

**Promoting and protecting the rights of persons from descent-based communities:**

**Access to justice**

Mapping out access to justice for persons from descent-based communities in 5 pilot countries Bangladesh, India, Nepal, Pakistan, and Sri-Lanka

19-21 August 2024

**Bangladesh**

Paper prepared by Salauddin Siddique[[1]](#footnote-1)

**General Background**

Access to justice is a vital element in the democratic process and one of the basic principles of the rule of law. This research is prepared with the aim of bringing some clarity as to the situation regarding access to justice by persons from descent-based communities in Bangladesh. It reflects a variety of contexts analysed within the prism of the State’s obligations and commitments under international human rights law to protect, promote, and fulfil the human rights of everyone free of discrimination.

The international framework from which States’ obligations flows is grounded in the principles of

equality, justice and dignity as reflected in the Declaration of Human Rights (UDHR)[[2]](#footnote-2) which established the scaffolding for the elaboration and ratification of international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966. Referred to as the International Bill of Human Rights[[3]](#footnote-3) and acceded by Bangladesh in 2000 and 1998 respectively[[4]](#footnote-4), these foundational documents provide specifically for the right to equality before the law; equal protection against any discrimination; the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted under the constitution or by law.[[5]](#footnote-5)

“Access to justice is a basic principle of the rule of law. In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable.”[[6]](#footnote-6) Access to justice/due process requires action in holding perpetrators accountable for violating the human rights of individuals, but also in obtaining redress and preventing aggravated grievances to escalate into conflict. The conditions necessary to guarantee access to justice involve formal and informal normative legal protection mechanisms, legal awareness, legal aid and counsel, [[7]](#footnote-7) adjudication, enforcement, and oversight by national human rights institutions and civil society organisations.[[8]](#footnote-8)

Respecting, protecting, and fulfilling the right to access to justice/due process with no-discrimination constitute obligations under international human rights law that States have undertaken.[[9]](#footnote-9) Article I of the International Convention on the Elimination of all forms of Racial Discrimination ratified by Bangladesh in 1979 specifies that: “ … the term ‘racial discrimination’ shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which 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.”

Related jurisprudence has made it clear that human rights treaty norms also cover descent-based discrimination and that States have therefore a legal obligation under international law to address such discrimination. This has been stated particularly forcefully by the Committee on the Elimination of Racial Discrimination (CERD) in the 2002 General Recommendation No. 29 on descent-based discrimination, in which the Committee concluded that discrimination based on descent covers caste-based discrimination and is thereby covered by the UN Convention on the Elimination of All Forms of Racial Discrimination.[[10]](#footnote-10) This interpretation has been reflected consistently in subsequent country reviews by CERD, and by other human rights treaty bodies, and by the Human Rights Council’s Universal Periodic Review and Special Procedures mechanisms.[[11]](#footnote-11)

The right to non-discrimination of persons from descent-based communities is also guaranteed under the minority rights legal framework at the international level, the mechanisms to protect and promote minority rights have been crucial in addressing the rights of persons from descent-based communities.[[12]](#footnote-12) In her 2016 report to the Human Rights Council, the former UN Special Rapporteur on Minority Issues, Rita Izsak, noted that while many caste-affected groups might belong to the same larger ethnic, religious or linguistic community, they often shared minority-like characteristics.[[13]](#footnote-13) The former Special Rapporteur on Minority Issues, Fernand de Varennes has stated in his 2020 report to the General Assembly that “ethnic minorities, through ancestry, descent, origin or lineage, can include individuals recognized because of shared physical characteristics, such as Afro descendants, as well as social castes and similar groups, including Dalits in India (and elsewhere) and the Burakumin of Japan.”[[14]](#footnote-14)

The guidance offered by international law standards and findings of monitoring mechanisms have not remained isolated from national level action. Instead, they have positively influenced standard setting and other work at the national level, interlinking with advocacy that civil society actors and others are pursuing in several countries in South Asia on caste-based discrimination. The CERD recommendation no 29 has undoubtedly contributed to the impact of the tireless efforts carried out at the national level by human rights advocates including the organisers of this mapping out exercise. These efforts do sometimes result in adoption of progressive specific legislation, which when implemented can usher-in remedies for victims, by improving their access to justice, strengthening protection by law enforcement officials and other authorities and by serving as a catalyst for a range of awareness and educational efforts on descent-based discrimination. Unfortunately, adoption of legislation is necessary but not enough. Any legislation is as good as its implementation and guaranteed to fail if not accompanied by complementary measures such as adequate resources and infrastructure.

**The initiative**

OHCHR, in collaboration with the International Dalit Solidarity Network (IDSN) and the Asia Dalit Rights Forum (ADRF), will seek to map out what currently exist in terms of access to justice in five pilot countries (Bangladesh, India, Nepal, Pakistan, and Sri-Lanka), where descent-based discrimination is most prevalent in South Asia. The initiative will begin with collecting and compiling information on the paths to justice available to persons from descent-based communities in the five named countries and will research and examine (i) what exists in terms of judicial and non-judicial mechanisms and their accessibility and efficacity with respect to persons from descent-based communities (good practices); and (ii) what can be done to strengthen the existing judicial and non-judicial structures and mechanisms at the national level to facilitate access to justice pursuant to these countries’ obligations under international human rights law.

Please note that the language “persons from descent-based communities” and the term “Dalit” are used interchangeably.

Please note that the language “persons from descent-based communities”, “scheduled castes”, “Dalits” are used interchangeably.

Out of the total population, of approximately 160 million, the estimate number of Dalits in Bangladesh range between 3.5 to 5.5 millions. Caste systems and what is broadly referred to as ‘untouchability’ practices are most commonly associated with Hinduism, but in Bangladesh these traditions and practices have also been adopted by sections of the Muslim majority.[[15]](#footnote-15)

 **Political context**

|  |  |
| --- | --- |
|  **INDICATORS** | **SPECIFICS** |
| Briefly describe the political system of the country and the relevant branches of power/ institutions in relation to the rights of persons from descent-based communities.  | The State of Bangladesh operates under a parliamentary democracy with a president as the ceremonial head of state and a prime minister as the head of government. The political system is comprised of three major branches of power: the executive, legislative, and judicial. The Executive The Executive Branch is entrusted with the administration of the country. It is responsible for carrying out several functions, headed by the president, who serves as the ceremonial head of state. However, the executive powers are largely vested in the prime minister who is the leader of the majority party in the unicameral parliament and is the head of the government. The president is elected by the national parliament and serves for a period of 5 years. The prime minister does not have a term limit. The president, while largely a ceremonial figure, holds some limited powers, including the appointment of the prime minister and other key government officials. The constitution allows the president to act only upon the advice of the prime minister and cabinet. The president can refuse to assent to any bill passed by parliament and send it back for review. The prime minister of Bangladesh holds a position of collective accountability and must answer for policies and actions to multiple entities including the parliament, their political party and the electorate must fulfil their expectations and campaign promises to retain public support and legitimacy.Sheikh Hasina was in office as the Prime Minister since 6 January 2009 and marked her fourth consecutive term in this position after her party, the Bangladesh Awami League, won the last national election in 2024. She has a five-year tenure, ending in 2028. However, on August 5th the Prime Minister resigned and fled the country after weeks of student protests resulting in an estimated 300 people being killed.[[16]](#footnote-16)The current president of Bangladesh is Mohammad Shahabuddin, who took office on 24 April 2023, and will be in post for five years. Formerly, he worked as a judge in the Appellate Division of the Supreme Court of Bangladesh. The President dissolved the country’s parliament on 6 August 2024 following the resignation of Prime Minister Sheikh Hasina.[[17]](#footnote-17)Ministers are appointed by the prime minister. They work as an important part of the executive organ and oversee various government ministries and departments such as finance, education, health, foreign affairs, etc. The prime minister and the most senior ministers from the supreme decision-making committee are known as the Cabinet. The LegislativeThe legislative branch consists of a unicameral parliament named *‘Jatiya Sangsad’* with 350 seats. The parliament is responsible for drafting and adopting legislations and ensure that policies are implemented effectively and in accordance with the law. This oversight function helps to maintain checks and balances within the government. Bangladesh uses the First-Past-The-Post electoral system for its parliamentary elections. In this system, the country is divided into a total of 300 single-member constituencies. Each constituency elects one member of parliament to represent them in the national parliament. Voters in each constituency cast their vote for their preferred candidate, and the candidate who receives the most votes in each constituency wins the seat. The party that secures the majority of seats in the parliament is invited to form the government. This system is synonymous with the Winner Takes All outcome, where the winning candidate takes all the representation for that constituency, and the votes for other candidates do not contribute to their representation. Apart from these 300 seats, another 50 seats are reserved for women, to ensure gender representation. These seats are not directly elected by the public. Instead, they are distributed among political parties based on their proportion of elected seats in the parliament. Currently, there is no reserved parliamentary seat for minorities. JudicialThe judicial branch is independent and is comprised of various levels of courts, up to the Supreme Court. It is responsible for interpreting laws, ensuring their adherence to the Constitution, and upholding the rights of citizens. Supreme Court judges are appointed by the president and hold their offices until mandatory retirement at the age of 67.There are few people in decision-making positions in the executive, legislative, and judicial branches belonging to descent-based communities. Due to the longstanding exclusion, their limited representation, offers very little scope for bringing out their voices and influencing decision making processes, even those that concern them directly. Persons from descent-based communities have little access to justice despite commitments made under the constitution, legislations, policies and other measures adopted to protect their rights.  |
| Describe the political positioning of the current Government  | Due to the recent political developments, Muhamad Yunus have ben appointed as the interim head of the Governement.[[18]](#footnote-18) The recent Government, led by the Awami League, could be described as centrist with a commitment to secularism, although there are concerns about authoritarian tendencies and the erosion of democratic norms.**[[19]](#footnote-19)** According to the 2024 State of Civil Society Report**[[20]](#footnote-20)** by CIVICUS, the civic society space in Bangladesh is categorised as *‘closed’*, the lowest category. However, the Freedom in the World 2024 report[[21]](#footnote-21) by the Freedom House identified Bangladesh as a *‘partly free’* country, but with downward trends. Both reports highlighted the flawed national election of 2024, and imposed restrictions on freedom of expression, and freedom of peaceful assembly. Overall, the current political climate in Bangladesh has fostered an environment of fear.  |
| Describe the electoral position – is there an upcoming election or key political events that may influence or alter the stance of key political stakeholders committed to promote the rights of persons from descent-based communities  | The 12th National Election took place on 7 January 2024. The Awami League secured a victory for the fourth consecutive time, winning 222 seats**[[22]](#footnote-22)**. Independent candidates, many of whom were Awami League members propped up as dummy candidates, won 62 seats**[[23]](#footnote-23)**. The main opposition, the Bangladesh Nationalist Party (BNP) led by former Prime Minister Khaleda Zia, boycotted the election. The voter turnout was less than 42%, which raised concerns about the legitimacy of the election**[[24]](#footnote-24)**. The United States of America and the United Kingdom expressed concerns around the Government’s failure to consistently achieve the fundamental principles of democracy in the election.[[25]](#footnote-25) The United Nations has also raised concerns regarding violence and repression of opposition candidates and supporters**[[26]](#footnote-26)**. The European Union regretted the absence of major political parties in the election, indicating that it was not participatory and called upon the Government to ensure a timely and full investigation into all reported election irregularities[[27]](#footnote-27). However, China, India and Russia congratulated Sheikh Hasina[[28]](#footnote-28) on her victory.This election saw a decline in the number of minorities elected as members of parliament[[29]](#footnote-29) in comparison to the previous two national elections. It is important to note that currently there is no member of Parliament who is from a descent-based community. In its 2024 manifesto, the Awami League emphasised development, prosperity, and peace with a focus on social welfare, infrastructure development, and regional cooperation**[[30]](#footnote-30)**. The manifesto identified persons from descent-based communities as underprivileged and pledged to continue with social safety programmes to improve their lives, provide vocational training to diversify their occupation and support them with cash assistance and housing programmes**[[31]](#footnote-31)**. The manifesto also pledged to form a National Minority Commission and enact a special protection law for minorities**[[32]](#footnote-32)**.  |
| Describe any key evidence of counterforces that are likely to oppose or discourage adoption or implementation of measures supporting access to justice by persons from descent-based communities | Persons from descent-based communities in Bangladesh hold few official positions, thereby limiting their participation in decision-making, even in decisions that concern them. Within the 7.95% Hindu population**[[33]](#footnote-33)**, Dalits make up nearly 50%**[[34]](#footnote-34)**. The rise of **anti-Hindu sentiment** in a Muslim-majority country has always been a possible risk of an increase of violations of their human rights as they are easy targets due to their vulnerable socio-economic condition. Moreover, **anti-Hindu** individuals holding important positions in the country may veto the adoption and implementation of measures supporting access to justice for persons from descent-based communities.  |

