

## Chapter 3 Bangladesh

# Cracks in the Foundation

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### Introduction

Bangladesh is a country of diverse population where Bengali is the major ethno-linguistic group. Other populations we term 'minorities', including those who belong to Indigenous, Adivasi or small ethnic groups, or religious minorities. The latest census (2011) identified that 1.8% of the population are from small ethnic groups. With regard to religion, the census stated that 86% of the population are Muslim, 12% are Hindu, 1% Buddhist, 0.5% Christian and 0.5% 'other'.

The term Adivasi covers the ethnic population that lives primarily in three districts of the Chittagong Hill Tracts: Khagrachori, Bandarban and Rangamati districts. Chakma, Marma, Tripura and Mro are the major ethnic groups in this region. Plain land Adivasi people mainly live in the northern district of Rajshahi and Rangpur Divisions. Santal, Munda and Oraon are the major ethnic groups in this region. The Garo community usually live in Tangail, Mymensingh, Sherpur, and Netrokona districts, while the Khasi, Jaintia and Monipuri communities are indigenous to the Sylhet Region. Some indigenous peoples (IPs) are also found in the southern part of Bangladesh, like the Patuakhali and Sundarbans regions. Some communities, such as the Shias and the Ahmadias, also constitute religious minorities. Though people from the Dalit community and the tea community mostly belong to the Hindu religious community, they remain distinct in the community due to caste-based practices. The Bihari community, who were

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previously known as stranded Pakistanis, is the largest minority group in terms of language (Urdu speaking).

All these minority groups share one common feature: oppression by the dominant major ethnic group. Indigenous peoples are facing slow ethnic cleansing and in many places, especially in the plain land, they have been ejected from their ancestral land. Many elements of the harassment they face are rooted in this eviction from their land. They are also excluded from the socio-economic development of the state and deprived of its benefits. Just a decade ago people from the Dalit and tea community thought that deprivation was their fate. Due to centuries-long stigma derived from untouchability practices they were unable to imagine better employment, education, and access to health etc. Today, however they are organised and succeeding in persuading the state to address their issues. Though the Bihari community have had their citizenship recognised, however, they are still not entitled to socio-economic benefits provided by the state. Besides, society is not yet ready to provide opportunities to this community due to their ancestors' role during the liberation war. Talk of sexual minorities is still taboo in Bangladeshi society. Though both state and non-state actors have shown sympathy and even taken action to help the transgender community, talking about the LGBTQI+ community in general is still unusual, even among the most conscious citizens.

This report intends to cover the socio-economic minorities of Bangladesh. Religious minorities do exist, including Hindus, Buddhists and Ahmadias etc. The discrimination they face in access to socio-economic rights and entitlements, however, is in line with the experiences of the mainstream population and inconsequential in comparison to the struggles of socio-economic minorities. These religious groups mostly face discrimination with regard to civil and political rights. This report has therefore focused on the most vulnerable minority within the minority.

## **Methodology**

Secondary literature review was the major source for preparing this report. However, a number of individual interviews and focused group discussions (FGDs) were conducted with Dalit people, linguistic minorities, tea communities and plain land indigenous peoples. Field visits to Dalit colonies, tea communities, and indigenous land – especially the northern districts of Rangpur division – were essential for obtaining practical information for the report.

# Status of Indigenous Minorities in Bangladesh

## Introduction

Bangladesh is a culturally, ethnically, religiously and linguistically diversified country with approximately 54 ethnic minority groups (Bangladesh Bureau of Statistics 2011: 3) that live in three districts of Chittagong Hill Tracts (CHT) and in the plain land. These indigenous groups have distinct languages, scripts, literature, religions, and cultures. Though the latest national census estimates that there are 1.5 million Indigenous Peoples (IPs) in Bangladesh (1.10% of the national population) (ibid.), IPs and academics claim the true number is closer to 3 million (Kamal 2014).

Indigenous peoples remain among the most persecuted of all minorities, facing discrimination not only on the basis of their religion and ethnicity but also because of their indigenous identity and their socio-economic status (Chakma 2009: 376). Although there are some policy provisions for the socio-economic development of IPs, the implementation is very weak in practice. Even the government's Seventh Five Year Plan (2016–2020) describes the situation of indigenous peoples as follows:

CHT is one of the most disadvantaged and vulnerable regions in the country in terms of almost all major development indicators, such as income, employment, poverty, health, water, sanitation, education, women employment, access to infrastructure and national building institutions, intercommunity confidence, etc. (General Economics Division 2015: 637)

## Land Status of Indigenous Peoples

Land grabbing and eviction are the major reasons behind the socio-economic marginalisation of IPs, both in CHT and the plain land. According to a human rights report on indigenous peoples by the Kapaeeng Foundation (2016), in 2016 several land-related incidents throughout the country killed at least six indigenous people and injured 84 both in CHT and the plain land. The land grabbing, led by the state and non-state actors, put the livelihood of thousands of indigenous peoples of the plain and CHT at risk (around 31699 families, 606 of them from the CHT and 31093 families from the plains). Along with the land grabbing, the perpetrators also demolished at least 1208 houses belonging to IPs from the plain lands in various districts of the country.

Land acquisition in the name of development and economic purposes is going unabated in areas populated by IPs. According to a report published by the Kapaeeng Foundation in 2016 (ibid.), approximately 15429.98 acres of land belonging to indigenous peoples were under the process of acquisition at the time, mostly for the establishment of special economic zones, special tourist zones and reserve forests. Around 1216 families were evicted from their traditional land and another 1035 families were under threat of eviction for land acquisition by the state. It was also reported that 17 houses belonging to IPs were destroyed and looted by the land grabbers, which left hundreds of indigenous men physically injured and a reported 37 women sexually assaulted during the vandalising of their houses. The state's response to these incidents is often merely for show, spurring violence against IPs through inaction.

In 2016 IPs experienced brutal violence in a massive attack on Santals during the acquisition of thousands of acres of land. In November 2016 state-backed miscreants led a brutal attack on the Santal community in Gobindaganj Upazila of Gaibandha district to evict them from 1831 acres of land. thousands of houses were destroyed, valuables looted, and crops and plantations damaged. Three Santal men were killed on the spot and dozens more were shot by the police. Around 1200 indigenous families were forced to leave their land. It was reported that police themselves set fire to the houses of indigenous people (Daily Star 2016).

## **Economic Status of Indigenous Peoples**

Land grabbing and related atrocities, along with other forms of oppression, severely affect the socio-economic status of indigenous peoples, since the majority of them depend on land, forests and natural resources. Each year, thousands of indigenous people lose their jhum and mouza land due to encroachment by the state, and thus livelihood opportunities too. The Kapaeeng Foundation's report stated that the livelihood of 80 jhum farming families in Lama Upazila, Bandarban district is under threat, allegedly due to regular obstruction, intimidation and death threats by Lama Rubber Industries Ltd. Moreover, the destruction of crop fields and fruit gardens by the Bengali settlers in CHT increased alarmingly last year. In 2016 Bengali settlers repeatedly attacked and destroyed the fruit gardens of indigenous people in Naniarchar Upazila, Rangamati district, but the state is yet to take any action.

The socio-economic status of most indigenous communities in the plains, particularly in the north-western part of the country, is known

generally to be even worse than that of indigenous communities in the CHT. Incessant land grabbing has led to only 8% of indigenous people having ownership over land in the plain (according to Rabindranath Soren, 2016)<sup>1</sup> Most of these people are employed as sharecroppers – working on other people’s land – or as wage labourers. Though there is a special allocation for IPs of the plain land through the Special Affairs Division (SAD) of the Prime Minister’s office, most IPs are unaware of this.

In the southwest of Bangladesh, around the mangrove forests of the Sunderbans, where shrimp cultivation is widespread, many IPs are displaced from their land forcefully or for nominal compensation. At Amuli Punjee, Kulaura Upazila, Moulavibazar district, land grabbers destroyed more than 4000 betel vines belonging to indigenous people (Deshwara and Eagle 2016b). Recently, implementation of the Land Boundary Agreement 1974 caused a new problem for the indigenous peoples in these areas: a total of 360 acres of land, on which the livelihoods of around 350 indigenous Garo and Khasi people of Pallathol, Barlekha Upazila, Moulavibazar were dependent, was to be transferred to India according to the agreement.

In recent years, the government’s planned Special Economic Zones (SEZ) have posed a new threat to the life and livelihood of peoples, particularly indigenous people. The proposed SEZ in Chandpur, Chunarughat Upazila, Habiganj district has threatened the livelihood of nearly 16,000 tea garden workers, who come from various indigenous and marginalised communities that are dependent on the land (Ahmed 2015). 951 out of 3951 acres are agricultural land, which has been used for the cultivation of rice by tea workers for the last 150 years. Similar attempts have been made in the name of an SEZ at Naharpunji, Sreemangal Upazila where around 700 families from the Khasi community have been living for over 150 years and earning their livelihood by cultivating betel leaf (Deshwara and Eagle 2016a). The demarcation of thousands of acres of land as reserved forest in Madhupur, Tangail district poses a threat to the life and livelihood of indigenous peoples.

Years of destruction of the livelihood opportunities of indigenous peoples eventually resulted in the eruption of famine in the CHT in 2016. The Dhaka Tribune (2016) reported that thousands of people in

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1. Shared by Rabindranath Soren, President, Jatio Adivasi Parisad (JAP) (National Indigenous Council) in a public hearing on access to justice for indigenous people of the plain lands, organised by Nagorik Uddyog and Kapaeeng Foundation on 6 December 2016.

