপারিশ

সাধারণ:

- বাংলাদেশে সবার আগে প্রয়োজন জনপরিসরে অভিজ্ঞতা ও সেবাগ্রহণের ক্ষেত্রে বৈষম্য বিলোপ করা এবং এই সত্যকে স্বীকার করা যে বাংলাদেশের সমাজ কাঠামোর ভেতরেই বৈষম্যের বিষয়টি নিহিত রয়েছে যেগুলো চিহ্নিত করা খুবই জরুরি। এই স্বীকৃতি ছাড়া কোনো কার্যক্রমই ফলপ্রসূ হবে না। এজন্যই দেশে দলিতদের অবস্থা সম্পর্কে একটি ধারণা তৈরির ক্ষেত্রে সরকারি প্রচারাভিযান ও তথ্য আদান-প্রদান অপরিহার্য। জাতভিত্তিক বৈষম্য রোধ ও ‘অস্পৃশ্যতার’ চর্চা দূর করা জরুরি।
- এমন একটি আইন পাশ করা প্রয়োজন যেটা জাতভিত্তিক বৈষম্য রোধে এবং জনপরিসরে অবাধ প্রবেশ ও সেবাগ্রহণের সবঅধিকারকে সংরক্ষণ করে। একইসাথে এ ধরনের চর্চার ক্ষেত্রে শাস্তির বিধি-বিধান রাখতে হবে। এমতাবস্থায় সরকার জাতীয় মানবাধিকার কমিশন ও নাগরিক সমাজের সংগঠনগুলোর সাথে আলাপ-আলোচনার মাধ্যমে বাংলাদেশ আইন কমিশন কর্তৃক প্রস্তাবিত বৈষম্যবিরোধ আইনটি অগ্রাধিকারভিত্তিতে পাশ করতে পারে।
- দলিত কমিউনিটির উন্নয়নে ইতোমধ্যে গৃহীত ও চলমান ‘ইতিবাচক পদক্ষেপগুলোর’ সম্ভাবনা ও সীমাবদ্ধতা যাচাই-বাছাই করার জন্য সরকারের উচিত কর্মকর্তা ও দলিত কমিউনিটির নেতৃবৃন্দের সাথে আলোচনার রীতি চালু করা। এটাও স্পষ্টভাবে বোঝাপড়া করা জরুরি যে কীভাবে কোটা পদ্ধতির সংস্কার করলে সেটা দলিতদের সরকারি ও বেসরকারি পর্যায়ে চাকুরী ও শিক্ষা গ্রহণের ক্ষেত্রে কাজে লাগবে।
- জাতীয়, বিভাগীয়, জেলা ও কমিউনিটিভিত্তিক দলিতদের বিস্তারিত তথ্য-উপাত্ত প্রয়োজন যেখানে তাদের কমিউনিটির জনসংখ্যার পরিমাণ, শিক্ষা ও চাকুরী ক্ষেত্রের অবস্থাগত তথ্যও সন্নিবেশিত থাকবে। এ ধরনের তথ্য কাছে থাকলে সরকার দলিতদের মৌলিক উন্নয়নের স্বার্থে অংশগ্রহণমূলক প্রক্রিয়ায় তাদের চাহিদা নিরূপণ করে প্রয়োজনীয় সুনির্দিষ্ট পদক্ষেপ গ্রহণ করতে পারবে।