1. State’s Legal framework

|  |  |
| --- | --- |
| **Indicator** | **Details** |
| Has the State adopted legislative or policy measures benefiting persons from descent-based communities as regards access to justice? If yes, please specify the legislation and provide information on its implementation and if no, please mention if the Government has made a general commitment to improve legislative protection for persons from descent-based communities in terms of justice mechanisms. | In Bangladesh, there is no specific legal framework or mechanism established to ensure access to justice by persons from descent-based communities nor to safeguard their rights. Dalit leaders and human rights activists have advocated for the adoption of a draft anti-discrimination bill for over a decade. A draft Anti-Discrimination Bill was first placed before Parliament on 5 April 2022, following years of advocacy. It is now under review by the Parliamentary Committee. There have been several recommendations from various stakeholders to adopt the anti-discrimination legislation[[35]](#footnote-35), however, the proposed Bill has raised several concerns including the fact that it does not criminalise discrimination and provides a narrow and limited description of discrimination.  |
| Quote the principal provisions in the national Constitution on discrimination based on descent and access to justice based on equality.  | The Constitution does not recognize persons from descent-based communitiesor any other minority community as such. Instead, the Constitution simply requires equal treatment of all citizens under the law. It guarantees equal protection of the law, prohibits discrimination based on religion, race, caste, sex, or place of birth, calls for equal opportunities in public sector employment, and guarantees religious freedom. Furthermore, the Constitution also commits to the advancement of *‘backward sections’* but does not define what such measures entail, nor does it explicitly indicate who the *‘backward sections’* of the population are.[[36]](#footnote-36) Despite the fact that persons from descent-based communities are socio-economically very vulnerable, are discriminated against and suffer from stigma, the Constitution does not mention them specifically as a group in need of special protection. *See Annex 1 for the list of principal constitutional provisions.* |
| List and, to the extent possible, describe any known gaps or other problems in the existing policy or legislation affecting effective implementation which could result in securing access to justice.  | Securing access to justice for persons from descent-based communities who have historically faced systematic discrimination of multiple forms requires targeted policies and legislation. However, in the absence of specific legislation and policy to protect the rights of persons from descent-based communities, it is urgent that the draft comprehensive anti-discrimination legislation be adopted that explicitly prohibits discrimination based on caste, descent, and/or occupation. The Government has been working on the adoption of the anti-discrimination legislation for several years. Progress is slow and enactment if not accompanied by other progressive measures in the administration of justice structures would not serve to alleviate discrimination.**[[37]](#footnote-37)**The Draft Anti-discrimination BillAnti-discrimination legislation should ideally be comprehensive and meet a number of criteria. In particular, international human rights law requires that anti-discrimination legislation must prohibit all forms and manifestations of discrimination on the basis of an extensive and open-ended list of grounds and in all areas of life regulated by law.[[38]](#footnote-38) However, the draft Bill does not cover several forms of discrimination. Another concern in the draft bill is the ‘bureaucratisation’ of the legislation as the proposed bill does not allow the aggrieved person to access the court directly and seek redress, instead, the person is directed to hierarchical Committees at the district level. These Committees are entrusted with investigating any incident of alleged discrimination and taking appropriate measures based on a written complaint by the victim. Under the proposed anti-discrimination legislation, a survivor can only seek redress from the courts if they can demonstrate that the Committee has failed to deliver justice. These barriers imposed on accessing justice are not explicitly mentioned in the legislation; therefore, the law may not create the expected benefits for persons from descent-based communities if these concerns are not addressed before enactment. Deeply entrenched social norms based on caste hierarchy and pervasive hate speech contribute significantly to the systemic discrimination faced by Dalits in Bangladesh. Due to the centuries long practice of caste-based discrimination and untouchability, societal biases are reinforced by derogatory rhetoric, which not only perpetuates negative stereotypes but also exacerbates the marginalization of this minority community. The effect of these social norms reflects within the justice system as barrier to accessing justice by persons from descent-based communities. Cases related to human rights violation against tpersons from descent-based communities reveal that there has been very low level of cooperation and seriousness on the part of the police and local authorities when Dalits are victims. Instead, they tend to be the subject of threats, their cases are manipulated to benefit the non-Dalit perpetrator, and political influences are used to deprive them of their right to due process under the law. *On June 10, 2017, Sukhia Robidas was brutally raped in her home in Sutang Bazar, Habiganj, by 35-year-old Shailu Mian. After the assault, Shailu chased Sukhia with a log as she attempted to escape. When she stumbled on the rough terrain, he violently beat her with the log, resulting in her death at the scene. The incident sparked several protests, leading to the arrest of Shailu Mian, a 25-year-old neighbor from Suroboy village, Habiganj Sadar upazila. Despite his arrest, the current status of the case is unclear, and according to a Bangladesh Dalit and Excluded Rights Movement (BDERM) representative, Shailu has been granted bail.[[39]](#footnote-39)*Limited access to legal aidThe Legal Aid Services Act 2000 was enacted to provide free legal assistance to indigent citizens, to ensure that marginalized groups who often face economic constraints have access to justice. While the Act represents a significant step towards promoting legal equity, it was not effective for persons from descent-based communities for the following reasons: The National Legal Aid Service Organization was also established under the Legal Aid Services Act, which created an institutional framework for delivering legal aid services across the country. The National Legal Aid Service Organization coordinates with District Legal Aid Offices to ensure the availability of services at the local level. Despite the existence of the Act, many persons from descent-based communities remain unaware of their legal rights and the availability of free legal aid services. Outreach programs are often inadequate in reaching remote and marginalized communities. Geographic and logistical barriers, such as the distance to legal aid offices and lack of transportation, further limit access to these services for persons from descent-based communities living in rural areas. Moreover, the legal aid system is often underfunded, resulting in inadequate resources to effectively support all those in need. This includes insufficient staffing, limited financial resources, and a lack of proper infrastructure. Lawyers assigned to legal aid cases are often overburdened and underpaid, which can affect the quality of representation provided to persons from descent-based communities clients. The process of applying for and receiving legal aid can be cumbersome and bureaucratic, deterring persons from descent-based communities and other disadvantaged groups to rely on their5 services. The complex paperwork and procedural delays discourage the receipt of legal aid in many cases. Bias and prejudice among some legal professionals and judicial officers may impact the fairness of the legal aid provided, as social stigma and discrimination is prevalent. There have been instances where the legal aid services are not sensitive to the needs and challenges faced by persons from descent-based communities, further hindering their access to justice.*On June 28, 2013, 12-year-old Arpita Rani Das from Guabariya village, Pirujpur district, was found dead behind her house later that evening, after leaving to buy a snack earlier in the day. Her mother, Shilpi Rani Das, filed a case on 29 June 2013 under the Women and Children Repression Prevention Act for assault and murder. Although suspects were initially arrested, they were released within hours due to their influential positions and subsequently exempted from the charge sheet. Despite the submission of a charge sheet in 2019, Shilpi Rani Das claims that the true perpetrators, who are neighbours and relatives, remain at large. She was uninformed about the charge sheet review process and has been threatened by the accused to her whole family, forcing them to live as refugees and continue to live in fear with their two daughters.[[40]](#footnote-40)*Lack of dataThere is no official or unofficial data on the frequency of atrocities and violence against Dalits in Bangladesh, nor on the convictions of non-Dalit perpetrators. However, national news reports clearly indicate that Dalits face physical, psychological, and sexual violence, along with other forms of mistreatment. There is no reliable data on discriminatory practices and access to justice for persons from descent-based communities. Establishing mechanisms for systematic data collection and monitoring of discrimination cases can help policymakers understand the extent of the problem and design targeted interventions accordingly. Lack of effective awareness initiativesIn Bangladesh, both the general public and government officials remain largely uninformed about the discriminatory practices imposed on Dalits, hindering efforts to promote inclusivity and equality. The absence of targeted educational campaigns and effective measures to counter hate speech further entrenches these biases, preventing meaningful progress toward addressing discrimination.[[41]](#footnote-41) Without robust public education and policy reforms to challenge harmful attitudes and rhetoric, efforts to foster a more equitable society remain stymied, leaving Dalits vulnerable to continued marginalization and prejudice.*The South Asia State of Minorities Report 2021, published by South Asia Collective reports that in May 2017, a government official in Khansama Bazar decided to try and take steps to eliminate the stigma surrounding Dalits. He called a few boys from the Dalit community and invited them to eat at one of the many sweet shops in the market. The move initially seemed to be successful. For the next two days, many from the Dalit community were allowed to come into the shops and eat sweets. However, two days later, the owners of the sweet shops got together and called a strike. They also had political backing, and as a result, the official was forced to drop the issue.[[42]](#footnote-42)*Low representation in justice mechanismsThere are serious gaps in terms of ensuring the meaningful participation of persons from descent-based communities in the development and implementation of policies and government programs. There is negligible representation of persons from descent-based communities in the justice mechanisms. Ensuring participation in policy-level decision-making processes is essential so that their needs can be heard and addressed effectively. |