Khoimukhipara, Tindu, Sangu, Boro Modak and Remarky were starving due to the shortage of food. Due to poor crop yields they had to depend on potatoes for several months and sometimes even had to pass their days eating leaves from trees (Barua 2012). The encroachment of jhum cultivation land for rubber cultivation and the introduction of hybrid and non-indigenous mango cultivation are considered to be the major reasons behind this famine. Similar incidents were also reported in the Sajek area of Rangamati district at the end of 2016. Though officials claim that there were no hunger-related deaths reported, many families were threatened with starvation and children were the worst sufferers. Many people were complaining that the government and non-governmental organisations were yet to come up with any relief supplies. Local government officials denied ignoring the crisis and tried to reassure people, saying that plans were being drawn up to provide the best possible support to alleviate their suffering (Kapaeng Foundation 2016).

## **Education Status of Indigenous Peoples**

‘We speak Chakma, our language, at home. My family members are educated. But no-one knows how to write in Chakma’ – Napoleon Talukder, student of Notre Dame College (Billah and Niloy 2016).

While the government claims almost 100% enrolment in primary education with an average 20% dropout rate (The World Bank 2016), it seems that the status of indigenous peoples is never counted in these statistics. The dropout rate from primary education in the CHT and Haor areas is higher than in other marginalised areas. While the average enrolment rate in the CHT and Haor areas is 60–70%, the dropout rate is 30–40%. The latest census by the Department of Primary Education shows that the dropout rate is 29% in Bandarban, 23% in Khagrachari and 22% in Rangamati, with the average dropout rate being at 25% in the three hill districts. Though there are no statistics available, enrolment and dropout rates are also alarming in the plain land, according to the indigenous community there.

Reasons behind the high dropout rates in these areas include the distance of travel to school and language barriers. The majority of the primary schools in the CHT do not instruct local students in their respective indigenous mother tongues, which contributes to the huge dropout rates at the primary level. In the three hill districts – Rangamati, Khagrachar and Bandarban – only 125 primary schools out of 1561 have a mother tongue based Multi-Lingual Education (MLE) system at the pre-primary level (Alamgir 2015). In the absence of MLE, hill students are suffering. Children often

find it difficult to understand lessons written and delivered in the Bengali language and dropouts are frequent.

As part of the implementation of the National Education Policy 2010, the government decided in 2013 to introduce mother-tongue based pre-primary education by publishing primary text books in five different indigenous languages – Chakma, Marma, Tripura, Sadri and Garo. However, the government has so far failed to deliver, despite reiterating their commitment to publish textbooks in these languages in 2017. It is important to mention that the Santal language was excluded from the list following a debate over whether the script of the textbooks should be Bengali or roman. Hence the Santal children, despite coming from the largest indigenous community in the plain land, will lose out on the opportunity to learn in their mother language.

## **Health and Hygiene**

Exclusion of indigenous peoples from mainstream society in the plain land has led to poor access to health services and information. The few, Christian missionary run hospitals that do exist are inadequate. In CHT, distance is the major barrier to accessing health services and health-related information. Women are at the highest health risk, especially during childbirth. Malnutrition, anaemia and malaria are the most common diseases in the CHT, to which indigenous women are particularly vulnerable (Waresi 2017). Though many health and welfare services in Bangladesh are provided by both governmental agencies and NGOs, in hill areas these services are few and far between. Government and private health care centres are often made inaccessible to indigenous peoples by irregular and costly transport. As a result, dependency on traditional healers is still high among IPs.

## **Access to Water and Sanitation**

Plain land indigenous people still depend on water from streams, rivers or ponds for drinking and household work. While some members of the community have a shallow tube well for water, landless people are unable to establish tube wells or sanitary latrines. Open defecation still prevails in the plain land indigenous community. In the CHT, access to safe drinking water is difficult due to the topography of the area. The safe water options available are often costly and require specific technical support that is not easily found in the CHT. Many of the paras (villages) continue to use hanging latrines or practise open defecation, increasing the prevalence of faeco-oral and other communicable diseases.

## **Government Initiatives for Socio-Economic Development of Indigenous Peoples**

The Seventh Five Year Plan (2016–2020) of Bangladesh mentioned that heterogeneous groups like indigenous peoples are particularly vulnerable to extreme poverty, natural disasters, and other external factors that may impact their well-being. Likewise, their access to health and nutrition services is often restricted and their education participation and achievement tends to be low. Therefore, the different needs and priorities of these social groups must be considered when planning to eradicate poverty and improve Human Resource Development.

The National Social Security Strategy (NSSS) has several specific programmes for the indigenous [peoples of the Hill Tract. The three major programmes are: allowance for beneficiaries in the Chittagong Hill Tract Areas; food assistance in the Chittagong Hill Tract Area; and Non-Bengali Rehabilitation. The Seventh Five Year Plan says that during the Sixth Five Year Plan (2011-2015) there was an average benefit paid of 1,644 taka per household, but no data was shown. According to the report, in the fiscal year 2011–12 (FY11–12), 170 million BDT was allotted for the rehabilitation of 0.11 million non-Bengali settlers. The Chittagong Food Assistance Programme covers about 0.71 million people, allocating a 2259.00 million taka budget in FY11–12. However, the report also expressed that there was a lack of data availability in this regard.

With regard to the socio-economic development of IPs, the Seventh Five Year Plan aims to guarantee indigenous people their social, political and economic rights; ensure their security and fundamental human rights; and preserve their social and cultural identity. This will only be achieved by providing indigenous people with improved health and education services and promoting their employment, as well as protecting their rights to land and other resources. One of the chief strategies is to fully implement the 1997 Chittagong Hill Tracts (CHT) Peace Accord.<sup>2</sup> Others include actions to promote the economic empowerment of IPs, improve their quality of life and legally protect them.

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2. Signed between representatives of CHT tribes and the Bangladesh Government, guaranteeing rights for local communities in return for cessation of the long-drawn hostilities by armed groups fighting government forces against deprivations faced by CHT tribes, including poor services and loss of land and forest resources.



## **Implementation of State Laws and Obligations to International Treaties**

There are numerous international human rights instruments, national laws and policies that recognise and protect indigenous people's right to land and natural resources.

However, there has been no positive effort from the government of Bangladesh to respect, protect and fulfil of those rights. Land dispossession of indigenous peoples is in contravention of existing and functioning national and international laws, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the ILO Convention 107 – which safeguard the individual and collective rights of IPs. The Bangladesh government ratified ILO Convention 107 on Indigenous and Tribal Populations in 1972. It remains reluctant, however to harmonise its national laws and policies in line with the spirit of the convention. Without implementation, therefore, the ratification of ILO Convention 107 in Bangladesh is of little significance. The East Bengal State Acquisition and Tenancy Act, 1950 regulates and forbids the transfer of lands owned by indigenous people to non-indigenous people in the plains without the consent of the government's district officer. However, this is only partially practised in some parts of the plain land.

The Committee on the Rights of the Child considered the fifth periodic report of Bangladesh and in 2015 made the following observations regarding children belonging to minority groups:

The Child Rights Committee is concerned that children from minority groups, especially Dalit children and indigenous children face discrimination and violence and lack access to quality education, particularly education in their mother tongue. The committee is also concerned about the lack of recognition by the state party of the indigenous identity of Adivasi indigenous peoples. In the light of its general comment No. 11 (2009) on indigenous children and their rights under the convention, the committee recommends that the state party '(a) Take all measures necessary to protect minority and indigenous children from discrimination and violence;... (c) Adopt comprehensive measures, including affirmative ones to ensure that minority and indigenous children enjoy all their rights, especially in the areas of health and education' (Committee on the Rights of the Child 2015).

Despite these recommendations, however, no satisfactory initiative has been undertaken by the government with regard to the educational development of indigenous children. As previously mentioned in this report, four years after the government's commitment to publish textbooks in indigenous languages, no such action has materialised.

## **Present State of Implementation of The CHT Accord**

There has been some implementation of the CHT accord, although fundamental aspects of the accord have not yet materialised, even 19 years after it was signed. The provisions that have been implemented are as follows: enactment of the CHT Regional Council Act 1998; amendment of the three Hill District Council Acts in 1998; formulation of the CHT Land Dispute Resolution Commission Act 2001, which was amended in 2016 as per 13-point recommendations; formation of the interim Chittagong Hill Tracts Regional Council (CHTRC) and the Ministry of CHT Affairs; repatriation of Jumma refugees from the Indian state of Tripura; withdrawal of around 100 temporary security camps (contrary to government claims that they withdrew around 200 camps); and formation of the CHT Accord Implementation Committee, the CHT Land Dispute Resolution Commission and the Task Force on Rehabilitation of Returnee Refugees and Internally Displaced Persons (IDPs), etc.

The important provisions that remain unimplemented are as follows:

- a) Legal and effective safeguards to preserve tribal-inhabited areas of the region;
- b) Devolution of powers and functions to the CHTRC and the three Hill District Councils (HDCs), including general administration, law and order, land and land management, policing (local), forest, environment, etc;
- c) Holding of elections to the CHTRC and the three HDCs through formulating Electoral Roll Rules and Election Rules and preparing a voter list with permanent residents of the three hill districts in the CHT;
- d) Resolution of land disputes and cancellation of land leases given to non-residents;
- e) Withdrawal of all temporary security camps and de facto military rule 'Operation Uttoron' (Operation Upliftment) from the CHT as per a time frame to be announced immediately;

- f) Rehabilitation of internally displaced Jumma families and returnee (India-returned) Jumma refugees along with the restitution of their lands and homesteads to them;
- g) Appointment of permanent residents to all posts and services in the CHT with priority to be given to the indigenous Jumma peoples; and
- h) Amendment of all the other laws applicable to the CHT, including the Police Act, Police Regulation and the CHT Regulation, 1900, in conformity with the accord.