- তাৎক্ষণিক পদক্ষেপে সরকারিভাবে একটি বিশেষ জরিপ বা গবেষণা পরিচালনা করা উচিত যেখানে দলিত নারী ও অন্যান্য সুযোগ-বঞ্চিত জনগোষ্ঠীর নারীদের তথ্য-উপাত্ত বিস্তারিতভাবে তুলে ধরা হবে।
- জাতীয়, জেলাপর্যায় ও স্থানীয় সরকার পর্যায়ের সকল সরকারি কর্মকর্তা ও পুলিশ সদস্যদের বাংলাদেশের বিভিন্ন জাতি, লিঙ্গ ও সমাজ ব্যবস্থার বহুমিশ্রণ প্রথা সম্পর্কে সচেতন করতে সরকারের উচিত একটি সমন্বিত প্রশিক্ষণের আয়োজন করা। এই প্রশিক্ষণের মাধ্যমে তারা সহজেই দলিত নারী ও পুরুষের দুর্দশার ক্ষেত্রগুলো চিহ্নিত করতে পারবে।
- সকল গণমাধ্যম এবং এমনকি টেলিভিশনের তথ্যচিত্র, নাটক ও চলচ্চিত্রকে কাজে লাগিয়ে দলিতদের (হিন্দু ও মুসলমান- উভয়ই) সম্পর্কে নেতিবাচক উপলব্ধিগুলো দূর করে ইতিবাচক ধারণা গড়ে তুলতে হবে।
- দলিতদের সক্ষমতা বৃদ্ধির জন্য ধর্মীয়, শিক্ষা, সাংস্কৃতিক ও গণমাধ্যম প্রতিষ্ঠানগুলোর উচিত আরও ধারাবাহিক কার্যক্রম গ্রহণ বা পরিচালনা করা। এই কাজগুলো হতে পারে তাদের নিজেদের প্রতিষ্ঠানের অভ্যন্তরেই বিভিন্ন উদ্যোগ গ্রহণ করার মাধ্যমে। দলিতদের জীবন-সংগ্রামের ইতিহাস সংরক্ষণের দক্ষতা তৈরি এবং বিভিন্ন জাতি ও ধর্মের মধ্যে সম্প্রীতি বজায় রাখার ক্ষেত্রে নিজেদের সম্পৃক্ত করার মাধ্যমে দলিতদের সক্ষমতা বাড়তে পারে।
- আন্তর্জাতিক বিভিন্ন অর্থনৈতিক প্রতিষ্ঠানসহ সকল আন্তর্জাতিক সংগঠনের উচিত তাদের সহায়তায় পরিচালিত উন্নয়ন প্রকল্পে দলিতদের আর্থ-সামাজিক অবস্থাকে বিবেচনায় নেওয়া হচ্ছে কিনা- তা খতিয়ে দেখা। আন্তর্জাতিক অর্থনৈতিক প্রতিষ্ঠানগুলো জাত ও জেন্ডারভিত্তিক তথ্য-বিশ্লেষণকে কর্পোরেট সামাজিক উন্নয়ন কৌশলে অন্তর্ভুক্ত করতে পারে এবং দারিদ্র্য বিমোচন ও সামাজিক গুরুত্ব নিরূপণের ক্ষেত্রে দলিতরা সমান সুফল পাচ্ছে কিনা- তা নিশ্চিত করতে পারে। নতুন প্রকল্প অনুমোদনের ক্ষেত্রে এবং চলমান প্রকল্পগুলোর কার্যক্রম বাস্তবায়নে দলিত বিষয়ক বেসরকারি প্রতিষ্ঠান ও বিশেষজ্ঞদের সাথে আলোচনা করে নিতে পারে। এসব প্রতিষ্ঠানের উচিত জাতভিত্তিক বৈষম্য নিরসন এবং মৌলিক অধিকার নিশ্চিত করার ক্ষেত্রে তাদের প্রস্তাবিত নীতিগুলো ও বাস্তবায়নাবীন কার্যক্রমগুলোর প্রভাব বা কার্যকারিতা খতিয়ে দেখা। নতুন ও চলমান প্রকল্পগুলোর মাধ্যমে দলিত কমিউনিটিকে আরও শক্তিশালী করতে বৈষম্যবিরোধ ও দলিতবান্ধব কী ধরনের পদক্ষেপ গ্রহণ করা যেতে পারে- সে বিষয়ে

পরামর্শ গ্রহণ করা উচিত।

- সকল পর্যায়ে দলিতদের অবস্থা তদারকির জন্য দলিত কমিশন বা সমতা কমিশন গঠন করা উচিত। একইসাথে সরকারি সকল উদ্যোগে দলিতদের অধিকার ও স্বার্থ সুরক্ষার বিষয়টি অন্তর্ভুক্ত থাকা উচিত।