|  |  |
| --- | --- |
| **Indicator** | **Assessment Details** |
| Has the State accepted Universal Periodic Review recommendations on descent-based communities as regards access to justice. Please provide details of UPR recommendations from each cycle as regards equality and access to justice, position of the State, if possible, elaborate the actions taken by the State to implement those recommendations as connected to equality and access to justice.  | During the 3rd Universal Periodic Review cycle (UPR) (2017 - 2022), out of 251 recommendations issued to Bangladesh, there was only one recommendation on the Dalit rights issue. Peru made a recommendation to *“step up efforts for indigenous peoples, especially the Jumma and the Dalit, to fully enjoy their human rights”*, which was not enjoyed or noted by the State.**[[43]](#footnote-43)** During the 3rd cycle, the State accepted three recommendations on anti-discrimination legislation made by Georgia (147.25), Thailand (147.26), and South Africa (147.27)**[[44]](#footnote-44)**. Both Georgia and Thailand recommended Bangladesh to expedite the process of enacting the anti-discrimination legislation. South Africa urged that the anti-discrimination law should offer protection to the marginalized and therefore be consistent with the UN 2030 Agenda for Sustainable Development.Since these accepted recommendations do not fulfil the SMART goals (Specific, Measurable, Actionable, Relevant, and Timebound) criteria due to the absence of a specific timeline, it is difficult to assess and monitor their implementation status. Partial implementation of the commitments by the State can arguably be found in the Anti-Discrimination Bill placed before Parliament for review on 5 April 2022.On 13 November 2023, the Universal Periodic Review Working Group reviewed Bangladesh under the 4th cycle (2022 - 2027). Out of 301 recommendations, Costa Rica and Mexico made recommendations on Dalit rights issues.**[[45]](#footnote-45)** Costa Rica recommended strengthening the legal framework for the protection of the Dalit population, developing awareness campaigns on caste discrimination, and promoting inclusion and social cohesion (144.281)**[[46]](#footnote-46)**. Mexico called for the State to collect disaggregated data on the Dalit population, including data on gender-based discrimination and violence faced by Dalit women (144.282) **[[47]](#footnote-47)**. These recommendations were “Noted” by the State. However, five recommendations related to the adoption of the anti-discrimination law were accepted. *See Annex 2 for the list of relevant UPR recommendations.*No recommendation containing the word ‘Dalit’ has been accepted by the State so far. It maintains that the Constitution does not explicitly recognize ‘Dalits’ and therefore it will not make special provisions for persons from this particular community based on the received recommendations.  |
| Has the State demonstrated interest in implementing the recommendations on equality and access to justice in response to recommendations by UN Treaty Bodies Please provide details of recommendations from concluding observation of relevant Treaty Committees as regards equality and access to justice and if possible, elaborate the actions taken by the State to implement those recommendations  | Human Rights Committee (CCPR)HRC Concluding Observations – Bangladesh 2017CCPR/C/BGD/CO/1**[[48]](#footnote-48)**The Committee recommended that the State take measures to end the de facto caste systems and ensure that individuals from so-called lower castes are not relegated to caste-based employment and have equal access to all rights guaranteed under the Covenant, without discrimination.[[49]](#footnote-49)No visible steps have been taken yet to address the recommendation. Committee on the Elimination of Racial Discrimination (CERD)CERD Concluding Observations – Bangladesh 2001CERD/C/304/Add.118**[[50]](#footnote-50)** Relevant recommendations include: Provide disaggregated information on the economic and social status of all ethnic, religious and tribal minorities, as well as their participation in public life; implement effective measures to guarantee to all Bangladeshis, without distinction based on race, colour, descent, or national or ethnic origin, the right to security of person and protection by the State against violence or bodily harm.Disaggregated data and information are still not available. The last population census took place in 2022, and no such data was collected. Persons from descent-based communities continue to experience discrimination due to their descent and occupation and religion. Committee on Elimination of Discrimination against Women (CEDAW)CEDAW Concluding Observations – Bangladesh 2016 CEDAW/C/BGD/CO/8[[51]](#footnote-51)Key concerns from the committee:Abductions, sexual harassment, rape, intimidation, and lack of access to public services and resources for Dalit women.Failure to adopt the long-awaited Anti-Discrimination Bill and the lack of implementation of the provisions of the Constitution and existing laws on women’s and girls’ rights due in part to prevailing patriarchal attitudes.Limited availability of data concerning all areas under the Convention due to poor functioning of civil registration systems, non-reporting and lack of technical and human capacity.Relevant recommendations were to:Ensure that women and girls from vulnerable groups have access to basic services, including education, employment and health care without any discrimination.Women from vulnerable groups, such as Dalits, continue to face discrimination in accessing basic rights and entitlements due to social stigma and poor socio-economic status. Disaggregated data about Dalits is unavailable as measures for collecting such data are yet to be taken. *See Annex 2 for detailed list of recommendations*  |
| Has the State indicated its intention to protect, promote and fulfil the rights of access to justice by persons from descent-based communities in its reports to one or more UN human rights reporting procedures.Has the State made any commitments at any UN forum (for example – in its voluntary national review of SDGs), reports including during the visits of special procedures mechanisms | The human rights situation of persons from descent-based communities in Bangladesh has been a subject of concern in various reports by United Nations Special Rapporteurs. Reports such as the 2014 end of mission report by the Special Rapporteur on violence against women[[52]](#footnote-52), the joint report of the Independent Expert on extreme poverty and the independent expert water and sanitation based on their 2009 visit[[53]](#footnote-53), the 2023 end of the mission statement by the Special Rapporteur on extreme poverty[[54]](#footnote-54), among others, consistently highlight the pervasive discrimination faced by Dalits across different aspects of life, including access to housing, education, and employment. Dalits are often trapped in poverty, earning below minimum wage and lacking adequate educational opportunities, suffering from health issues due to poor access to safe water and sanitation, which perpetuates their marginalization and limits their ability to pursue diverse livelihoods, ultimately leading to difficulties accessing justice.Recommendations to strengthen the legal frameworks to combat discriminatory practices against Dalits, including proposals to criminalize untouchability were issued to the State by UN mechanisms.To date Bangladesh has not addressed the plight of Dalits.Constitutional recognition and explicit commitments for Dalit protection from the Government remain elusive.*See Annex 3 for Special Procedure recommendations.* |

1. Review of efforts by the State to protect, promote and fulfil the rights of persons from descent-based communities as regards access to justice

|  |  |
| --- | --- |
| **Indicator** | **Assessment Details** |
|  Has the State made a specific commitment to protect, promote and fulfil the rights of persons from descent-based communities as regards access to justice. | Due to the lack of constitutional recognition, there is no clear commitment by the State to protect, promote and fulfil the rights of persons from descent-based communities – although being the most vulnerable communities in the country. According to the Constitution, persons from descent-based communities and other minority communities should receive equal opportunities as the majority. However, in reality, these communities suffer due to the lack of enforcement of their rights and entitlements. The State submitted its first Voluntary National Review at the 2017 High Level Political Forum, The report recognized ethnic minorities and tribal communities as important parts of society and culture but did not mention persons from descent-based communities.**[[55]](#footnote-55)**At the 2020 High Level Political Forum, the State mentioned the constitutional guarantee of equal treatment and the ratification of several international human rights instruments, reiterating their commitment to non-discrimination[[56]](#footnote-56). The report mentions that proactive initiatives should be taken to detect discriminatory provisions in various legislation so that justice can be ensured irrespective of different identities and backgrounds, without explicitly stating persons from descent-based communities.[[57]](#footnote-57) |
| Has the State made sufficient resources available to protect, promote and fulfil the rights of persons from descent-based communities and their access to justice. Please describe policies adopted by the Government, budget allocations, and programmes to benefit persons from descent-based communities and their access to justice. | There is no separate budgetary allocation in the State’s national budget to address issues of concern to persons from descent-based communities and ensure they are able to enjoy their human rights. While they are referred to as backward, marginal, underprivileged, and disadvantaged yet by there is no evidence of measures being undertaken even at the local level to address their plight. However, some programmes and projects designed from the poor in general have benefited persons from descent-based communities as members of greater marginalized and disadvantaged communities. *See Annex 6 for a list of these programmes.*There exists only the 2015 National Social Security Strategy[[58]](#footnote-58) which focuses on reaching out a range of socially excluded population groups that face various kinds of social discrimination such as children, working age people – including a specific focus on youth and vulnerable women – the elderly, and persons with disabilities. Under this programmatic approach, limited allowances, stipends, skill training, food support, financial aid and housing are offered to the marginalised. It also promises that persons belonging to these groups have similar access as the rest of the population to all social security programmes. However, due to the absence of a separate budgetary allocation, persons from descent-based communities are considered part of the greater marginalized community. Therefore, only a very small number of persons from descent-based communities qualify to receive these benefits, as the Government’s intent is to ensure representation of all groups in receiving such assistance notwithstanding the fact that persons from descent-based communities constitute the most vulnerable.**[[59]](#footnote-59)**Despite these efforts by the State, there is an absence of an explicit focus on persons from descent-based communities. Sustained efforts are required to overcome existing challenges and ensure that commitments translate into tangible actions and bring positive changes in the lives of persons from descent-based communities. |
| Has the State made a general commitment to improve human rights protection and access to justice | The commitments of the State to improve human rights protection and access to justice are articulated through various national and international frameworks, policy documents, and initiatives. The Constitution**[[60]](#footnote-60)** establishes democracy as the cornerstone of governance. *See Annex 5 for a list of relevant provisions.* In addition, the State has ratified several human rights instruments placing legal obligation on Bangladesh to uphold human rights and ensure access to justice for its citizens including the marginalized and disadvantaged.The State has expressed its commitment by taking some initiatives to improve human rights protection and access to justice for persons from descent-based communities. These initiatives include enactment of the legislation, including the Dalit rights issues in policy documents, and undertaking projects and programs to benefit persons from descent-based communities. The State has also been working on enhancing legal protections against discrimination with the draft Anti-Discrimination Act, introduced in 2020 which if adopted and amended to comply with the international human rights law could offer real protection in various areas of life particularly in protecting the rights of persons from descent-based communities. |
| Has the State made a general and/or specific commitment to tackle inequality | The Constitution embodies a strong commitment to tackling inequality through various provisions aimed at ensuring social, economic, and political equality. These include creating an exploitation-free economic system, improving conditions for peasants and workers, and ensuring necessities for all citizens. It emphasizes the establishment of a universal education system, equality of opportunity, and legal equality. The State also pledges to prohibit discrimination based on religion, race, caste, sex, or place of birth, ensuring equal public employment opportunities and legal protection against discrimination. *See Annex 5.*Despite the strong constitutional framework, the implementation is lacking due to bureaucratic inefficiencies, irregularities, and lack of political will. The fundamental principles of state policy, while essential, are non-justiciable. This limits the direct impact of these principles on reducing inequality. Moreover, deep-rooted structural barriers, such as land ownership patterns and labour market inequalities, require more than constitutional provisions to be addressed effectively. Even when the State’s legislation and policies are aligned with international standards, their effective enforcement remains a significant challenge. The judiciary and law enforcement agencies sometimes lack the capacity or willingness to uphold international human rights standards. This is compounded by issues such as inadequate training, political interference, and a lack of independence in the judiciary, which undermine the protection and promotion of human rights. Deep-seated cultural norms and social attitudes are also responsible for impeding the implementation of international human rights standards. For instance, gender discrimination, child marriage and discrimination based on occupation and descent-based identity persist despite legal prohibitions, reflecting a gap between legislation and societal practices.  |