The government of Bangladesh claims that the majority of the provisions of the CHT accord have been implemented. However, civil society organisations and indigenous rights organisations have rejected this claim, saying that only one-third of the provisions of the accord (25 provisions out of the 72) have been fully implemented (Kapaeing Foundation 2016). Two-thirds of the provisions of the accord, therefore, including its most critical provisions, remain unimplemented. Civil society, Indigenous People's Organisations (IPOs) and development actors have been urging the government to take the implementation process forward, but there has not been any perceptible change in this regard to satisfy the keen observers.

## **Status of Dalits and Excluded Communities in Bangladesh**

### **Introduction**

It is estimated that there are about 3.5–5.5 million Dalits in Bangladesh (Chowdhury 2009: 2). This community faces multiple forms of discrimination due to their caste and profession. Dalits often live far below the poverty line and have extremely limited access to health services, education and employment. They live in 'colonies' with very poor housing and work almost exclusively in the 'service sector', doing unclean jobs in urban areas such as street sweeping, manual scavenging and burying the dead. They are frequently prevented from entering the homes of non-Dalits, and discriminated against in access to education, public places, decent employment, renting houses or buying land, as well as access to basic services and government entitlements.

### **Land and Housing**

Urban Dalits used to be cleaners or sweepers for the city corporation, railways, autonomous industries, government hospitals or municipality. They

were provided by their employers a small piece of land to live on, without any other civic amenities. Over the course of time the numbers of Dalits increased, but they still had to live within the same land area. Moreover, frequent evictions often force them to move into new housing with even less space.

Dalit colonies are predominantly very old, two or multi-storeyed (in a few cases, especially in the city of Dhaka) buildings. In most cases, a family is allotted a single room of 10x12 feet where they live for generations. Due to population increase, many families have to live in shabby huts inside the colony. Every urban Dalit colony shares a common scenario, including a crowded and clumsy environment, trash everywhere, dilapidated walkways, overflowing drainage systems, stagnant water, and rooms made from plastic and bamboo encroaching the open space. For instance, around five thousand people live at Nazira Bazar Pakistani Colony at Central Aga Sadek Road in Dhaka, which can accommodate a maximum of one thousand people. Electricity is also inadequate and the inhabitants often manage it illegally.

These colonies are often evicted to fulfil the demands of urbanisation. In most cases, only the very minimum requirement for standard housing is maintained during the resettlement of Dalit colonies. In 2013 the government planned to build 1148 flats for sweepers of Dhaka city. In 2015 the city corporation issued a notice to the dwellers of the colony to move out temporarily (with compensation) to allow the construction of the building. Yet among the 2000 Dalit families in the colony, only 150 work for the Dhaka South City Corporation and, if implemented, the project will leave many of the dwellers homeless.

Corruption is also liable for the poor housing facilities faced by Dalits. In 2005 the government allotted around BDT 209 million for the construction of two buildings. Each building was planned to have six floors, with 10 rooms on each floor. The constructor, however, only built two buildings: one with two floors and the other with one floor. One decade later, no initiative has been taken to complete the construction.

In rural and urban areas, many Dalits are landless and they therefore arrange housing on land that is owned either privately or by the government. In most cases, Dalits live in ancestral houses that they have not acquired or bought themselves. In one study (Islam and Parvez 2014) on Dalit communities, 60% of the respondents said that they are not the owner of their house. Caste identity is the main constraint on Dalit land ownership, even if individuals have financial ability. This study (ibid) found that 53.3% of

respondents faced a 'complex situation' while trying to buy land. □30% of respondents said that they would not be able to buy land from a non-Dalit, even if they had the financial ability to do so, because of their caste identity.

## **Economic Opportunity and Employment**

Dalits in Bangladesh usually do some of the most menial, low-paid and dangerous jobs, such as cleaning toilets, sweeping streets, and emptying other people's septic tanks. Parvez and Islam's study (ibid) shows that 43% of the Dalit population live off sweeping and cleaning work. 22% of them are involved in agriculture while labour in tea gardens is the livelihood of 14% of the Dalit population. However, Dalits are no longer secure even in their very 'own' caste-ascribed jobs, as many of these have been taken up by non-Dalits too, destroying what little job security Dalits may previously have enjoyed. This is of grave concern to the urban sweepers who face a greater threat: if one member of a sweeper family is not employed in a city corporation job, the family will no longer be entitled to live in the tiny colony room that they have been living in for generations.

On the other hand, caste-based identity prevents Dalits from undertaking other professions, even when they have skills or education. The aforementioned study (ibid) shows that only 38.4% of Dalits have a secure job, despite the direction given by the Prime Minister that there should be an 80% quota for Dalits in sweeping jobs. The study (ibid) finds that 59% of Dalit employees face discrimination in the workplace due to their caste identity, and 30% are deprived of the privileges of the job, are paid very little, and often face verbal abuse. Lack of investment and loan opportunities from conventional and micro-credit agencies also prevent Dalit and excluded communities from taking up an alternative profession.

## **Education Status of Dalits**

School dropout rates are very high among Dalit children and Dalit boys and girls rarely continue their education beyond primary school. Caste-based discrimination is a significant cause of low school admission and retention of the Dalit children. Dalit children study in a hostile environment, regularly facing verbal abuse, teasing and taunting on the basis of their caste identity. A study by Equity Watch (2014) found that around 26% of the respondents face obstacles in getting admission into non-community schools due to their family and caste identity. In many cases Dalit children have to hide their identity to get admission to schools. The study found that 30% of Dalit students experienced abuse or hatred from their classmates and others, includ-

ing teachers. Moreover, 6.5% of the respondents said they still had to sit on separate benches in school (ibid).

Dalit students are also deprived of educational privileges and entitlements like scholarships and stipends and the opportunity to participate in cultural programmes, sports and other recreational activities. Additionally, early marriage factors in significantly to Dalit girls' backwardness in education. In the above study (ibid), 76% of the respondents said that child marriage is prevailing in their community and girls get married before reaching 18 years of age. Another study shows that only 5.9% of Dalit girls complete secondary level education (Khan and Rowshan 2016).

The government's education programme is supposed to focus on marginalised communities' education, yet it does not have any specific programmes for Dalit children (Equity Watch 2014). Moreover, the challenges in education faced by Dalits are not considered a serious issue in comparison with those faced by other ethnic minorities. Although an affirmative action quota was introduced for Dalit students in public universities, the lack of legal recognition of their identity prevents them from taking up this privilege. During the 2014–15 academic year, many Dalit students were refused a certificate from the Deputy Commissioner since there was no official gazette published recognising 'Dalit' as a separate identity. Consequently, in the 2015–16 academic year, the number of Dalits seeking admission under the quota privilege has significantly reduced (Nagorik Uddyog and BDERM 2015).

## **Status of Water and Sanitation**

In urban areas, Dalit colonies are usually found to be situated around unclean locations, on the periphery of mainstream society, near garbage dumping sites, with overflowing or choked drains, open sewers and a lack of latrines and bathrooms. There, Dalits depend largely on reservoirs for the preservation of water, which are not cleaned regularly, thereby making the water unsafe for direct consumption and increasing the risk of vector-borne diseases. In rural areas, the water crisis is acute due to a lack of water sources as well as prohibition of Dalits from using common water sources due to their caste identity.

Since Dalits do not hold land titles, they are often considered ineligible for the allotment of sanitary latrines by the government. A 2015 study

found that 89% of rural Dalits use shared (common) latrines and 43% of their toilets are hanging latrines. 90% of the respondents used latrines either without a roof or with a broken roof, which restricted their use during the rainy seasons (Equity Watch 2015). The latrines constructed of tin shed and plastic cause serious privacy issues for girls and women, as well as being unhygienic and posing various health hazards. On average, 16 households, or 84 people, use one water point in Dalit colonies in Dhaka city, and 8 households, or 40 people, use one latrine. 21% of Dalit households in rural areas have their own tube wells and 65% share common tube wells. The remaining 14% use surface water for drinking and other purposes. In both rural and urban areas, many Dalit colonies do not have legal water points and are forced to use unauthorised connections. Additionally, even the most fortunate Dalits could not even dream of 20 litres of water per day. This shortage affects women and children most badly.

## **Health and Hygiene**

Some of the worst victims of occupational risk and disease are the cleaners who are employed in 'traditional' waste disposal. They often suffer from long ailments caused by disposing of waste with bare hands and feet, including fever, colds, back pain, stomach ache, gastric problems, skin disease and problems breathing. The environments in which they live and work put them serious health risk.

Dalits face discrimination while attempting to access medical amenities at government, private or even NGO-facilitated centres. Parvez and Islam's study (Islam and Parvez 2014) found that 21% of respondents faced discrimination in getting medication from hospitals; 15% of respondents said that doctors and dispensaries did not provide them treatment and medicine due to their caste identity; 26% said that doctors do not visit Dalit patients at their homes, nor do midwives even help them in 26% of cases. Strikingly, 18% of respondents get advice from nomads who use traditional medication – like Jhar-fuk (medication through chanting) and Tabiz (a pendant in which a written mantra is inserted) – and 16% received consultation from a Kobiraj or Hakim, who render ayurvedic medication. 22% did not go to any kind of physician and treated themselves by buying medicine from pharmacies. 54% of the respondents stated that there were no government hospitals near where they lived.