জীবনের সুরক্ষা ও ন্যায়বিচার প্রাপ্তিতে অভিজ্ঞতা

- দলিতদের প্রতি সহিংসতা ও বৈষম্যমূলক ঘটনার তদন্ত ও সেটির তথ্য নিবন্ধনের জন্য পুলিশের দায়-দায়িত্ব কী হবে- সে সম্পর্কে সরকারের সুস্পষ্ট নির্দেশনা থাকা উচিত। এটা আবশ্যিক করে দেওয়া জরুরি যে, জাতভিত্তিক বৈষম্য ও সহিংসতার ঘটনা পুলিশ তাৎক্ষণিকভাবে নিবন্ধন করবে এবং কোনো মামলা যথাযথভাবে নিবন্ধন না করে কোনো তদন্ত সম্পাদন করতে পারবে না।
- দলিত কমিউনিটিতে আইন সচেতনতা বিষয়ক কার্যক্রম পরিচালনা করতে হবে যাতে তারা নিজেদের অধিকার সম্পর্কে সচেতন হয়। একই সাথে জাতভিত্তিক বৈষম্য ও সহিংসতার শিকার হলে দলিতরা যেন যথাযথভাবে আইনি প্রক্রিয়ায় তা মোকাবেলা করতে পারে সে জন্য সহযোগিতা প্রদানের সুযোগ রাখতে হবে। দলিত কমিউনিটির মানুষের কাছে পৌঁছার জন্য সরকারের উচিত দলিতদের সংগঠনগুলোর সাথে সম্পর্ক স্থাপন করা। দলিতদেরকে বোঝানো উচিত যে, তারা বৈষম্য, সহিংসতা বা নিষ্ঠুরতার পাত্র নয়।
- সরকারের উচিত আইন সহায়তা বিধিমালা সংশোধন করা, যেখানে দলিতদের ন্যায়বিচার প্রাপ্তি নিশ্চিত করার জন্য তাদের আইন সহায়তা পাওয়ার সুযোগকে অবাধ করতে হবে।
- নারীর প্রতি সহিংসতা রোধে যে সকল আইন ও নীতিমালা রয়েছে সেগুলোতে দলিত নারী ও মেয়েদের বিষয়টি বিশেষভাবে উল্লেখ করা হয়েছে কিনা এবং বহুমুখী বৈষম্য ও সহিংসতার বিষয়গুলো অন্তর্ভুক্ত আছে কি না তা পুনরায় পরীক্ষা-নিরীক্ষা করতে হবে। দলিত নারী ও মেয়েদের সুরক্ষার জন্য তাদের ক্ষেত্রে সহনীয় পদক্ষেপ গ্রহণ করা উচিত।

চাকুরী ও শ্রমের অধিকার

- সরকারি ও বেসরকারি ক্ষেত্রের সকল পেশাকে বিবেচনায় নিয়ে সমন্বিত চাকুরী বিষয়ক আইন প্রস্তুত করা আবশ্যিক যেখানে দলিতদের বিষয়টিকে বিশেষ গুরুত্ব দেওয়া হবে। সরকারি ও বেসরকারি পর্যায়ের চাকুরীতে নিয়োগের ক্ষেত্রে দলিতদের

বিশেষ অগ্রাধিকার দেওয়ার জন্য এই আইনে উল্লেখ থাকবে।

- স্বাস্থ্যের জন্য ঝুঁকিপূর্ণ হাত দিয়ে পরিচ্ছন্নতার কাজের প্রক্রিয়াকে সম্মুখে উৎপাটনের জন্য একটি নির্দিষ্ট সময়ভিত্তিক পরিকল্পনা বা সমন্বিত আইন প্রণয়ন ও বাস্তবায়ন করতে হবে। এই আইনের মাধ্যমে দলিতদের জন্য বিকল্প ও শালীন কাজের সুযোগ সৃষ্টি করতে হবে।
- অর্থনৈতিক নীতিমালা সংস্কারের কাজে শ্রমিকরাই সর্বনিম্ন স্তরে রয়েছে। এ জন্য সরকারকে অপ্রাতিষ্ঠানিক কাজে নিয়োজিত দলিত কর্মীদের জন্য সামাজিক সুরক্ষার সুযোগ সৃষ্টি ও বাস্তবায়ন করতে হবে।
- জাতপ্রথা থেকে বেরিয়ে আসতে একটি কার্যকর উপায় হতে পারে বিভিন্ন পেশার মাধ্যমে ‘জীবিকা’ নির্বাহ, যেন ‘পেশাগত ঐতিহ্য’ জীবনের জন্য অভিলাষ না হয়ে ওঠে। বৃত্তিমূলক প্রশিক্ষণ, মূলধারার শিক্ষা এবং বাজার ব্যবস্থায় তাদের সম্পৃক্ততা এ ক্ষেত্রে সহায়ক ভূমিকা পালন করতে পারে। দলিত যুবকদের লাভজনক ও শালীন চাকুরী পেতে যোগ্য করে গড়ে তোলার জন্য পর্যাপ্ত ও সুনির্দিষ্ট বৃত্তিমূলক প্রশিক্ষণের উদ্যোগ গ্রহণ করা প্রয়োজন। একইসাথে এ ধরনের উদ্যোগের তথ্য গ্রাম ও শহরের দলিত কমিউনিটিগুলোতে পৌঁছে দেওয়ার ব্যবস্থা রাখতে হবে যেন তাদের সবাই এ সুযোগ গ্রহণ করতে পারে।
- জোরপূর্বক, চুক্তিভিত্তিক শ্রম ও শিশু শ্রম এবং পাচার রোধে সংশ্লিষ্ট সরকারি সকল কর্মসূচী পুনর্পর্যালোচনা করা উচিত। কতজন দলিত এ ধরনের শ্রমে নিয়োজিত তার একটি পরিসংখ্যান থাকা উচিত, একইসাথে সরকারের বিভিন্ন কর্মসূচির ফলে কতজন দলিত উপকৃত হয়েছেন- সেটির হিসাব থাকা জরুরি।