D. Engagement of civil society organizations and NHRIs as regards access to justice by persons from descent-based communities

|  |  |
| --- | --- |
| **Indicator** | **Assessment Details** |
| How descent-based community led civil society organizations are working? Have civil society organisations established a coalition advocating for rights of descent-based communities.  | The ‘Dalit rights’ discourse is comparatively new in Bangladesh if compared with neighbouring countries. A few non-governmental organizations have been working for years to protect and promote the rights and entitlements of Dalits. Their continuous efforts for social inclusion, economic empowerment, legal advocacy, and raising awareness about Dalit rights have helped others, including the government, civil society organisations, donor agencies, academics, media, and other stakeholders, to recognise the need to contribute effort to secure the rights of Dalits. DALIT *(Dalit-led),* Eco-Social Development Organization (ESDO), Manusher Jonno Foundation (MJF), Nagorik Uddyog, Parittran *(Dalit-led),* HEKS-IPER and Dalit Women Forum *(Dalit-led)* are some of the organizations that have been working to bring positive changes in Dalits’ lives, as well as pushing the ‘Dalit rights’ agenda further. Some local Dalit-led CSOs have also been formed in the last few years. However, they have not gotten much visibility due to their limited capacity and resource constraints. These interventions are mostly project-based and are highly dependent on foreign donations. Apart from these civil society organisations, several networking and campaign platforms, such as the Bangladesh Dalit and Excluded Rights Movement (BDERM), Bangladesh Dalit Parishad, and Bangladesh Harijan Oikya Parishad, have been actively engaged in advocating for Dalit rights. These platforms play a crucial role in amplifying Dalits voices and raising awareness. However, despite their common purpose, there is often a lack of coordination and solidarity among them.The Dalit led civil society organizations face challenges with fragmented efforts, differing approaches, and organizational disparities, resulting in duplicated work and inefficient resource use. Absence of communication and collaboration, compounded by varied leadership and funding sources and without a shared vision and coordinated plan, mobilizing resources and executing effective advocacy is challenging. It is important that these organizations prioritize collaboration, communication, and solidarity through regular meetings and joint planning, leveraging strengths and fostering trust to amplify advocacy for Dalit rights.  |
| How have/are National Human Rights Institutions contributed/contributing to protecting, promoting and fulfilling the rights of persons from descent-based communities to access justice? | The National Human Rights Commission of Bangladesh was established to investigate human rights violations and address discrimination. According to the 2009 National Human Rights Commission Act,**[[61]](#footnote-61)** the Commission should be a *‘statutory independent institution.’* However, its primarily role is that of a watchdog rather than a proactive one. While it has the power to investigate complaints of human rights violations, the Commission does little beyond basic fact-finding and report writing. There are also allegations that the Commission does not follow up on the cases of human rights violations properly.The Commission has remained in category ‘B’ by the Global Alliance on National Human Rights Institutions since 2011**[[62]](#footnote-62)**. Although it is responsible for overseeing and investigating human rights violations by individuals, groups and governments independently, civil society representatives have alleged that the commission is not free from government influence; has no transparency in appointing commissioners;**[[63]](#footnote-63)** lacks financial independence, as its budget is allocated to the Ministry of Law, not directly to the Commission itself.  According to Section 12 (G) of the National Human Rights Commission Act, the Commission must work to ‘examine the draft bills and proposals for new legislation for verifying their conformity with international human rights standards and to make recommendations for amendment to the appropriate authority for ensuring their uniformity with the international human rights instruments’. Accordingly, the Commission played a key role in drafting the long-awaited Anti-Discrimination Law.  The Commission has created a total of twelve thematic committees including the *‘Committee on Dalit, Hijra, Religious, Ethnic, Non-citizen and other excluded minorities’ rights.’* These Committees are composed of representatives from many national and international organizations, and different Government ministries. However, the functioning of these committees, decisions taken at their meetings, and follow-up to such decisions need to be strengthened and the Committees should follow clear guidelines. The Committee on Dalits has few Commissioners, and no Dalit has ever been selected as either a chairperson or as a member of the Commission since its establishment. Moreover, the number of Dalit-led civil society organisations is very limited and only a few of them are connected with the Commission.  |
| Is there a specific equality body established for promoting and protecting the rights of persons from descent-based communities including by securing their access to justice? If yes, please describe them and explain how they are functioning? Has the Government provided sufficient resources?  | While the State does not have a specific equality body dedicated solely to addressing discrimination and inequality, the National Human Rights Commission can be considered as the de facto equality body of the country.  |

#

## Key findings

* Lack of explicit recognition of persons from descent-based communities in the State’s constitutional framework poses a significant obstacle to protecting their rights.
* Recommendations for addressing the rights of persons from descent-based communities’ have been made by international human rights bodies, but their implementation remains a challenge.
* The State has accepted recommendations related to anti-discrimination legislation but lacks specific timelines for implementation.
* Despite commitments to equality and non-discrimination, persons from descent-based communities continue to face barriers in accessing justice and enjoying their rights.
* Limited budgetary allocation and inadequate resource tracking hinder efforts to support persons from descent-based communities through government programs.
* The National Human Rights Commission, while tasked with addressing human rights violations, faces allegations of government influence and lacks transparency.
* Civil Society Organisations play a crucial role in advocating for Dalit rights, but resource constraints limit their effectiveness, particularly at the local level. The lack of coordination and solidarity of networking and campaign platforms advocating for Dalit rights, weakens the movement.
* The absence of a dedicated equality body impedes efforts to address discrimination and inequality faced by persons from descent-based communities.
* Efforts to improve access to justice for persons from descent-based communities are hindered by bureaucratic inefficiencies, irregularities, and a lack of political will.
* Despite legal protections against discrimination, enforcement mechanisms are often inadequate, particularly for marginalized communities like persons from descent-based communities.

##

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##

**ANNEX 1**

Principal Constitutional Provisions on Discrimination based on Descent and Access to Justice based on Equality in Bangladesh

**Article 14: Emancipation of Peasants and Workers**

The State shall emancipate the toiling masses, the peasants, and workers, and backward sections of the people from all forms of exploitation.

**Article 27: Equality before Law**

All citizens are equal before the law and are entitled to equal protection of the law.

**Article 28: Discrimination on Grounds of Religion, etc**.

1. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, or place of birth.

2. Women shall have equal rights with men in all spheres of the State and of public life.

3. No citizen shall, on grounds only of religion, race, caste, sex, or place of birth, be subject 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.

4. Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.

**Article 29: Equality of Opportunity in Public Employment**

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:

 - Making special provision in favour of any backward section of citizens for their adequate representation in the service of the Republic;

 - Giving effect to any law which makes provision for reserving appointments relating to any religious or denominational institution to persons of that religion or denomination;

 - Reserving for members of one sex any class of employment or office on the ground that it is considered by its nature to be unsuited to members of the opposite sex.

**Article 41: Freedom of Religion**

1. Subject to law, public order, and morality:

 - Every citizen has the right to profess, practice, or propagate any religion;

 - Every religious community or denomination has the right to establish, maintain, and manage its religious institutions

2. No person attending any educational institution shall be required to receive religious instruction, or to take part in or to attend any religious ceremony or worship if that instruction, ceremony, or worship relates to a religion other than his own.

**ANNEX 2**

**List of UPR (Universal Periodic Review) Recommendations:**

**4th Universal Periodic Review cycle (2022-2027)**

Accepted

* 144.46 Implement the anti-discrimination bill to improve protection against

discrimination, in particular on the grounds of gender, ethnicity, caste or religion (Germany);

* 144.50 Redouble efforts to combat discrimination by strengthening the regulatory framework to prohibit all discrimination on the basis of ethnicity, caste, religion, gender, disability and economic status (Peru);

Noted

* 144.281 Strengthen the legal framework of protection for the Dalit population, and develop awareness campaigns on caste discrimination and promote inclusion and social cohesion ((20);
* 144.282 Collect disaggregated data on the Dalit population, including data on gender-based discrimination and violence faced by Dalit women (Mexico);

List of recommendations that also relate with descent-based discrimination

Accepted

* 144.45 Implement the anti-discrimination bill (2022) as soon as possible

(Barbados);

* 144.47 Work towards concluding the procedures for the adoption of the

anti-discrimination bill (United Arab Emirates);

* 144.48 Continue with the legislative process of adopting the draft

anti-discrimination law in line with recommendations by the relevant United

Nations bodies (Serbia);

* 144.51 Continue efforts to combat discrimination against women and girls,

minorities, persons with disabilities and marginalized groups (Barbados);

* 144.52 Continue to commit to promoting and protecting the rights of women, children, minorities and marginalized groups, maintaining focus on the principle of equality and non-discrimination enshrined in the Constitution (Democratic People’s Republic of Korea);
* 144.53 Accelerate the promotion of non-discrimination of minorities, persons with disabilities and other vulnerable groups, including migrants (Cameroon);
* 144.54 Maintain efforts towards the promotion and protection of the rights of women, children, minorities and marginalized groups (Ethiopia);
* 144.55 Continue efforts to combat racial discrimination through the

implementation of preventive policies (Morocco);

* 144.278 Take effective measures aimed at protecting and guaranteeing the

rights of persons belonging to minorities (France);

* 144.279 Continue to take the legal, policy and administrative measures

necessary to protect the rights of ethnic and religious minorities (Kenya);

* 144.280 Step up measures for the adoption of comprehensive

anti-discrimination legislation, prohibiting discrimination on any grounds and ensuring adequate legal protection for persons belonging to minorities

(Romania);

Noted

* 144.49 Adopt legislative measures against discrimination between women and men, and against discrimination on the basis of ethnicity, religion, sexual orientation or identity, and other grounds (Spain);

**3rd Universal Periodic Review cycle (2017 - 2022)**

Accepted

* 147.25 Further accelerate the process of adoption of the anti-discrimination legislation (Georgia)
* 147.26 Expedite the formulation of the Elimination of Discrimination Act (Thailand)
* 147.27 That the anti-discrimination law be drafted to protect the rights of marginalized communities and that it be consistent with the 2030 Agenda for Sustainable Development (South Africa)

Noted

* 149.59 Step up efforts in order for indigenous peoples, especially the Jumma and the Dalit, to fully enjoy their human rights (Peru);

List of recommendations that also relate with descent-based discrimination

Accepted

* 6.155 Continue implementing the legal, policy and administrative measures to protect the rights of ethnic minorities (South Africa);
* 6.156 Ensure the effective investigation and sanctioning of all cases of violence against religious minorities (Austria);
* 6.157 Guarantee the protection and rights of persons belonging to minorities (France);

Noted

* 149.57 Comprehensively review the legislation in order to recognize gender equality and the protection of indigenous people and ethnic minorities (Honduras);
* 149.24 Adopt, without delay, new non-discrimination legislation with a view to promoting gender equality, and, without discrimination on the basis of ethnicity, religion or any other status, criminalize all forms of violence against women and girls, including marital rape, irrespective of the age of the victim, domestic violence and all forms of sexual abuse and harassment, ensuring also security and justice to the victims (Finland);
* 149.60 Ensure access to justice to refugees and stateless individuals, in particular women and girls, including those belonging to ethnic minorities (Brazil).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ANNEX 3**

**List of recommendations and concerns raised by the Treaty Bodies:**

**CAT 2019**

23. The Committee is concerned at reports of intimidation, harassment and physical violence, including sexual violence, committed against members of indigenous, ethnic and religious minority communities, including by or with the cooperation of State officials. This includes the attack in Gobindaganj, Gaibandha District, on 6 November 2016, in which 3 members of the Santal indigenous community were killed and more than 50 injured, in relation to which the Police Bureau of Investigation submitted a report on 28 July 2019 stating that no police officers had been involved in the burning of homes and schools and looting of other property, despite television footage showing the contrary. The Committee also noted recent allegations that members of Hindu communities in Pirojpur had been subjected to violence and harassment, including the burning of their homes. It also noted the case of Hindu activist and lawyer Palash Kumar Roy, who was detained for insulting the Prime Minister and was then allegedly attacked and set on fire while in police custody, resulting in his death, which the State party’s delegation indicated had been ruled a suicide. The Committee also noted the reported rape and sexual assault of two teenage women in the Chittagong Hill Tracts by members of the army in January 2018 and the disappearance on 9 April 2019 of the indigenous rights activist Michael Chakma, who was based in the Chittagong Hills, which the delegation indicated was under investigation. The Committee is also concerned at reports of violence against lesbian, gay, bisexual and transgender individuals by private individuals and by law enforcement officials, which is facilitated by the State party’s criminalization of consensual same-sex sexual relations as “unnatural behaviour” (arts. 2, 12, 13, 14 and 16).