## **Government Initiatives for Socio-Economic Development of the Dalit Community**

In light of the severe marginalisation of the Dalit community, the socio-economic development programme in which the government has included them is inadequate. It has also seen poor implementation in terms of access for actual Dalits.

Since the 2011-12 fiscal year there has been a specific allocation in the national budget for Dalits: BDT 100 million in 2011-12 fiscal year, 146 million in 2012-13 fiscal year, and 123 million in 2013-14 fiscal year has been allotted in the national budget for the development of the Dalit, Bede and Transgender communities. The Ministry of Social Welfare implemented various programmes under this allocation, separately for the Dalit, Bede and Transgender communities. In the 2014-15 fiscal year around 92,294,000 Taka was spent, including a monthly old age allowance of 400 taka for 10,539 Dalit people, a stipend for 2877 students and skill training for 1050 people. Moreover, 10,000 taka per head was also planned as a rehabilitation grant for 210 trained people. There were 14,676 targeted beneficiaries.<sup>3</sup>

The Seventh Five Year Plan (2016–2020) identified Dalits as the most economically marginalised and socially excluded group in Bangladesh, with limited social, economic and employment opportunities to blend with the mainstream. It referred to Dalits as ‘missing poor’. The Seven Five Year Plan reaffirms that the government remains committed and highly sensitive to the needs of these marginalised groups and claims that the adoption and eventual implementation of the NSSS will be a considerable step forward for the development of the Dalit population. It has expressed the strategy for Dalits as follows:

The vision of the Government is to erase the discrimination and exploitation faced by Dalit communities in Bangladesh, so that they can take their place as full citizens of the country.

However, there has been no specific programme (except the social safety net programme) taken up according to the plan.

Dalit leaders and community people say they knew little about the social safety net programme, but by strengthening their relationship with the

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3. See: <https://msw.gov.bd/site/page/22f31a43-bdab-4613-9fa2-4bb9ab5fe539/Bede,-Dalit,-Harijan>



Department of Welfare, they have gained access to different services. In many instances, however, Dalit people are complaining that most of the beneficiaries were not Dalits. For instance, in Bhola district, the Department of Social Welfare received 2,592,000 for the educational stipend of 63 Dalit students and old age allowance for 580 Dalit people. The government official claimed that the funds were distributed properly, but the general secretary of the Bangladesh Dalit and Excluded Rights Movement (BDERM) said that in the case of the old age allowance for 580 people, no more than 100 were from the Dalit community. He alleged that political influence had acted in the enlistment of beneficiaries under the social safety net programme.

## **Status of Tea Garden Workers in Bangladesh**

### **Introduction**

There are around 360,000 tea workers in Bangladesh (Faisal and Hossain 2016) who are directly involved with 164 tea gardens, while many others are employed as indirect labourers in other sectors related to tea plantation and procurement. Hunger brought them from different parts of the present India, such as Bihar, Odisha, Andhra Pradesh, Madhya Pradesh, Tamil Nadu, West Bengal, Uttar Pradesh etc from 1840 to 1860 and beyond. At first they were engaged in railroad work, forest clearing etc, and they were later engaged in tea gardens. For centuries they have lived a most inhumane life, isolated from the mainstream community and treated as untouchable.

### **Economic Opportunity and Employment**

Tea workers are paid the lowest wage in the labour sector in Bangladesh. In 2016, after long negotiation, the daily wage of tea labourers was fixed at 85 taka. It had been 69 taka since 2013, and before that as low as 32.5 taka (2008). Even this new income is below \$2 per day, however, and therefore be-

#### **Madhabpur tea workers starving, unpaid for 13 weeks**

Workers of a tea garden in Madhabpur upazila, Habiganj were left starving in 2016 when they had not been given their wages or rations for 13 weeks. Almost 400 workers – and their 2000 family members – from the Boikunthapur tea garden estate were living on boiled rice extract, mashed tea-leaves and chillies. An official from the tea garden said on condition of anonymity that they were unable to pay the wages because the tea garden had incurred a loss (Daily Star 2016).

low the poverty line (BPL) according to the World Bank. Fringe benefits other than houses include some allowances, attendance incentives, rations, access to cultivable land for production of crops, medical care, provident fund, and pension etc. A combination of ever-growing inflation and wages far below the necessary keeps tea garden workers in a constant food safety crisis.

A labourer is paid 85 taka for a daily target of 20 kg of pruned plant leaves or 16 kg of non-pruned leaves. An extra 2 taka is paid for surplus leaves beyond the target. If a labourer fails to meet his daily target, taka 3.45 to 4.31 (for pruned and non-pruned leaves respectively) is deducted from his daily wage (Masum and Razu 2016). In addition, costs of house rent, rations, medical services, festival bonuses, provident funds, etc are deducted from their daily wage. After the deduction of all service charges a labourer receives around 350 taka a week. This scanty wage is not also paid regularly, with management often delaying payment for various reasons.

One of the alternatives available to tea garden workers to support their families is to cultivate vegetables and other agricultural products around their houses or on land not used for tea plantation, with permission from estate management. In recent times, however, management has often occupied that land for planation and other purposes, posing a threat to the survival of tea labourers.

## **Land and Housing**

Tea labourers generally have no ownership over the land they live on. In other words, they are the largest minority group who do not have any land title. This has made them very vulnerable and dependent on estate management. A tea worker is provided a house of 8x8 to 8x12 feet, which are designed to accommodate four people but are usually inhabited by 8-10 people. They have no separate kitchens and must use the same room for cooking. Some of the workers live with their cattle, goats or other livestock in the same room. Walls are built of clay, bamboo and straw. Workers interested in making the room more inhabitable at their own expense are forbidden to do so. Moreover, they have to leave the house if none of the family members are enlisted as registered workers.

## **Education Status of Tea Workers**

Ensuring the education of the tea workers' children (6–11 years old) is the responsibility of the company or the estate owners. There are very few government schools in the tea gardens. In recent times, some NGOs have been

### **No land title, no job**

In 2016, two members of the tea garden community were denied jobs in the police force for not having any land, despite already having been selected. Colins Rojario and Raju Prasad Kairi from Kamalganj and Kulaura tea gardens, Srimangal sub-district, passed all the tests for the job and were selected. During police verification of their identity, however, no land title was found belonging to their parents or themselves. According to police recruitment policy, either the applicant or their parents must have a land title. After the police verification the two applicants received a letter from the Superintendent of the Police Department of Maulavibazar, detailing their disqualification. The Bangladesh Dalit and Excluded Rights Movement (BDERM) brought this issue to the attention of the media.<sup>4</sup> Media coverage on this issue sparked the nation's interest. The National Human Rights Commission reacted to the issue and served a Show Cause Notice to the Srimangal Superintendent of Police for violating the constitutional rights of the applicants. The Home Minister also expressed his concern, advocating for the change of this policy. Finally, the two young men were recruited in the police department.

operating informal schools in the tea garden communities. However, the quality of education provided in these schools is a concern. Schools run by tea estates have no skilled teachers or essential learning materials. Some schools have no toilet facilities or drinking water. An overwhelming majority of the children of tea plantation workers drop out of school. Most guardians employ their children gathering animal feed, taking care of younger siblings, or doing household work or petty work in the tea estate, instead of sending them to school. On the other hand, even tea workers' children with Secondary School Certificates (SSC) or Higher Secondary Certificates (HSC) are denied of well-deserved jobs in the estate.

## **Status of Water and Sanitation**

Wells and streams are the major sources of water for tea workers. In Sreemangal Upazila, six tea gardens – Mitinga, Rajhat, Bhurburia, Madhabpur, Alinagar and Shomshernagar – host around 50,000 tea workers and their family members. There is no deep tube well for this vast population. They use shallow tube wells and stream water. In Mitinga, water from the tea garden pond is also used for drinking and household work. The situation becomes worst during the spring (Falgun and Chaitra), when most of the

4. Daily Prothom Alo, 7 February 2016 [online]. Available at: <https://www.prothomalo.com/bangladesh/article/762466>

wells and streams dry up (Islam and Parvez 2014). Moreover, faeces and chemicals used for tea plantation often contaminate stream water during the rainy season and cause various diseases among the tea workers. Tea workers generally use shared latrines that may be broken or lacking a roof, and which in no way meet the criteria of a hygienic latrine. While the country is about to abolish open defecation, it is practised prevalently in the tea garden (Equity Watch 2015).

### **Health and Medical Facilities:**

In most cases, medical centres on the tea estates provide common medicine for all kinds of diseases. According to the Tea Plantation Labour Ordinance of 1962 and the Plantation Rules of 1977, tea estate owners are liable to ensure workers a health service. In reality, this does not exist. Certain chronic diseases, such as gastric and urinary tract infections, chest pain, typhoid, anaemia, tuberculosis and more, are tea workers' lifelong companions. Women workers commonly suffer immeasurable leg and back pain from plucking tea leaves on their feet all the hours of the day and holding baskets on their back. Besides this, they are exposed to harsh weather conditions, pesticides, mosquitoes and other insects, and poisonous snakes while plucking leaves. Tea garden workers will also often attempt to hide their illnesses and continue working with ill health, since they will not be paid if they take leave due to illness.

### **Government Initiatives for Socio-Economic Development of the Tea Community**

Tea workers do not have access to the government social safety net programme allocated to the Dalit community. However, in 2015–16 the Ministry of Social Welfare started a programme for the socio-economic development of the tea community. Under the scheme 20,000 tea workers were provided with food and other supplies. The National Social Security Strategy (NSSS) does not mention any specific programme for the tea community. However, the Sixth Five Year Plan (2011–15) included the issues of tea workers in the strategy saying '...priority will be given to disadvantaged communities in khas land allocation. Tea Garden owners will also be encouraged to assign some land within the estate to their extremely poor workers as a means for them to build their own garden.' However, so far no such progress has been made.