বাসস্থান, স্বাস্থ্য ও শিক্ষা

- বাংলাদেশে জীবনধারণের সাথে সম্পর্কিত যে সকল নীতিমালা রয়েছে যেমন- পানি, স্বাস্থ্য, পুষ্টি, শিক্ষা, স্যানিটেশন, ভূমি সংক্রান্ত নীতিমালাগুলোতে দলিতদের সমস্যাসম্মূলক অবস্থার বিষয়টির উল্লেখ করতে হবে এবং এসব মৌলিক সেবাপ্রাপ্তি নিশ্চিত করতে কর্মপরিকল্পনা প্রণয়ন করতে হবে।
- সুইপার, মেথর, চা-শ্রমিক ও অন্যান্য জনগোষ্ঠীর চাহিদা অনুযায়ী বিশেষ স্বাস্থ্য ও চিকিৎসা কেন্দ্র স্থাপন করতে হবে যেন স্বাস্থ্য সুরক্ষার জন্য তারা

প্রয়োজনীয় সুযোগ-সুবিধা পায়। সুইপার ও অন্যান্য দলিত কর্মীদের শারীরিক ও মানসিক সুস্বাস্থ্য নিশ্চিত করার দায়িত্ব সিটি কর্পোরেশন ও পৌরসভার। এ জন্য প্রতিষ্ঠানগুলোকে অবশ্যই বিশেষ কর্মসূচি গ্রহণ করতে হবে।

- সারা দেশের দলিত কলোনীগুলোর সমস্যা নিয়ে একটি জরিপ পরিচালনা করা গুরুত্বপূর্ণ। একইসাথে সকল দলিত পরিবারের জন্য পর্যাপ্ত, সঠিক ও বৈষম্যহীন আবাসন, পানি, খাদ্য ও স্যানিটেশন সুবিধার সরবরাহ নিশ্চিত করার জন্য নির্দিষ্ট সময়কেন্দ্রিক কর্মপরিকল্পনা গ্রহণ করতে হবে। এই কর্মপরিকল্পনা প্রণয়ন প্রক্রিয়ায় দলিত জনগণের অংশগ্রহণ নিশ্চিত করতে হবে।
- সরকারি ব্যবস্থাপনায় গড়ে ওঠা সকল অবকাঠামোগত কর্মসূচিতে পানি, খাদ্য, স্যানিটেশন এবং জমি ও জলসেচ সুবিধা পাওয়া এবং সামাজিক অবকাঠামোতে আনুপাতিকহারে বরাদ্দ ও বৈষম্যহীন প্রবেশাধিকার নিশ্চিত করতে হবে।
- সরকারের পক্ষ থেকে সঠিক নীতিমালা ও কর্মসূচীর সহযোগিতায় কোনো জেলার জেলা প্রশাসন সেখানকার দলিতদের বাসস্থান ও জীবনযাপনের মান উন্নয়নের জন্য বিশেষ কর্মসূচি গ্রহণ করতে পারে। এই কাজটি স্থানীয় সরকার মন্ত্রণালয়ের অধীন স্থানীয় সরকার প্রতিষ্ঠানসমূহ ও জনস্বাস্থ্য প্রকৌশল অধিদপ্তরের সাথে সমন্বয় করে হতে পারে।
- কোন কোন সামাজিক গোষ্ঠীর ভূমির অধিকার রয়েছে এবং কোন সামাজিক গোষ্ঠীর তা নেই- এটি সনাক্ত করার জন্য জাতীয় পর্যায়ে একটি জরিপ পরিচালনা করা উচিত। এই জরিপের উপর ভিত্তি করে যে সকল দলিতদের পিতৃসূত্রে প্রাপ্ত বসতবাড়ির দলিল নেই তাদেরকে সনাক্ত করে দলিল দেওয়ার প্রক্রিয়া শুরু করতে হবে। তাছাড়া, খাস জমি বন্দোবস্ত দেওয়ার সময় যে জনগোষ্ঠীর জমির অধিকার রয়েছে অথচ জমি নেই (যেমন- দলিত), তাদেরকে অগ্রাধিকার দিতে হবে। জমির দলিল অবশ্যই নারীর নামে হতে হবে অথবা দলিলে যৌথভাবে পুরুষের সাথে নারীর নামও রাখতে হবে। দলিতদের বরাদ্দ দেওয়া জমি কোনো অবস্থাতেই দলিত নয় এমন কারও কাছে স্থানান্তর করা যাবে না।
- শিক্ষা মন্ত্রণালয়ের আওতায় সরকার ‘সমতা বিষয়ক দল’ গঠন করবে যারা অবিরামভাবে দলিতদের জন্য শিক্ষা কর্মসূচি প্রণয়ন ও তদারকি করবে। এই শিক্ষা কর্মসূচি প্রণয়ন করতে হবে দলিত কমিউনিটি ও এ বিষয়ক নাগরিক সমাজের সংগঠনগুলোর সাথে