24. The State party should:

(a) Ensure that independent investigations are carried out into reports of attacks and violence directed against indigenous, ethnic, religious and other vulnerable minorities, including those detailed above;

(b) Consider repealing legislation that criminalizes “hurting religious sentiments”, such as the Digital Security Act of 2018, given that such provisions are reportedly frequently abused as a means to enlist the authorities in the harassment of minority populations and seen as legitimizing the commission of private violence against persons accused of committing this offence;

(c) Protect the safety and security of persons belonging to minority indigenous, ethnic and religious groups and ensure that they have access to an independent complaints mechanism;

(d) Provide redress, including compensation and rehabilitation, to the Santal community and members of other minorities and vulnerable groups who have suffered physical violence and damage to and looting of their property, and implement in practice the Restoration of Vested Property Act, 2001 (Act No. 16) in order to ensure the return of “vested” property to its original owners;

(e) Repeal Section 377 of the Penal Code of Bangladesh that criminalizes “unnatural behaviour” which the State party uses to prohibit consensual same-sex sexual conduct;

(f) Collect and publish statistical information about attacks on and violence against indigenous, ethnic and religious minorities and other vulnerable groups, including members of the lesbian, gay, bisexual and transgender community;

(g) Prosecute and punish the perpetrators of all acts of violence committed by the police and non-State actors against members of vulnerable groups.

**CESCR 2018**

Right to work

31. The Committee is concerned that a majority of workers, amounting to almost 90 per cent of the labour force, are working in the informal economy without social and labour protection. While noting employment quotas for persons with disabilities and ethnic minorities, it is concerned that the quotas are inadequate and not properly implemented and that these groups still face difficulties in accessing the labour market. It is particularly concerned that Dalit workers are segregated in socially stigmatized service sectors that have been traditionally assigned to them and that they face severe difficulties in accessing employment outside those sectors (arts. 2 (2) and 6).

32. The Committee recommends that the State party intensify its efforts to:
(a) Regularize the informal economy and ensure in the interim that workers

in that economy are provided with social and labour protection;

(b) Increase the quotas for the groups mentioned above, taking into consideration their representation in the total population, and fully implement the quotas;

(c) Eliminate discrimination against Dalits in employment and facilitate their employment outside their traditional job categories, including by taking temporary special measures and providing targeted vocational training and education to enable their equal participation in all spheres of the labour market.

Right to health

66. The Committee is concerned about:

(a) The limited access to affordable health-care services by disadvantaged and marginalized individuals and groups, including residents of informal settlements, Dalits and ethnic minorities;

(b) The shortage of medical professionals, many of whom are seeking employment opportunities overseas;

(c) The lack of availability of mental health services in the State party due to the lack of infrastructure, including mental health facilities and medical professionals;

(d) The reduced but high incidence of maternal mortality, particularly among adolescent girls due to early marriage and pregnancy (arts. 2 (2), 3, 10 and 12).

67. The Committee recommends that the State party intensify its efforts to:
(a) Improve the availability, affordability and quality of health-care services

for all people in the State party, particularly at the primary health-care level;

(b) Take appropriate incentive measures to retain qualified medical professionals within the State party;

(c) Adopt framework legislation and policy on mental health care, increase the number and quality of mental health facilities and the number of trained medical professionals in this field;

(d) Ensure that sexual and reproductive health services and information are accessible and available for all women and girls, particularly in rural areas, and incorporate comprehensive age-appropriate sexual and reproductive health education into primary and secondary education curricula for both sexes, in the light of the Committee’s general comment No. 22 (2016) on the right to sexual and reproductive health.

**ICCPR 2017**

Non-discrimination

11. While noting that pursuant to article 28 of the Constitution the State will not discriminate against citizens on the limited grounds of religion, race, caste, sex or place of birth, the Committee is concerned that the anti-discrimination bill, 2015, has not yet been adopted and that discrimination against certain groups continues to occur, such as:

(a) Discriminatory provisions against women continue to exist in law, and laws and Constitutional provisions protecting women are not enforced due in part to patriarchal attitudes in the State party towards women and girls;

(b) Attacks on places of worship of religious minorities, extortion, intimidation, harassment of, and land grabbing from, religious minorities;

(c) A lack of legal recognition of indigenous peoples, reported discrimination and restrictions on the civil and political rights of indigenous peoples, particularly in relation to land rights and participation in political and decision-making processes;

(d) The persistence of a caste-based system resulting in limited employment and housing opportunities for people from so-called lower castes who experience extreme poverty, social stigma and marginalization;

(e) Criminalization under section 377 of the Penal Code of consensual sexual acts between same-sex couples, which are termed “unnatural behaviour”, stigmatization, harassment and violence against lesbian, gay, bisexual and transgender persons, barriers to assistance in seeking employment of “hijras”, who are considered as transgender persons, by the administration of invasive and humiliating medical examinations to prove transgender status (arts. 2-3 and 26-27).

12. The State party should ensure that the anti-discrimination bill, 2015, protects against direct and indirect discrimination in the public and private sphere based on a comprehensive list of grounds for discrimination, including colour, descent, caste, national or ethnic origin, religion, sexual orientation and gender identity, disability and other status, and provide for effective remedies in case of violations. The State party should also accelerate the adoption of this bill and ensure its effective implementation. It should also develop education campaigns for schools, government officials and the general public to promote tolerance and appreciation for diversity and non-discrimination. Furthermore, the State party should:

(a) Undertake legislative reforms to eliminate direct and indirect discriminatory legislative provisions against women, implement existing legislative protections for women and girls, end entrenched patriarchal attitudes in society through educational campaigns on the equality of women, and ensure that the application of religious personal status laws does not violate the right to non-discrimination of women and girls;

(b) Protect the safety and security of persons belonging to minority religious groups and ensure their ability to fully enjoy their freedom of religion and to worship without fear of attack;

(c) Recognize the legal status of indigenous peoples, facilitate the reporting of violations of the rights of indigenous peoples, investigate such cases, prosecute perpetrators and compensate victims, resolve land disputes through the implementation of the Chittagong Hill Tracts Land Dispute Resolution Commission (amended) Act 2016 and through the use of an independent land commission, and include indigenous persons in political and decision-making processes;

(d) Take measures to end the de facto caste systems and ensure that individuals from so-called lower castes are not relegated to caste-based employment and have equal access to all rights guaranteed under the Covenant, without discrimination;

(e) Decriminalize consensual sexual acts between same-sex couples, provide protection to lesbian, gay, bisexual and transgender persons from violence and harassment by ensuring that all cases are promptly investigated and that perpetrators are prosecuted and punished with appropriate sanctions, and eliminate barriers to employment and violations to the dignity of “hijras”.

**CEDAW 2015**

Legislative framework

The Committee notes with concern that many discriminatory laws and provisions remain in the national legislation, such as different definitions of a girl child and boy child in various acts, restrictive scope of marital rape in the criminal code, and the lack of jurisdiction of special tribunals for violence against women to hear cases of discrimination against women. It is also concerned that the personal status laws of the State party regulating marriage, divorce, inheritance, guardianship and custodial rights within various religious groups continue to discriminate against women and girls and that the State party is yet to consider adopting a unified family code. It is further concerned about the State party’s failure to adopt the long-awaited Anti-Discrimination Bill and about the lack of implementation of the provisions of the Constitution and existing laws on the women’s and girls’ rights due in part to prevailing patriarchal attitudes in the State party.

(c) Accelerate the adoption of the Anti-Discrimination Law, which is in compliance with the Convention within a specific time frame; and

Disadvantaged groups of women

40. The Committee is concerned that disadvantaged groups of women and girls, including Dalit women, women with disabilities, older women, Rohingya refugee women and women from ethnic minorities face multiple intersecting forms of discrimination as a result of their gender, health, indigenous identity, caste and socioeconomic status. The Committee is particularly concerned about:

(a) The sexual and gender-based violence against ethnic minority women for the purpose of land grabbing; and the militarization of indigenous areas, especially in the Chittagong Hill Tracts;

(b) The lack of access to education, health and public facilities for women with disabilities and older women;

(c) The abductions, sexual harassment, rape and intimidation of Dalit women, as well as their lack of access to public services and resources;

(d) The lack of access to education, employment and freedom of movement of Rohingya women and girls and the increased rates of trafficking in Rohingya women and girls, especially those who are unregistered.

41. The Committee reiterates its previous recommendation and urges the State party:

(a) To enact a comprehensive law and take immediate measures, including temporary special measures, to eliminate all forms of discrimination against women and girls from vulnerable groups and protect them from all forms of discrimination, gender-based violence and abuse;

(b) To promptly investigate and prosecute cases of gender-based violence targeting ethnic minority women and girls, including the militarization of indigenous areas, and to ensure that those convicted are appropriately punished;

(c) To ensure that women and girls from vulnerable groups have access to basic services, including education, employment and health care, without discrimination.

Data collection and analysis

45. The Committee recommends that the State party take measures to collect data in all areas covered under the Convention. The data should disaggregated by sex, age, ethnicity, religious background, socio-economic status, including caste, marital status and others.

**CRC 2015**

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

While noting the State party’s efforts to combat discrimination, the Committee reiterates its previous concern (CRC/C/BGD/CO/4, para.32) that discrimination against certain groups of children, particularly girls, children with disabilities, children of ethnic and religious minorities, in particular Dalit and indigenous children, children living in rural areas, refugee and asylum-seeking children and children in street situations still exists in practice.

I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Children belonging to minority or indigenous groups The Committee is concerned that children from minority groups, in particular Dalit children, and indigenous children face discrimination and violence, and lack access to quality education, in particular to education in their mother tongue. The Committee is also concerned about the lack of recognition of indigenous identity of the Adivasi (indigenous peoples) by the State party.

**CEDAW 2011**

Disadvantaged groups of women

37. The Committee is concerned at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women, migrant women, refugee women, older women, women with disabilities and girls living on the streets. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice.

38. The Committee recommends that the State party: a. Collect disaggregated data on the situation of disadvantaged groups of women facing multiple forms of discrimination and adopt pro-active measures, including temporary special measures, to eliminate such discrimination and protect them from violence and abuse.

**CRC 2009**

32. While noting the commitment taken by the State party in its Constitution and “Vision 2021” to create an equitable, just and nondiscriminatory society, the Committee is nevertheless concerned that the principle of non-discrimination contained in article 2 of the Convention is not fully respected in practice. Girls continue to face discrimination and disparities, particularly with regard to health care, nutrition and early marriage, as do particular groups of children, including refugee children, children with disabilities, children in slums and rural areas and children of ethnic and religious minorities. The Committee is also concerned that children face discrimination on the basis of social origin, or other status of their parents.