The Tea Plantation Labour Ordinance of 1962 and the Plantation Rules of 1977 contain provisions for providing quality housing, water and

sanitation, health services and education. The Labour Law 2006 specified the wage entitlements of labourers at different levels. Tea estates have not abided by these provisions. Companies generally lease the tea estate land from the government and govern the activities of the estate as per their management policy. According to them, state policies and mechanisms are not applicable to tea estates. Unfortunately, tea labourers generally lack the resources to bargain with the estate for the implementation of these laws, along with other national legal standards, including the constitution.

## **Status of Sexual Minorities in Bangladesh**

### **Introduction**

Sexual minorities in Bangladesh have long been overlooked in the human rights and development discourse. While society extends some sympathy towards the transgender community, the gay, bisexual and intersexual community are completely marginalised. According to the Ministry of Social Welfare, there are about 10,000 transgender people in Bangladesh.<sup>5</sup> However, human rights organisations claim that the actual number is much higher than the government estimation. There are no statistics at all about the numbers of gay, bisexual and intersex people from the government or from non-government agencies.

### **Economic Status of LGBT+ People**

In general, gay, bisexual and intersex people face few barriers to entering the mainstream job market and accessing economic opportunities, until their sexual identity is recognised. On the other hand, the transgender community faces severe exploitation in terms of economic activities and employment. Excluded and ostracised, people from the transgender community often become involved in sex work or begging to earn their livelihood, among other economic activities, including performing dances and song, blessing new born babies by singing and dancing, and collecting money from shops in markets and passers-by. It has been reported that collecting money from traders and the public in this way has turned into quite a lucrative business, and that some influential transgender leaders therefore turn to violence to ensure their dominance in the various areas of Dhaka city. In 2016 one transgender leader was killed and another was shot in the back in

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5. See: <http://www.msw.gov.bd/site/page/a3498c96-c94a-4fba-9518-13497bdfb46f>

disputes over the control of areas and the sharing of collected money (The Daily Star 2016).

Since the 2012–13 fiscal year, the government has taken the initiative to materialise a programme for improving the living standards of the transgender community. The objective of the initiative is to provide scholarships for the children of transgender people; provide training to improve the skills and earning efficiency of transgender people; develop the financial condition of the transgender community and ensure social security; and provide an old-age allowance to those aged 50 and above.<sup>6</sup>

On 10 June 2015 the Bangladesh Central Bank issued a notice to all scheduled banks, notifying them to take steps to include transgender people in small-to-medium enterprise (SME) activities (Daily Star 2015). This initiative is a significant step towards changing the economic status of the transgender community. However, no specific examples of LGBT+ people taking loans for business initiatives are available.

## **Education Status of Sexual Minorities**

As a community, transgender people need a special mechanism for education. This is non-existent in government planning and policies. As a result, many people from this segment of the population are illiterate. In most cases, they are taken away from their family right after birth, and thus they miss vital parts of early education from parents or families. Generally, those who do have the opportunity to be enrolled in formal schools soon drop out due to discrimination, mocking and harassment by the teachers and their fellow students. Growing up amid such exclusion in family and school environments grossly impedes the education and development of any child. ‘Ever since I was in first grade, I was teased by my classmates for my girlish behaviour. Back then, I didn’t even know I was gay and being called gay was quite offensive. I used to get teased, bullied, and was even beaten a few times for my “inappropriate” behaviour.’ – an anonymous gay student (Hossain 2013).

‘The University of Dhaka has included transgender issues in the gender studies course. The Open University of Bangladesh is another university where there could be further inclusion of transgender topics in the academ-

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6. Ministry of Social Welfare 2015. See: <http://www.msw.gov.bd/site/page/a3498c96-c94a-4fba-9518-13497bdfb46f/Transgender-People,19>

### **The travails of gender identity and proof**

After the government's recognition of 'transgender' or 'Hijra' as a third gender in 2013, the Ministry of Social Welfare began to attempt to ensure the decent employment of transgender people. In December 2014 the Ministry of Social Welfare invited applications from transgender people for government jobs. However, applicants had a horrible experience throughout the recruiting process. During the interview they were harassed with inappropriate questions about their gender identity and sexuality. In June 2015 dozens of transgender people who had been selected after the initial interview had to submit to a medical examination to prove that they were transgender. It is reported that these medical exams were conducted by non-medical staff such as custodians, who examined and touched the genitals of the applicants while groups of staff and other patients observed and jeered — sometimes in private rooms, sometimes in public spaces. Hospital staff instructed some of the transgender people to return multiple times, over the course of a number of weeks, to undergo additional examinations. Following these abuses at the hospital, photographs of the 12 transgender people were released to online and print media, along with the claim that they were 'really men' who were committing fraud to attain government jobs. Some transgender people reported that the publication of these photos sparked increased harassment from the general public. Following the exposure they have faced harassment while begging and sex work clients have refused to engage with transgender workers (Knight 2016).

ic curriculum', said Mr. Robaet Ferdous, Associate Professor, Department of Mass Communication & Journalism, University of Dhaka, in an advocacy meeting with the National Curriculum and Textbook Board (NTCB) on the incorporation of transgender issues into the national textbook curriculum (Bandhu Social Welfare Society 2016: 25).

## **Housing and Land Rights**

People from the transgender community generally live in slum or brothel areas. They face poor water, sanitation, and other civic facilities in these dwellings. It is near impossible for a transgender person to rent a house in mainstream society. There is no government scheme in place for their rehabilitation. During the eviction of slums or brothels, no steps are taken by the state for the rehabilitation of the transgender community. Shockingly, they are even deprived of burial land or funeral services for members of their community. In many cases, dead bodies are just deposited in the river after death. In these cases, society, religious bodies and the state all fail to ensure basic respect to the departed soul of a human being.

## **Access to Health and Hygiene:**

LGBT+ people face severe discrimination in access to healthcare; they are denied services in both government and private hospitals, and even by private practitioners. Sexual minorities are at a high risk of developing sexually transmitted diseases (STDs) and HIV/AIDS, but they receive no special medical attention. They are also high-risk victims of physical, sexual, economical and emotional violence from the community (Math and Seshadri 2013). Despite all this, the government often erases the existence of LGBT+ people as well as discouraging them in the name of religious and social morality.

## **Government Initiatives for Socio-Economic Development Of LGBT+ People**

Along with the recognition of ‘transgender’ as a third gender, the government has included the transgender community under a social safety net programme for socio-economic development. However, other sexual minorities have remained out of the state initiative’s focus.

Since 2012–13 the government has had a special scheme for the transgender community (along with the Dalit and Bede communities) under the social safety net programme. In 2015-16 the coverage was increased to 64 districts and around 180 million BDT was allocated for allowances, stipends for transgender students, and skill development training. Transgender students have been provided four types of stipend:

- a. 300 BDT at primary level for 856 persons;
- b. 450 BDT at secondary level for 306 persons;
- c. 600 BDT at higher secondary level for 112 persons; and
- d. 1000 BDT at graduation level for 55 persons.

According to the annual report<sup>7</sup> of the Ministry of Social Welfare (6669 transgender families have benefitted from different schemes under the social safety net programme. However, a detailed breakdown of beneficiaries, location and scheme is not available in the report. The transgender community complained about the lack of publicity by the government about the social safety net programme. Moreover, transgender people have become distrustful of government aid due to consistent humiliation by different actors of society, including state agencies.

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7. [https://msw.portal.gov.bd/sites/default/files/files/msw.portal.gov.bd/annual\\_reports/583f-104d\\_5461\\_40e3\\_b131\\_dcc1651c34d8/Annual%20Report%20MoSW%202015-16.pdf](https://msw.portal.gov.bd/sites/default/files/files/msw.portal.gov.bd/annual_reports/583f-104d_5461_40e3_b131_dcc1651c34d8/Annual%20Report%20MoSW%202015-16.pdf) (Bengali version)



The National Social Security Strategy (NSSS) does not mention any programme for sexual minorities. It only emphasises the social protection of HIV/AIDS affected people and households. The Sixth Five Year Plan (2011-2015) envisages a society in which sexual minority groups can live with respect and dignity and enjoy tolerance and social justice. However, its vision only emphasises building an HIV/AIDS free society with zero new infections, zero discrimination and zero deaths.

## **Legal Safeguards for LGBT+ People: International and National Standards**

### ***National Standard***

After repeated government statements denying the presence of any LGBT+ people in Bangladesh, a 2013 notification recognised sexual minorities for the first time (BD News 24, 2013). The notice termed transgender a third gender and recommended its inclusion in official documents relating to sex identification. However, LGBT+ and non-binary people are still not recognised under the current legal framework.

Bangladesh is still using a penal code that criminalises same-sex sexual acts (Section 377). Although this section is gender neutral, it is usually assumed to apply only to men. Section 377 attempts to cover a wide range of sexual acts, including homosexual activity. Even though there have been no known cases of deportation, fines or imprisonment under Section 377, the law is often invoked by law enforcers to harass, extort and blackmail LGBT+ people.