আলোচনা সাপেক্ষে। দলিত শিশুদের স্কুলে যাওয়া ও উচ্চ শিক্ষা গ্রহণকে উৎসাহিত করতে এ সকল কর্মসূচীতে বৃত্তির ব্যবস্থা করতে হবে।

- স্কুলে ও শ্রেণীকক্ষে সামাজিক ঐক্য, সমতা ও বৈচিত্র্যকে ধরে রাখার জন্য সরকারের উচিত বিভিন্ন কার্যক্রম-নির্ভর নির্দেশিকা প্রণয়ন করা। এটি শিক্ষক প্রশিক্ষণ নির্দেশিকাতেও অন্তর্ভুক্ত করতে হবে।
- জাতভিত্তিক বৈষম্য বিষয়ে সরকারি কর্মকর্তাদের সমন্বিত বোঝাপড়া থাকা দরকার। বিপিএটিসি, জুডিশিয়াল ট্রেনিং একাডেমি, পুলিশ একাডেমি ও অন্যান্য সরকারি চাকুরীর প্রশিক্ষণ সেন্টার বা প্রতিষ্ঠানগুলোর পাঠ্যসূচীতে বর্ণনার রাজনীতি, সামাজিক স্তরবিন্যাস ও জাতপ্রথার আলোচনা অন্তর্ভুক্ত করতে হবে।

দুর্যোগ ব্যবস্থাপনা

- সরকারি কর্তৃপক্ষকে কমিউনিটির সম্পদ বণ্টন চর্চা যেমন- অবকাঠামো নিরীক্ষার মাধ্যমে দলিত জনগোষ্ঠীর জীবনযাপনের ধরন, দুর্দশা ও চাহিদা জানতে হবে। এটি সতর্ক সংকেত দেওয়ার কৌশল নির্ধারণ এবং দলিতদের দুর্যোগ থেকে রক্ষার কৌশল নির্ধারণে কর্তৃপক্ষগুলোর জন্য সহায়ক হবে।
- রাষ্ট্রীয় সংস্থাগুলোকে নাগরিক সমাজের সংগঠনগুলোর সাথে সমন্বয় করে অংশগ্রহণমূলক প্রক্রিয়ায় সামাজিক সমতা নিরীক্ষার নীতিমালা প্রস্তুত, সামাজিক সমতার সীমা-পরিসীমা নির্ধারণ এবং দুর্যোগপরবর্তী উদ্ধার তৎপরতা ও ঝুঁকি প্রশমনের প্রক্রিয়া তদারকির নীতিমালা প্রস্তুত করতে হবে। দুর্যোগ-ব্যবস্থাপনায় দলিত ও অন্যান্য সুযোগ-বঞ্চিত জনগোষ্ঠীর আপোসহীন অধিকার নিশ্চিত করতে এই সমন্বয় জরুরি।
- দুর্যোগের ত্রাণ বিতরণ ও পুনর্বাসনের উপকরণ প্রাপ্তিতে বৈষম্য বা বাধা প্রদান হ্রাস করতে দুর্যোগ ব্যবস্থাপনার জাতীয় পরিকল্পনা সংশোধন করা প্রয়োজন।

BDERM Bangladesh Dalit and
Excluded Rights Movement

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