33. The Committee strongly recommends that the principle of nondiscrimination, as provided for under article 2 of the Convention, be fully and vigorously applied by the State party and integrated into the implementation of all other articles to guarantee, without discrimination, the rights set out in the Convention. The Committee further recommends that the State party take the necessary measures to ensure that efforts to address persistent discrimination and reduce disparities are adequate and effective in the family, schools and other settings, and in particular among marginalized and excluded children, including girls, children of ethnic minorities and refugee children. The Committee invites the State party to submit the fifth periodic report, by 20 October 2012. This report should not exceed 120 pages (see CRC/C/118) and should include information on the implementation of the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

**CEDAW 2004**

204. While recognizing that education is a national priority of the State party and that substantial progress has been made, including a decline in the overall illiteracy rate, the Committee is concerned about the continuing significant gap between the literacy rates of women and men. It is concerned about the low female enrolment in primary and secondary schools, high dropout rates and the very limited access for women to tertiary education. The Committee is also concerned that educational opportunities are fewer for women in rural areas and for women of different castes and ethnic groups.

205. The Committee urges the State party to intensify its efforts to address the literacy gap between men and women so that the goals established in the National Plan on Education in regard to equality in education can be achieved, particularly in rural areas and among disadvantaged castes and ethnic groups. The Committee also recommends that the State party strengthen its efforts to ensure equal access of girls and women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee calls on the State party to allocate more financial and human resources to the education sector, to recruit more women teachers and to ensure that school textbooks do not carry stereotyped images of women.

**CRC 2003**

23. The Committee recommends that the State party:
(a) Further develop the Multiple Indicator Cluster Survey in order to gain a deeper insight into the situation of children and their families;

(b) Strengthen its efforts to establish a comprehensive and permanent mechanism to collect data, disaggregated by sex, age, and rural and urban area, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with emphasis on those who are particularly vulnerable, such as minority and tribal children;

28. The Committee welcomes the measures undertaken by the State party to enhance the situation of girls, especially in relation to education. It remains deeply concerned about persistent discriminatory attitudes towards girls, which are deeply rooted in traditional stereotypes and limit access to resources and services. The Committee is also concerned about discrimination against children with disabilities, street children, child victims of sexual abuse and exploitation, tribal children and other vulnerable groups.

29. The Committee recommends that the State party take adequate measures to ensure implementation of the principle of non-discrimination in full compliance with article 2 of the Convention, and strengthen its proactive and comprehensive efforts to eliminate discrimination on any grounds and against all vulnerable groups. The Committee also recommends that the State party undertake an education campaign for boys and men on gender issues and sex discrimination.

**Minorities**

79. The Committee is deeply concerned about the poor situation of children of the Chittagong Hill Tracts, and other religious, national and ethnic minorities, tribal groups or similar marginalized groups and the lack of respect for their rights, including the rights to food, to health care, to education and to survival and development, to enjoy their own culture and to be protected from discrimination.

80. The Committee urges the State party to gather additional information on all minorities or similar marginalized groups of the population, and to elaborate policies and programmes to ensure the implementation of their rights without discrimination, taking into account the Committee’s recommendations adopted at its day of general discussion on the theme “The rights of indigenous children”.

**CERD 2001:**

7. Though information has been given on representation of ethnic minorities in Parliament, the Committee notes the lack of details in the report on the demographic composition of the population. The Committee reiterates its recommendation to the State party to provide in its next report information on the composition of the population. In particular, the Committee wishes to receive disaggregated information on the economic and social status of all ethnic, religious and tribal minorities, as well as their participation in public life. Information in respect of ethnic minorities should cover not only the Chittagong Hill Tracts, but other areas of the country as well.

8. The Committee notes the information given about the constitutional prohibition of racial discrimination, but is concerned that racial discrimination as such is not explicitly and adequately prohibited and penalized in criminal law. The Committee recommends that the State party consider giving full effect to the provisions of article 4 of the Convention in its domestic legal order, ensure 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.

9. The Committee is concerned about reports of human rights violations by security forces present in the Chittagong Hill Tracts affecting the tribal population, including reports of arbitrary arrests and detentions, and ill-treatment. The Committee recommends that the State party implement effective measures to guarantee to all Bangladeshis, without distinction based on race, colour, descent, or national or ethnic origin, the right to security of person and protection by the State against violence or bodily harm.

11. 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 1993**

73. With reference to article 1 of the Convention, members requested that the next periodic report of Bangladesh should contain demographic statistics, particularly concerning minorities. In that same connection, members wished to know what percentage of the population was regarded as falling within the so-called backward section of society: whether that section was composed primarily of indigenous people; whether they were given preference in major development programmes; and how the Government was ensuring that they continued to live according to their original customs.

--------------------------------------

**ANNEX 4**

**List of concerns raised, and recommendations made by the Special Procedures in regard to the descent-based discrimination:**

**MINORITY FORUM**

The Permanent mission of Bangladesh did not mention caste, Dalit, or untouchability in any of their statements made at the Minority Forum.

**Special Rapporteurs – all results**

<https://spinternet.ohchr.org/Search.aspx?Lang=en&CountryID=63>

**Report of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally 2023**

15. The Special Rapporteur highlights the situation of children in street situations (estimated to be approximately 1.5 million), who are particularly vulnerable to trafficking for purposes of sexual exploitation, child labour and exploitation in criminal activities. The Special Rapporteur highlights the prevalence of discrimination, violence and stereotypes that may contribute to the failure to identify boys as victims of trafficking for purposes of sexual exploitation and to significant gaps in protection. She welcomed the commitment from the Ministry of Women and Children Affairs and the Ministry of Social Welfare to strengthen child protection systems, including by increasing the number of social workers and the creation of dedicated accommodation for children in street situations, with the goal of family reintegration if in the best interests of the child. The Special Rapporteur highlights concerns raised in relation to children belonging to minority or indigenous groups, in particular Dalit children and indigenous children,8 who face discrimination and violence and may be at heightened risk of child trafficking, in particular those living in street situations.

**Report of the Independent Expert on the enjoyment of all human rights by older persons** 2023

89. **Age must be legally recognized as a ground for discrimination and be prohibited as such. While the Independent Expert welcomes the integration of age as a ground for discrimination in the 2022 anti-discrimination law, it is important that other aspects of the law are revised. Discrimination must be recognized as a criminal offence, the practice of untouchability must be identified as a form of discrimination and hate speech directed at *Hijra* and other minority communities must be criminalized.**

 Violence, abuse, maltreatment and neglect

91. **The Independent Expert calls upon the Government to adopt legal protection measures to address and combat violence against older persons. Special attention should be paid to specific groups of older persons that are at greater risk of being abused, maltreated or neglected, such as older persons with disabilities, older women, older persons belonging to ethnic and linguistic minorities, and older lesbian, gay, bisexual, transgender and intersex persons.**

**Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh 2016**

52. Within the Hindu community, Dalits constitute a subgroup characterized by additional vulnerability and stigmatization. For instance, Dalits are effectively prevented from performing certain rituals. However, the Dalit issue seems to be much less visible and politicized than in some countries that neighbour Bangladesh.

95. The only question is whether and how to recognize this reality. An opening-up in this regard helps to overcome prejudices and unsubstantiated anxieties, thus giving more breathing space to human beings who otherwise would be forced to conceal important aspects of their personal identity. The Special Rapporteur would like to stress that the right to freedom of religion or belief is guaranteed for every single human being, so no one should be deprived the right on the basis of sexuality, gender, ethnicity or caste. He has heard of encouraging initiatives by representatives of sexual minorities and religious community leaders in South Asia, including some from Bangladesh, who met to discuss and better understand these issues.

**Special Rapporteur on violence against women, its causes and consequences 2014**

6. Many women in Bangladesh face multiple and intersecting forms of discrimination, including women with disabilities, indigenous and minority women, and migrant workers. Regrettably, comprehensive disaggregated data on all forms of violence against women is still largely unavailable in Bangladesh,[[64]](#footnote-64) despite widespread acknowledgement that violence against women is of serious concern across the country.

16. The Special Rapporteur also received information indicating high levels of violence against women from religious and ethnic minority communities, with Dalits, Hindus and indigenous groups most at risk.[[65]](#footnote-65) Persecution of minorities includes rape and sexual assault of women in these communities.[[66]](#footnote-66) The rate of rape is higher for minority women in Bangladesh because they are considered “double infidels” for being women and also for being part of a religious minority.[[67]](#footnote-67) They are also commonly victims of salish/fatwa-related violence.

**Joint report of the independent expert on the question of human rights and extreme poverty and SR water 2010**

D. Minority groups and indigenous peoples[[68]](#footnote-68)

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

25. The experts met with groups of people who identify themselves as Dalits. The caste system was described as an occupational system, whereby people, according to their descent, undertake certain professions that are generally considered to be menial.[[69]](#footnote-69) The experts were informed that these people suffer discrimination in all areas of life, including segregation in their access to housing. Most live beneath the poverty line, earn less than the minimum wage and have no access to education. Dalits also suffer from numerous diseases, not least because of their lack of access to safe drinking water and sanitation, and they sometimes face discrimination in their access to public-health facilities.[[70]](#footnote-70)

26. In their meetings with Dalits, the experts perceived an overwhelming feeling of their being “trapped”. Dalits feel they have no opportunity to seek other jobs, since their families have had these occupations for generations and because they lack adequate education. Pervasive discrimination against them keeps them poor, uneducated, in terrible living conditions and in menial jobs. While the Government of Bangladesh does not make specific reference to the situation of Dalits in its National Strategy for Accelerated Poverty Reduction, it recognizes the pattern of discrimination against occupational groups related to caste systems. The strategy indicated the need to understand further the situation of these groups and to promote targeted policies aimed at improving their living conditions. The Government should explicitly recognize the discrimination experienced by Dalits and take more concrete steps to redress it, including through the enforcement of existing laws and the establishment of a special commission with a mandate to address concerns particular to Dalits. The National Human Rights Commission also has a central role to play in combating discrimination based on caste. The independent expert on water and sanitation analyses the particular issues related to Dalits under her mandate (see paragraphs 75–76 below).

F. Dalits

75. The independent expert is concerned about discrimination against sweepers, who are predominantly Dalits. This occupation has been passed down through the generations; although non-Dalits are starting to take the job of sweeper, however, traditional sweepers are resisting this trend, because they claim they are not eligible for other jobs. The work of the sweeper is to clean out sewers and septic tanks. They are employed by the municipality and private employers. In rural areas, the job of sweepers is akin to manual scavenging, which is the process of cleaning out dry toilets manually. In Dhaka and other areas, where sewerage and septic tanks are used, the job is to clear blocked pipes and empty septic tanks. In both cases, the workers have no protective gear and are subjected to considerable health risks. They reportedly suffer from diarrheal diseases and dysentery. One woman explained that the men need to get drunk to be able to bear this work.