### ***Regional and International Human Rights Instruments***

While many other countries signed a United Nations (UN) declaration in December 2008 affirming that international human rights should include sexual orientation and gender identity, Bangladesh was one of 57 to sign a counterstatement. The counterstatement expresses serious concerns about granting rights to ‘certain persons on the grounds of their sexual interests and behaviours’ and suggests that the protection of LGBT+ people could lead to the normalisation of paedophilia. Bangladesh still continues to oppose recommendations of a number of international institutions regarding LGBT+ rights. One example was the sixth Asian and Pacific Population Conference held in Bangkok in 2013, at which Bangladesh expressed its reservations about promoting the rights of LGBT+ people. However, Bangladesh is a signatory to the ICCPR (International Convention on Civil and Political rights), ICESCR (International Convention on Economic, Social and

Cultural Rights) and CEDAW (Committee on the Elimination of Discrimination against Women), which are valuable tools to advocate LGBT+ rights. Unfortunately, very few steps have been made to inject the spirit of these treaties into the sphere of domestic law. In 2013, the National Human Rights Commission (NHRC) of Bangladesh submitted a report that argued that it is now time to ensure that all groups, including transgender and intersex people and other gender and sexual minorities, should be protected from discrimination.

### ***Universal Periodic Review Recommendation on the Rights of LGBT+ People***

Bangladesh was reviewed for the second cycle of the Universal Periodic Review (UPR) on 29 April 2013. During the session, Chile made a recommendation (131.2) for the repeal of article 377 of the Criminal Code, which criminalises adult consensual sexual acts (UNHCR 2013). This did not enjoy the support of Bangladesh. In favour of rejection, the state's comment was: 'Bangladesh considers that the laws of the land should be in conformity with the prevalent socio-cultural norms and values of the country. Activities subject to the concerned Article in the Penal Code are not a generally accepted norm in the country.' The suggestion on formal approval of homosexual relations was discarded by the Foreign Minister. In the first cycle of the UPR in 2009 Bangladesh had also rejected recommendations to decriminalise consensual same-sex sexual activity (OHCHR 2009). However, the Government of Bangladesh accepted recommendations made during the 2013 UPR to provide human rights training to law enforcement and judicial officers on the protection of (among others) sexual minorities and to work to adopt measures to protect those people from violence.

## **Status of Urdu Speaking People or 'Biharis'**

### **Introduction**

A large number of Urdu-speaking people in Bangladesh are known as 'Biharis', a term that refers to approximately 300,000 non-Bengali, Urdu-speaking Bangladeshis, who are mostly stranded in camps popularly known as 'Geneva Camps' in Bangladesh. There are 116 of these camps in urban settings in 13 regions of Bangladesh (Islamic Relief Bangladesh 2016). The members of this community were previously known as 'Stranded Pakistanis' after the independence of Bangladesh, and until a decade ago they were legally defined as stateless citizens.

These Urdu-speaking Muslim people originated from different ethno-linguistic groups in Bihar and the neighbouring states of British India. Following communal riots during and after the partition of the Indian Subcontinent they migrated from India to East Pakistan. In 1971, during the liberation war of Bangladesh, the Bihari community supported the Pakistani ruler and were involved in the genocide of Bengali civilians. After the emergence of independent Bangladesh, they faced retaliation and were kept for their safety in Red Cross camps in different parts of Bangladesh.

Termed ‘Stranded Pakistanis’, by 1982 approximately 200,000 of them were repatriated to Pakistan (Joshua Project). However, Pakistan later refused to take back any more Bihari people. Following that approximately 300,000 Biharis remained stateless in Bangladesh, until the Supreme Court gave orders on 19 May, 2008 to provide citizenship to the Bihari people who were born after the independence of Bangladesh. Their long period of statelessness, however, severely affected the socio-economic, cultural, and political development of this community.

## **Economic Opportunities for Linguistic Minorities**

The Bihari community have very limited economic opportunity and most of their activities are based within their camp or living quarters. Denied citizenship of Bangladesh, they do not have the opportunity to be employed in the government service or even in the private sector. They generally operate small-scale trade around their camps, including tailoring, dressmaking (often with Karchupi and sequin work), handicrafts, small auto repair, electric shops, metal work, grocery shops, vegetable selling, butchering etc. Many Bihari people also work as weavers, barbers, rickshaw pullers, drivers etc. The Mughlai food – tikka, kebab etc – served by roadside Bihari restaurants is very popular in the cities. It is common within this community that most of the family members, including women and children, are involved in income-generating activities.

Despite having a national identity, we still are not considered for government jobs due to our Geneva Camp address; even private corporations and banks refuse us due to our camp identity. As a result, our people have to work in the informal sector and small-scale trade. Many of us earn our livelihood through day labour – Mohammad Ziauddin, a camp dweller.

A recent study (Islamic Relief Bangladesh 2016) surveyed 395 households in the Bihari community and found that only 0.3% of the total respondents are in government employment while only 3.2% are working for private companies. The survey also found that only 0.1% are operating large businesses, while others are somehow managing on a meagre income and are facing high levels of poverty, even though they are living in municipality/city corporation areas. The study (ibid) revealed that 38% of respondents earn BDT 3,001–6,000 a month while 31% earn BDT 6,001–10,000. Only 3% of respondents are living with an income above BDT 15,000. It should be mentioned that the average national household income per family is BDT 11,479 and the monthly income of the average urban family is BDT 16,475 (HIES 2010, BBS).

## **Land and Housing**

There are no housing schemes for the Bihari peoples other than camps (Geneva camps) in urban areas. There are some fortunate Bihari people who have been able to protect their land or housing from government acquisition. A small number of Biharis live in their own houses or rented houses outside the camp, hiding their Bihari identity. The remaining thousands live in 116 camps across Bangladesh.

The housing situation in these 116 recognised Bihari Camps in Bangladesh is dire and meets no kind of housing standard. In general, houses in the camps are tiny, usually less than 8x10 feet, and host entire families. As they have no living options outside the camp, several generations have to live under the same roof. Most of the dwellers of the camp are provided with only one room. Many of them end up raising their dwelling another one or two floors upwards. The staircases in the buildings are so narrow that inhabitants struggle to climb them. The threat of eviction of camp is of serious concern for camp dwellers, especially in Dhaka city. From 2001 to 2012, nine petitions were filed on behalf of Biharis in various camps, asking the court not to allow any eviction in the camps before rehabilitation.

## **Education Status of Linguistic Minorities**

I remember my first day of school. All the Bengali students were looking at us as if we were strangers and they were whispering to each other that we are Bihari and that we live in dirty camps... We were marginalised in the classroom and we had to sit in a separate row. – Mohammad Khalid, a member of the Urdu-speaking community in Dhaka.

Poverty and discrimination prevent most Bihari camp dwellers from accessing education. Many families do not have ability to bear educational expenses, so they engage their children in labour instead. Moreover, the social stigma of being 'Bihari' and the identity of living in camps has also limited their educational opportunity. However, interest in education has grown among the younger generation and many can now be found studying at the undergraduate and postgraduate levels, despite their camp address and social identity. The study (ibid) on Bihari communities living in different enclaves shows that 65.3% respondents said their children go to school. Strikingly, however, about 80% of these respondents said that their children dropped-out of school. The major reason identified in the study for dropping out from education is the involvement of children in labour, along with the pejorative attitude of students and teachers towards Biharis.

## **Health and Hygiene Status**

Extreme overcrowding, unsanitary toilets, water clogging, broken drainage systems etc have contributed to a very unhealthy environment in the camps. Fevers, colds and waterborne diseases are especially common among the camp dwellers. The aforementioned study (ibid) found that 74.7% of respondents get medical treatment by buying medicine from the pharmacy while only 17% go to a medical practitioner or hospital. 6% of the respondents shared that they faced discrimination while getting treatment from government hospitals or buying medicine from pharmacies, due to their Bihari identity. 30% of the respondents shared that doctors did not attend to patients in the camp, even in times of emergency. With regard to the camp dwellers' reproductive health, the findings of the study (ibid) revealed that women in the camp usually give birth to their children at home. Only 37% of the households shared that they go to a government hospital during childbirth. 31% of the respondents stated that the camp dwellers do not get post-natal services in the camp from any doctor or nurse.

## **Water and Sanitation**

There are only 265 toilets for a population of 30,000 in Geneva Camp at Mohammadpur, Dhaka. Most of them are dirty and nearly 50% are out of order. On average, each toilet is used by 100 people. A growing trend in Geneva Camp is for families to build their own private toilets, but due to the congested living conditions, few have the space to do this inside their homes. Likewise, there is a scarcity of water points in the Geneva camp. There is one water pump in each sector of the camp and only the larger sectors have more than one. This public water point is used for drainage, bathing,

washing clothes, and more. The dwellers often have to stand in queue to collect water from the water point. Unclean water infects Bihari children with water-borne diseases, and urinary tract infections are common in women and girls. Waste water created while cooking is typically dumped directly into the alleyways or into the infrequent above-ground drains, while solid food waste is disposed of in intermittently available trash bins or informal piles (Sholder 2011).

## **Government Initiatives for Socio-Economic Development of Linguistic Minorities**

For the poorer and more vulnerable segments of the population, especially for marginalised and excluded groups, the Bangladesh government has introduced the Social Safety Net Programme, through which different kind of services are provided to these groups. However, 'Bihari' communities are carefully excluded from these services, due to their camp identity. The IRB study shows that, among the respondents, 97% never have access to the government social safety net programme, nor to any other services. 45% of the respondents shared that they knew about vulnerable group development (VGD) and vulnerable group feeding (VGF) cards and allowances for widows, lactating mothers and the elderly, while the rest of them had never heard of these services.