76. Sweepers are also subjected to discrimination in the community. The children of sweepers are reportedly ostracized by teachers at school, and feel forced to hide their origins. The independent expert visited a community of sweepers and saw that they had no access to water or safe sanitation. They used a hanging latrine, which emptied out directly into a passing stream. In another Dalit slum, two water points reportedly served 12,000 people. The women and girls have to carry the water up several flights of stairs, which poses a serious threat to their physical well-being. In addition, the women’s toilets had a hole in the ceiling where boys watched the girls, depriving them of all privacy. The toilets were in a deplorable state, with faeces covering the entire area. Most Dalits live in rural areas, where they reportedly face similar problems of inadequate housing and the constant threat of eviction.[[71]](#footnote-71)

125. **The independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation calls on the Government and other relevant actors to gather and publish information on the resources available for the water and sanitation sectors in Bangladesh, and on how these resources are invested and who benefits from them. She also calls upon the Government:**

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

**Report of the Special Rapporteur right to food 2003**

(f) Existing legislation on land issues should also be reviewed, revised and harmonized in order to improve protection of the land rights of the poorest, minorities and women, including improving access to *khas* (fallow Government-owned) land and challenging the illegal acquisition of land by powerful people. The review should include the Land Reform Act as it relates to sharecropping and leasing practices, with a view to improving the situation of tenant farmers. The land registration and recording system should also be made more reliable, transparent and accountable, and brought under the responsibility of the Land Ministry. A separate land tribunal or land court could be established to improve the settlement of disputes over land;

21. The right to drinking water is also protected by articles 15 (a) and 32 (right to life) of the Constitution, and by article 18 (1), which states that “The State shall regard the raising of nutrition and the improvement of public health as among its primary duties”. The Constitution of Bangladesh also provides for a wide range of “social rights” that are relevant to the right to food, including the right to social security and the right to work. Women, children and minorities are also granted special protection by the Constitution, as well as national laws. Disabled people, who are estimated to be more than 10 per cent of the population, are also protected by the obligations of non-discrimination and equal protection before the law. Although women are protected by the Constitution and national legislation, this is still insufficient to protect against discrimination, as it has been noted that “the prevailing legal system is paternalistic towards women to the extent that the protection of women actually amounts to protection of a man’s property.”[[72]](#endnote-1)

1. Access to land and the lack of availability of land, as well as the illegal acquisition of land by powerful people is also an obstacle to food security. After the abolition of the *zamindari* (feudal landlord) system in 1950, certain categories of land were converted into *khas* land (fallow Government-owned lands) and subsequent land laws guaranteed access to *khas* land for poor and landless farmers. In practice however, much of this land is acquired by powerful people and the land registration and recording system lacks transparency and accountability. Over 70 per cent of criminal cases and civil litigations in rural Bangladesh relate to land disputes. Minority rights to land, including the rights of the Adivasi minorities of the Chittagong Hill Tracts, and the rights of ethnic and religious minorities to plain lands lack full protection under modern land laws, although a Land Commission for the Chittagong Hill Tracts areas should soon be operative. The Special Rapporteur met with one indigenous tribe during his field visits, among whom only two families in the whole community still retained ownership of their lands. Under Islamic law, women have a right to only half the land to which their male siblings are entitled, although many women in Bangladesh considered that Islamic law was better than the Hindu tradition, which accords no land to women in inheritance custom.

**(f)** **Existing legislation on land issues should also be reviewed, revised and harmonized in order to improve protection of the land rights of the poorest, minorities and women, including improving access to *khas* (fallow Government‑owned) land and challenging the illegal acquisition of land by powerful people. The review should include the Land Reform Act as it relates to sharecropping and leasing practices, with a view to improving the situation of tenant farmers. The land registration and recording system should also be made more reliable, transparent and accountable, and brought under the responsibility of the Land Ministry. A separate land tribunal or land court could be established to improve the settlement of disputes over land;**

# Report of the Special Rapporteur on violence against women, its causes and consequences, 2000

20. The causes of trafficking are manifold and remain of great concern for the sending countries of the region. In her discussions with the women as well as with activists, the Special Rapporteur noted that poverty was a major factor and that many of these women were either sold into prostitution or left their homes to escape poverty. However, it was also pointed out that the poorest areas of Nepal were not the areas from which women are being trafficked. Other factors contributing to trafficking were traditional practices in certain villages and among certain castes whereby young girls were sold into concubinage for feudal lords or into prostitution. Social discrimination against women was also responsible for women leaving home. Lack of access to inheritance, land and employment and the practice of polygamy made women easy prey for traffickers who exploit their desire to migrate. Child marriage and unilateral divorce also make women extremely vulnerable to the whims of male partners. This discrimination was often given as the reason why women did not wish to return to their homes once they had been rescued. They were afraid of the stigma, but they also did not want to return to the same lives that they had sought to escape. In addition, all commentators point to the fact that members of lower castes and ethnic minorities appear to be disproportionately represented in the sex worker population.

49. The Special Rapporteur found that women and girls leave Nepal and Bangladesh in such large numbers because of a lack of economic opportunities at home and because they suffer from a great deal of social discrimination. Many of these women belong to lower caste groups or ethnic minorities. In addition, the inheritance laws, land laws and employment regimes in these countries appear to discriminate against women. Many women and girls leave home because husbands have taken second and third wives. Girls often run away from home because of stepmothers or because they feel they are not wanted or because there is abuse. The need to alleviate poverty is recognized as an important way to fight all forms of human exploitation, including trafficking. However, in addition, States must feel compelled to take measures that give dignity and equality to women and girls. Inheritance laws, personal laws and socially discriminatory attitudes should be reformed in order to give women an equal chance in their society and prevent them from becoming easy prey to traffickers. Their desperation to leave their home countries, recounted in one testimony after another, often makes women complicit in their own trafficking, at least in the initial stages. The Special Rapporteur recorded only a very few cases that involved abduction. Most of the cases involved young girls and women who wanted to leave in search of a better life than the one they had at home. Providing women with income-earning opportunities and avenues for economic independence is one strategy that should be adopted to prevent trafficking. The removal of discriminatory legislation and discriminatory practices is also essential if the root causes of trafficking are to be tackled. Unless the sending countries understand that most of the women leave because of unhappy conditions in the home, they will not take the measures that are necessary to prevent trafficking while respecting the human rights of the individual women.

**Voluntary National Review 2020**

5.1 End all forms of discrimination against all women and girls everywhere

Article 27 of the Constitution of the People’s Republic of Bangladesh provides a general guarantee of equality by declaring that all citizens are equal before the law and entitled to equal protection of the law. Article 28 and 29 of the Constitution enshrines the principle of nondiscrimination. Article 28 says that the state shall not discriminate against any citizen on the grounds only of religion, race, caste, sex or place of birth and that women shall have equal rights with men in all spheres of the State and of public life. Having ratified a wide variety of international instruments, Bangladesh is also committed to ensure non-discrimination and promote gender equality in all its laws, policies and practices.

Way forward

Proactive initiatives should be taken to detect discriminatory provisions in various laws so that justice can be ensured irrespective of sex, religion, caste, race and social status. More judicial officers should be deployed with proper training so that backlog of court cases can be minimized.

Good practices: In order to ensure equity in access to healthcare, the government has launched Community Clinics across Bangladesh. Currently, 13,743 Community clinics are in operation. The Community Clinics aims to assume full responsibility of the health (population and nutrition) of the entire population of the catchment area. Community Clinics are also one of the most useful tools through which healthcare supports are given to marginalized people, e.g. ethnic minority groups and other groups of marginalized people who cannot afford out-of-pocket health expenditure in the absence of universal health coverage. Through Community Clinics, service delivery is maintained in a way so that equity of access is ensured.

In case of education, different government education stipend programme facilitates education services for female population. Primary School Stipend, School Feeding, and Secondary Education Sector Stipend programmes are some of the good examples that helped Bangladesh to attain female to-male gender parity index over one in both primary and secondary education.

Another exemplary programme is the Ashrayan-2 Project. The Project was launched in 2010 with an objective to alleviate poverty and raise the standard of living of the landless and homeless people through providing shelters, basic services (e.g. water and sanitation), infrastructure development, microcredit, and skill development activities. Hence, this project is directly contributing to eradicate inequality by enhancing social inclusion of poor people in the society.

**Voluntary National Review 2017**

**2.2. Whole of Society Approach in engaging all Stakeholders**

The government has adopted a “whole of society” approach for implementation and attainment of the SDGs. As part of this, we held several consultations on stakeholders’ engagement on the SDGs implementation involving representatives from the NGOs, CSOs, Businesses, Development Partners, ethnic minorities, professional groups, labour associations, women network and media.

Ethnic minorities and tribal communities constitute an important part of our society and culture. We already have policies in place to integrate them with mainstream society, which goes very well with the 2030 pledge: **leave no one behind**. As such we felt it important to have a wide consultation with Ethnic Minorities and other marginalized groups to bring their ideas and needs to the forefront of SDGs implementation.

---------------------------------------------

**ANNEX 5**

**Constitutional Provisions** to Tackle Inequality in Bangladesh**:**

**Article 10:**

The Constitution is the supreme law of the Republic and if any other law is inconsistent with this Constitution that other law shall, to the extent of the inconsistency, be void.

**Article 14:**

(1) The State shall ensure equality of opportunity to all citizens.

(2) No citizen shall be discriminated against on grounds of religion, race, caste, sex or place of birth and,

(3) women shall have equal rights with men in all spheres of the State and of public life.

(4) 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.

(5) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.

**Article 15:**

(1) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, public order, public morality or public health, every citizen shall have the right to move freely throughout Bangladesh, to reside and settle in any place therein and to leave and re-enter Bangladesh.

**Article 17:**

(1) All citizens are equal before law and are entitled to equal protection of law.

(2) No citizen shall be discriminated against on the grounds of religion, race, caste, sex or place of birth.

**Article 19:**

(1) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence —

(a) the right of every citizen to freedom of speech and expression; and

(b) freedom of the press, are guaranteed.

(2) Nothing in clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

**Article 27:**

All citizens are equal before law and are entitled to equal protection of law.

**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.

**Article 31:**

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 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 32:**

No person shall be deprived of life or personal liberty save in accordance with law.

**Article 102:**

(1) There shall be a High Court for Bangladesh having the powers of the Supreme Court, and such other courts as may be established by law.

(2) The High Court Division and the judges thereof shall have, and may exercise, all such powers and jurisdiction as may be conferred on it or them by this Constitution or by any other law.

(3) The powers conferred on the High Court Division by clauses (1) and (2) shall include the power to hear and determine appeals from orders, decrees, judgments or sentences of subordinate courts.

1. Research and Advocacy Coordinator at Nagorik Uddyog and Bangladesh Dalit and Excluded Rights Movement (BDERM), Dhaka, Bangladesh.