Camp dwellers that require government services face obstacles due to their Bihari identity and, in some cases, they even face outright refusal to provide services. In recent years in Dhaka the government rejected 53 applications for birth registration due to various reasons, including a lack of proof of residency (many cannot use electricity bills as proof of residence because they have no individual electricity connection) and internal instructions not to issue birth certificates to 'non-Bengalis'. However, other city governments have issued birth certificates to almost all applications by camp dwellers. This shows the lack of enforcement of the 2008 Supreme Court decision by some government officials. In the case of passport applications, many were rejected on the grounds of lack of residential address; 'camp addresses' are not considered proper residential addresses. The governmental officials also say that they have written instructions not to issue passports to the Biharis. However, even after obtaining an official document from the Home Ministry indicating that Biharis are qualified to secure passports, some applicants still failed to have their passport applications approved.

The Supreme Court of Bangladesh confirmed that Biharis are citizens of Bangladesh in 2008; in the landmark decision of *Md. Sadaqat Khan and others v Chief Election Commissioner (Writ Petition No: 10129 of 2007)*, the High Court Division reaffirmed that all members of the Urdu-speaking community were nationals of Bangladesh in accordance with its laws and directed the Election Commission to enrol the petitioners and other Urdu-speaking people who want to be enrolled in the electoral rolls and give them National Identity Cards accordingly, without any further delay. The Election Commission very swiftly issued National Identity Cards to any member of the Urdu-speaking community who met the legal and administrative requirements.

## **Situation of Rohingya Refugees in Bangladesh**

### **Introduction**

There are two Rohingya Camps in Bangladesh, led by the United Nations High Commissioner for Refugees (UNHCR) and controlled by the Bangladesh government: Kutupalong and Nayapara in Cox's Bazar. 32,878 registered Rohingyas, along with their 5,000 unregistered children, live in these two refugee camps. Besides these, about 17,000 unregistered Rohingyas have been living in the makeshift Leda camp since 2008, and another 35,000 unregistered Rohingyas live at Kutupalong camp at Teknaf, Cox's Bazar. A total of 300,000 Rohingyas live without registration in the district, since the government banned registration for Rohingyas in 2005 (OHCHR 2013: 2).

It is estimated that of the total number of Rohingya refugees, only 12% are registered and the remainder live in different parts of Cox's Bazar, Bandarban and Chittagong district. Many of them are also scattered in other parts of the country or are integrated with the mainstream population. The swathes of unregistered Rohingyas are considered illegal and live in fear of police arrest, abuse and want for food and other basic needs. Even those living in the UNHCR camps fall victim to various types of oppression by local gangs. This untold suffering contributes to their status as one of the most persecuted groups in the world (International Labour Association).

Rohingyas in Bangladesh are deprived of basic food, education, medical care and livelihood, and they live an utterly unsecured and vulnerable life. Even the inhabitants of the registered camps are living in a miserable situ-

ation as they do not have humanitarian aid of any kind. As the Bangladesh government is not a party to the 1951 Refugee Convention or its 1967 Protocol, nor to the 1954 and 1961 Statelessness Conventions, it feels less obliged to provide fundamental rights to refugees. There is no national legislation to guide the prevention and reduction of statelessness or the protection of stateless persons (OHCHR 2013: 2).

## **Access to Food, Education, Health Care and Other Services**

The movement of Rohingyas is restricted, and this means that they have limited access to education and health services. Refugees outside the camps do not have access to refugee status determination and are subject to arrest and deportation. Children of refugees are not eligible for birth registration. The Rohingya refugees are provided with basic food, medical services, education etc by UNHCR, but recently these services have been inadequate. Those living in unregistered camps live with scarcity of food, shelter, water and sanitation. Besides this, they are often victims of physical assault, police arrest, rape, sexual assault etc. Children remain the most vulnerable among the Rohingya people. In the two registered camps, UNHCR provides education up to primary level, but secondary education is not provided. Meanwhile, an entire generation of refugee children have grown up in the camps with no means to achieve self-reliance and no hope for the future. With no right to higher education and no permission to work in mainstream society, they spend their days without purpose. This lost generation is a wasted, latent talent that holds very little hope of contributing to the improvement of the world outside the camp (Isaacs 2016).

Government restrictions on NGO activities also affect access to food, health and education services. For example, Muslim Aid, UK has had to stop its operations with the Rohingya people due to government control. At present MSF-Holland (Médecins Sans Frontières/Doctors Without Borders) is working for the refugees and local population, providing basic health care by running a clinic and supervising the health condition of Rohingya refugees in the camp. Still, there is no security for the refugees in either camp and no regular supply of food items, sanitation and water. Malnutrition is at an alarming level among the Rohingya. A lack of tube wells in the makeshift camp forces the inhabitants to depend on unclean water from canals and ponds, which increases the risk of disease among them. Women often have to collect water from hillside streams and face sexual assault by the Bengali villagers. Sanitation is totally absent in the camps; even the kacha



## Profile of a vulnerable minority: Dalits in Bangladesh

### Introduction

Discrimination based on social strata and deprivation along the lines of caste, descent and profession has a long history in Bangladesh. Dalits face a major part of this deprivation. Discrimination based on caste and untouchability is associated with the lives of Dalit people to such a great extent that they remain the most backward community with regard to socio-economic development.

### Who are Dalits?

There is no disaggregated data available on the Dalit population. Some have estimated that there are about 3.5–5.5 million Dalits in Bangladesh (Chowdhury 2009: 2), others that there are 5.5 to 6.5 million Dalits (3–4% of the total population) (Islam and Parvez 2013). Traditionally, Dalit people are involved in jobs that are considered menial by society, such as sweeping, cleaning etc. They are viewed by society through the lens of their work and their descent and are considered untouchable, which limits their socio-economic development. Their standard of living, in both rural and urban areas, demonstrates their deprivation, as well as the state's wilful ignorance of their condition.

There are three broad categories of Dalits in Bangladesh:

- i) Bengali Dalits, who live in villages all over Bangladesh. These people are the part of the mainstream rural community but are identified as Dalit due to the work they do – traditionally considered menial by society. This group includes people from communities such as: Rishi, Rabidas, Muchi, Majhi, Jaladas, Paroi, Kaiputro (Kawra), Beara, Nikari, Shikari, Swarnaker, Kapali, Kumor/ Kulal, Kuar, Sutradhar, Karmakar, Hari, Goala, Chamar, Bauri, Suri, Mali, Jogi, Bhuimali, Shiali, Kaibarta, Kahar, Keshra, Dholak, Nalua, Dhani, Napit, Bagol, Basar, Bajonder, Buno, Dai, Dhopa, Pandrakshatria (Pod), Patni, Fasua, Shahjee, Meso, Kotal, Bhuputra, Bhagobene, Chandal (Charal), Antoj, Namashudro, Dhangor, Mathor;
- ii) Urban Dalits, who migrated (or were forced to move) from India to what was previously East Bengal. Though this migration began in 1605, during the Mughal period, a considerable number of Dalits migrated between 1835 and 1940, during the British colonial period. They were brought by the British colonial rulers to do menial jobs such as sweeping, clearing sewage, and working in tea plantations and railway stations. They include the following groups: Bashpore, Sabari, Dom, Domar, Harijan, Masuwara, Mushaheries, Methor, Maithal, Balmiki, Lalbegi, Pasi, Sweeper, Mala, Madiga, Magaiya, Raut, Hela/Hadi, Saberi, Chakali, Dewali, Kanpuri, Telegu, Madraji; and

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### **Sura Khatun's painful life in the refugee camp**

Sura Khatun (56) runs a grocery shop in the Leda makeshift camp area. She also lives in the same camp in a tiny room. 'Living outside your own home is always hard,' says Sura, 'and when eleven members of a family live in a 10 x 7 ft. room, you can easily understand the situation. My husband is ill. My two young sons work outside the camp area. One is a day labourer and the other is a restaurant waiter. We are united. Besides these, we have two other sons. They eat separately with their family members, but we live in the same room! We have three daughters. Our eldest daughter was married in Myanmar, another is living with her husband in this camp and the youngest one lives with her husband in a village outside the camp area. I don't want to go back to Myanmar. And why should I? The Myanmar Army and Border Guard Police (BGP) are torturing women and killing innocent children and Rohingya men every day. Living in the refugee camp is miserable, but at least we are safe here.' (Roy 2016)

### **Report of Independent Experts and Special Rapporteurs on Rohingya Refugees**

- Independent experts on extreme poverty and on water and sanitation noted that despite improvements in the conditions of the camps, registered refugees do not fully enjoy freedom of movement, the right to work or the right to education, which leaves them extremely vulnerable to abuse and exploitation.
- The Special Rapporteur on extreme poverty called on Bangladesh to prioritize improving the situation of the Rohingya refugees; finalize its refugee policy and take measures to reinstate the resettlement programme, and encouraged the Government to seek out resettlement options that prioritise and protect the rights and interests of refugees
- In 2010, the special rapporteurs on health, on migrants, on food and on racism sent a joint communication to the Government drawing attention to allegations received regarding the situation of unregistered Rohingya asylum seekers, refugees and migrants. According to reports received, some 220,000 unregistered Rohingyas were not permitted to receive official relief and were reportedly victims of violence and attempted deportation by both state and non-state actors.

(makeshift) toilets have to be shared by hundreds of camp dwellers. Dehydration, diarrhoea, fever, pneumonia, coughing and skin disease are frequent among the camp dwellers. Due to regular Border Guards Bangladesh (BGB) monitoring of local clinics, Rohingya refugees even avoid getting

*... Profile of vulnerable minority continued ...*

iii) Muslim Dalits, who can also be found across the country. Though as a religion Islam does not recognise any division based on caste or creed, in the socioeconomic and cultural context of South Asia some Muslim communities are considered inferior to others based on their occupation. These are groups like Jola, Tati, Tele, Kolu, Kulu, Behara, Hajam, Bede, Bainna Bede, Darji, Mazi/Khottra, Kasai etc.