This paper is a contribution to the workshop as posted and shared by OHCHR and does not imply its endorsement by OHCHR. [↑](#footnote-ref-1)
2. OHCHR celebrated the 75th anniversary of the UDHR in the course of 2023. It “was the moment to rekindle the hope of human rights for every person– a year of commemoration of one of the world’s most ground-breaking international commitments.”, https://www.ohchr.org/en/human-rights-75 [↑](#footnote-ref-2)
3. https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights [↑](#footnote-ref-3)
4. https://tbinternet.ohchr.org/\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN [↑](#footnote-ref-4)
5. UDHR Articles 6 to 11; ICCPR Article 14, ESCR Article 2. See https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/ [↑](#footnote-ref-5)
6. https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/ [↑](#footnote-ref-6)
7. See United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, https://www.unodc.org/documents/justice-and-prison-reform/UN\_principles\_and\_guidlines\_on\_access\_to\_legal\_aid.pdf [↑](#footnote-ref-7)
8. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>; https://www.undp.org/sites/g/files/zskgke326/files/publications/Justice\_PN\_En.pdf [↑](#footnote-ref-8)
9. See Article 14 of the International Covenant on Civil and Political Rights

The ICJ Declaration on Access to Justice and Right to a Remedy in International Human Rights Systems at https://www.icj.org/wp-content/uploads/2013/02/Congress-Declaration-adoptedFINAL.pdf [↑](#footnote-ref-9)
10. https://tbinternet.ohchr.org/\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FGEC%2F7501&Lang=en [↑](#footnote-ref-10)
11. See, https://idsn.org/wp-content/uploads/2022/01/UNcompilation-Jan-2022-Web.pdf [↑](#footnote-ref-11)
12. See, Guidance Tool on Descent-Based Discrimination: Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination” Available at https://www.ohchr.org/Documents/Issues/Minorities/GuidanceToolDiscrimination.pdf. The Tool adds to the draft United Nations Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent by bringing concrete suggestions for actions to address this type of discrimination. [↑](#footnote-ref-12)
13. A/HRC/31/56, para. 21 [↑](#footnote-ref-13)
14. (A/75/211, para. 70 (d)). [↑](#footnote-ref-14)
15. Joint NGO submission related to the review of Bangladesh at the 30th Universal Periodic Review session in 2018. Para [↑](#footnote-ref-15)
16. https://www.hrw.org/news/2024/08/06/bangladesh-prime-minister-hasina-resigns-amid-mass-protests. [↑](#footnote-ref-16)
17. https://www.jurist.org/news/2024/08/bangladesh-president-dissolves-parliament-one-day-after-prime-minister-resignation/ [↑](#footnote-ref-17)
18. <https://www.aljazeera.com/news/2024/8/8/muhammad-yunus-takes-oath-as-head-of-bangladeshs-interim-government> [↑](#footnote-ref-18)
19. <https://blogs.lse.ac.uk/southasia/2024/02/26/bangladesh-turmoil-and-transition-in-a-fragile-democracy/> [↑](#footnote-ref-19)
20. CIVICUS (2024), 2024 State of Civil Society Report, Retrieved from: <https://www.civicus.org/documents/reports-and-publications/SOCS/2024/state-of-civil-society-report-2024_en.pdf> [↑](#footnote-ref-20)
21. Freedom House (2024), Freedom in the World 2024, Retrieved from: <https://freedomhouse.org/sites/default/files/2024-02/FIW_2024_DigitalBooklet.pdf> [↑](#footnote-ref-21)
22. <https://www.thedailystar.net/election-2024/winner> [↑](#footnote-ref-22)
23. Ibid. [↑](#footnote-ref-23)
24. <https://www.wionews.com/south-asia/bangladesh-election-2024-how-did-us-and-other-nations-react-to-poll-results-678215> [↑](#footnote-ref-24)
25. Ibid. [↑](#footnote-ref-25)
26. <https://www.ohchr.org/en/press-releases/2024/01/turk-urges-bangladesh-change-course-create-conditions-truly-inclusive> [↑](#footnote-ref-26)
27. <https://www.consilium.europa.eu/en/press/press-releases/2024/01/09/bangladesh-statement-by-the-high-representative-on-behalf-of-the-european-union-on-the-parliamentary-elections/> [↑](#footnote-ref-27)
28. <https://www.wionews.com/south-asia/bangladesh-election-2024-how-did-us-and-other-nations-react-to-poll-results-678215> [↑](#footnote-ref-28)
29. https://www.newagebd.net/article/222511/number-of-minority-mps-drops [↑](#footnote-ref-29)
30. Bangladesh Awami League (2022), Election Manifesto 2024, Retrieved from: <https://publication.albd.org/Election-Manifesto/2024/Election%20Manifesto%202024%20-%20English.pdf> [↑](#footnote-ref-30)
31. Ibid, page 88 & 89 [↑](#footnote-ref-31)
32. Ibid, page 87 [↑](#footnote-ref-32)
33. BANGLADESH BUREAU OF STATISTICS (2022), Population and Housing Census 2022 Preliminary Report, Retrieved from: [https://sid.portal.gov.bd/sites/default/files/files/sid.portal.gov.bd/publications/01ad1ffe\_cfef\_4811\_af97\_594b6c64d7c3/PHC\_Preliminary\_Report\_(English)\_August\_2022.pdf](https://sid.portal.gov.bd/sites/default/files/files/sid.portal.gov.bd/publications/01ad1ffe_cfef_4811_af97_594b6c64d7c3/PHC_Preliminary_Report_%28English%29_August_2022.pdf) [↑](#footnote-ref-33)
34. <https://idsn.org/wp-content/uploads/2021/10/Bangladesh-Dalit-statistics.pdf> [↑](#footnote-ref-34)
35. For example, numerous recommendations to Bangladesh in its 3rd and 4th cycle of UPR have emphasized to adopt the legislation without further delay a [↑](#footnote-ref-35)
36. Article 14 of the Constitution of the People‌‌‍'s Republic of Bangladesh: “The State shall emancipate the toiling masses, the peasants, and workers, and backward sections of the people from all forms of exploitation.” [↑](#footnote-ref-36)
37. Tang, Y., & Khan, M. B. U. (2018). Internal Law Enforcement Challenges in Bangladesh: An Analysis. *Humanities and Social Sciences Letters, Conscientia Beam,* 6(3), 106-120. Retrieved from <https://archive.conscientiabeam.com/index.php/73/article/view/804/1144> [↑](#footnote-ref-37)
38. <https://www.ohchr.org/en/publications/policy-and-methodological-publications/protecting-minority-rights-practical-guide> [↑](#footnote-ref-38)
39. Based on interview with Siphon Robidas (General Secretary of Bangladesh Dalit and Excluded Rights Movement (BDERM), and reports and news such as: <https://www.thedailystar.net/star-weekend/no-country-indigenous-women-1446607?amp>, <https://www.thedailystar.net/country/punishment-culprit-demanded-1419724>, <https://www.thedailystar.net/country/punishment-culprit-demanded-1419724> [↑](#footnote-ref-39)
40. Status of Communities Discriminated on Work and Descent, Country Report 2023, published by Global Forum of Communities Discriminated on Work and Descent, page 32-33, available at: https://globalforumcdwd.org/wp-content/uploads/2024/02/CDWD-Bangladesh-Report\_2023.pdf [↑](#footnote-ref-40)
41. South Asia State of Minorities Report 2021, published by South Asia Collective, page 39, available at: https://thesouthasiacollective.org/annual-reports/#2021 [↑](#footnote-ref-41)
42. South Asia State of Minorities Report 2021, published by South Asia Collective, page 40-41, <https://thesouthasiacollective.org/annual-reports/#2021> [↑](#footnote-ref-42)
43. <https://www.ohchr.org/en/hr-bodies/upr/bd-index> [↑](#footnote-ref-43)
44. [Ibid.](https://www.ohchr.org/en/hr-bodies/upr/bd-index) [↑](#footnote-ref-44)
45. <https://upr.info/sites/default/files/country-document/2024-04/ENG_1.pdf> [↑](#footnote-ref-45)
46. Ibid. [↑](#footnote-ref-46)
47. Ibid. [↑](#footnote-ref-47)
48. <https://digitallibrary.un.org/record/1312170?ln=en&v=pdf> [↑](#footnote-ref-48)
49. Ibid. [↑](#footnote-ref-49)
50. <https://www.refworld.org/policy/polrec/cerd/2001/en/31400> [↑](#footnote-ref-50)
51. https://www.refworld.org/policy/polrec/cedaw/2016/en/113976 [↑](#footnote-ref-51)
52. A/HRC/26/38/Add.2 [↑](#footnote-ref-52)
53. A/HRC/15/55 [↑](#footnote-ref-53)
54. https://www.ohchr.org/sites/default/files/documents/issues/poverty/sr/20230529-EOM-Bangladesh-poverty.pdf [↑](#footnote-ref-54)
55. <https://sustainabledevelopment.un.org/content/documents/15826Bangladesh.pdf> [↑](#footnote-ref-55)
56. <https://sustainabledevelopment.un.org/content/documents/26303VNR_2020_Bangladesh_Report.pdf> [↑](#footnote-ref-56)
57. Ibid. [↑](#footnote-ref-57)
58. #  Planning Commission of the Ministry of Planning (2015), National Social Security Strategy (NSSS) of Bangladesh, Retrieved from: <https://socialprotection.org/discover/legal_policy_frameworks/national-social-security-strategy-nsss-bangladesh>

 [↑](#footnote-ref-58)
59. #  Planning Commission of the Ministry of Planning (2015), National Social Security Strategy (NSSS) of Bangladesh, Retrieved from: <https://socialprotection.org/discover/legal_policy_frameworks/national-social-security-strategy-nsss-bangladesh>

 [↑](#footnote-ref-59)
60. <http://bdlaws.minlaw.gov.bd/act-367.html> [↑](#footnote-ref-60)
61. <https://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/npfblock/NHRC%20Act%20English.pdf> [↑](#footnote-ref-61)
62. <https://ganhri.org/membership/> [↑](#footnote-ref-62)
63. <https://forum-asia.org/joint-statement-bangladesh-the-government-must-amend-the-national-human-rights-commission-act-2009-with-a-view-to-broadening-its-mandate-to-protect-and-promote-human-rights/> [↑](#footnote-ref-63)
64. CEDAW/C/BGD/CO/7. [↑](#footnote-ref-64)
65. Mortuza Ahmmed, “Violence against the minorities in Bangladesh”, *Romanian Review of Social Sciences*, No. 4 (2013). [↑](#footnote-ref-65)
66. Md. Rajib Hasnat Shakil, “Systematic persecution of religious minorities: Bangladesh perspective”, *IOSR Journal of Humanities and Social Science*, vol. 7, No. 3 (January–February 2013), available from <http://www.iosrjournals.org/iosr-jhss/papers/Vol7-issue3/B0730917.pdf>. [↑](#footnote-ref-66)
67. *Ibid*., p.12. [↑](#footnote-ref-67)
68. The information contained in this section relating to Dalits was prepared by the independent expert on water and sanitation; that relating to Urdu-speaking communities was prepared by the independent expert on extreme poverty. [↑](#footnote-ref-68)
69. Indian Institute of Dalit Studies, “Caste-based discrimination in South Asia: a study of Bangladesh”, pp. 12–13. [↑](#footnote-ref-69)
70. Ibid., p. 46. [↑](#footnote-ref-70)
71. Indian Institute of Dalit Studies, op. cit., pp. 48–49. [↑](#footnote-ref-71)
72. **Annex 6**

Programs and projects which Dalits benefit from as members of greater marginalized and disadvantaged communities:

	* Program for Improving the Livelihood of Transgender, Bede and Disadvantaged Community (under the Ministry of Social Welfare)
	* Program for Improving the Livelihood of Transgender, Bede and Disadvantaged Community (under the Ministry of Social Welfare)
	* Improving the Living Standards of Tea Workers (under the Ministry of Social Welfare)
	* Development of the Living Standard of the Marginal Communities of Bangladesh (under the Ministry of Social Welfare)
	* Construction of Colony for the Cleaners of City Corporation (under Local Government Division) [↑](#endnote-ref-1)