### **Discrimination faced by Dalits**

The lives of Dalits are particularly harsh, due to the practice of caste discrimination. Dalits are frequently prevented from entering the homes of non-Dalits or even public places, and the majority of them live in extreme poverty. Traditional jobs for Dalits are usually part of the informal sector and they are badly paid and exploited.

According to Parvez and Islam (2014), the monthly income of 42% of Dalit families is between 3000 and 6000 taka; 18% earn below 3000 BDT; 17% earn 6000 to 9000 BDT; and 12% families earn 9000 to 12,000 BDT. Only 11% of Dalit families earn more than 12,000 taka (BDT) monthly. Despite their skills, educated Dalits often remain trapped in their traditional professions due to various social and economic factors, instituted by dominant social actors, thus remaining confined to a state of chronic poverty. Hence, caste-based identity impedes them from switching to decent professions, even when they have skills or education.

The caste and untouchability issues surrounding Dalit people also affect their access to education and other development indicators. Parvez and Islam (2014) show in their study that among enrolled (72%) children in primary schools, around 63% dropped out due to caste-based discrimination, among other reasons. The study also found that only 12.5% of Dalit children are studying at secondary level, 4.3% at higher secondary level and 1.9% Dalit students at under-graduation and graduation level. Dalit girls also often face sexual and psychological harassment in educational institutions, which discourages them from attending school or college. Khan and Rowshan's recent study (2016) showed that only 5.9% of Dalit girls completed secondary level education.

Dalits are discriminated against in access to education, decent employment, renting houses and buying land, as well as to basic services and entitlements from the government. Mainstream development paradigms have overlooked their existence as special communities with special needs, and indicators assessing development have rarely taken Dalits into consideration. For example, maternal mortality rates are higher amongst Dalit women and levels of education are far lower in Dalit communities. Despite this, there is no official recognition that specific groups, like Dalits are particularly vulnerable and deserve special protection and access. As a minority group, they are excluded at every level.

medical treatment out of fear of detainment or deportation. The houses in the camps fulfil no standard of living, and rainwater often floods the camps. During summer the camp dwellers cannot cope with the heat, while in the winter they have no warm clothes or supplies such as quilts or blankets to tackle the cold (Medecins Sans Frontieres 2017).

## **Government Initiatives**

The Bangladesh government is not a party to the 1951 Refugee Convention or its 1967 Protocol, nor to the 1954 and 1961 Statelessness Conventions. Nonetheless, for three decades Bangladesh has been hosting more than half a million Rohingya refugees, respecting their international human rights obligation. Since 2012, however, the government has resisted the influx of Rohingyas and has deported many of them to their countries of origin. Still, under an agreement with UNHCR, the government has been hosting approximately 29,000 refugees in two refugee camps in Cox's Bazar district, with a total expenditure of \$47.5 million per year.<sup>8</sup> Despite repeated recommendations from the international community to provide human rights and basic privileges to Rohingya refugees, the government has imposed restrictions on UNHCR with regard to registering unregistered refugees and providing assistance to them. Even the activities of NGOs are restricted by the constant threat from the government. The Bangladesh government has denied these allegations and has stated that Rohingyas are enjoying the privileges to which they are entitled as refugees.<sup>9</sup> Recently the government has planned to relocate the two legal camps in to 'Thengar Char', an island in the bay of Bengal (Lahiri and Yanofsky 2017). This island has been newly formed out of silt and has 30,000 acres of land. However, it is feared that this may leave Rohingya people exposed to further disaster, as most of the island is under water during high tide and vulnerable to the impact of climate change.

## **Recommendations**

### **Indigenous Peoples**

- The Chittagong Hill Tracts Peace Accord should be implemented effectively. The government should come up with a specific timeline for

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8. See: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/107/07/PDF/G1310707.pdf?OpenElement>

9. See: Bangladesh national report, UPR 2nd cycle.

### **Good practice case study:**

#### **Sahebganj-Bagdafarm Land Recovery Movement Committee: A movement for recovering land of the people**

**The Sahebganj-Bagdafarm Land Recovery Movement Committee** has become an iconic movement for both the indigenous Santal community and the Bengali people to recover their ancestral land from the government-backed perpetrators that took it, including the Administration of Rangpur (Mahimaganj) Sugar Mill Corporation; a local MP, Abul Kalam Azad; and Shakil Alam Bulbul, Chairman, Sapmara Union Council.

#### **Background of the Movement**

In the name of Rangpur (Mahimaganj) Sugar Mills Ltd, what was then the East Pakistan government acquired 1842.30 acres of land in 1962 from indigenous and Bengali people, evicting 15 indigenous peoples and five Bengali villages, including Sapmara, Madarpur, Narangabad and Chakarahimpur mouza under Gobindaganj upazila, Gaibandha district.

The agreement drawn between the government and the affected families clearly mentions that the land would be returned to the original owners if the land was used for any purpose other than the cultivation of sugarcane. In this scenario, according to clause 5 of the contract, the government would take back the acquired land from the Pakistan Industrial Corporation and return it to the original land owners. However, the sugarcane cultivation was interrupted several times, and in March 2004 production finally stopped due to mismanagement, corruption and loss. After 1982 the Sugar Mills Authority leased out the property to influential individuals and racketeers for the cultivation of rice, wheat, corn, tobacco, potatoes, mustard etc, instead of sugar cane. Under the circumstances, the poor indigenous and Bengali owners demanded several times that the government return the 1842.30 acres of land, due to the breach of the agreement between the government and the Sugar Mills authority.

#### **The Demand for their Ancestral Land**

Since 2004, indigenous peoples and Bengalis have been demanding the land be returned, alleging that the authorities violated the contract by allowing the cultivation of crops other than sugarcane and leasing out parts of the land to influential people.

On 5 March 2014 the affected people organised the 'Sahebganj-Bagdafarm Land Recovery Movement Committee'. The committee was formed by the affected people of the area. Mr. Sahjahan Ali Prodhann from Sapmara village was the pioneer of the movement and served as the president from the beginning. Filimon Buskey remains the General Secretary of the movement.

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proper and speedy implementation of the accord. Resolution of land disputes by amending the contradictory provisions of the CHT Land Disputes Resolution Commission Act 2001, in line with the CHT Accord;

- ILO-convention 169 (the Indigenous and Tribal Peoples Convention) should be ratified. The government should take appropriate measures for the effective implementation of ILO Convention 107, the State Acquisition and Tenancy Act 1950 and other laws and policies related to indigenous peoples;
- The government should end the forced eviction of indigenous peoples for land acquisition in the name of special economic zones, reserved forest, military bases, national/eco-parks, tourism complexes, development projects and government establishments;
- Measures should be undertaken for the restitution of the land of indigenous peoples in the plains and a separate land commission should be formed. Traditional land rights, including the individual and collective rights of indigenous peoples, must be recognised and respected, as envisaged in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO-convention 169;
- Schools in remote areas should be ensured, with adequate facilities and quality teachers. Textbooks should be published in the languages of indigenous communities;
- Health coverage should be increased among indigenous peoples. Health centres with available materials and doctors in remote areas; and
- The food security and livelihood of indigenous peoples should be ensured by protecting agricultural practices (eg jhum cultivation) and excluding cultivable land from acquisition by the government for development projects and other purposes.

## **Dalits and Socially Excluded Minorities**

- Disaggregated data on the basis of caste and gender should be made mandatory in the collection of basic statistics regarding all major socio-economic and political aspects of life;
- Participation of Dalit children in primary education should be ensured through campaigns, raising awareness, increased educational scholarship/stipends and other facilities;
- Formulate and implement special administrative measures by the Ministry of Education and University Grants Commission to ensure a mandatory quota system for Dalits in all public and private educational

*... Good practice case study continued ...*

In 2015 the committee organised a huge gathering in the premises of Sahebganj High School, in the presence of members of parliament. In response to the committee's plea, the district administration conducted an investigation and reported that the acquired land was being used for the cultivation of other crops instead of sugarcane. Since then, the Sahebganj-Bagdafarm Land Recovery Movement Committee has been increasing its movement to recover lands. In December 2015 they organised another huge gathering at the Bagdafarm area, demanding the return of land to its original owners. They also held a press conference at Dhaka to organise civil society and human rights activists around their demands. On 10 April 2016, the committee organised a long march and walked 32 kilometres from Katarmore, Bagdafarm to Shaeed Minar, Gaibandha district. After the march they submitted a memorandum to the Deputy Commissioner of Gaibandha to return the land to its owners, since the agreement was violated by the Sugar Mill Authority. Around 50,000 indigenous people, including 10,000 Bengalis, participated in the march. The administration again investigated the issue and found that the land was not being used for sugarcane cultivation. However, they proposed that the government build an Export Processing Zone on the conflicted land, instead of returning it to the affected indigenous people and Bengalis who were the original owners.

On 30 June 2016 the Sahebganj-Bagdafarm Land Recovery Movement Committee organised a gathering in observation of Santal Rebellion Day, with the participation of around 6000 indigenous people and Bengalis. During the gathering they decided that they would recover their land themselves. The next day they entered the land, raised houses and started living and cultivating. The committee helped to raise two thousand houses. On 12 July 2016, the mill authority tried to evict these people, but they put up a strong resistance and protected their land. The committee helped to establish schools, water and sanitary facilities in the reoccupied land.

As the long deprived indigenous peoples and Bengalis were settling down on their ancestral land, a massive attack was carried out on 6 November 2016 by the Sugar Mill authority, accompanied by law enforcement agencies and local goons. Three Santal men were killed on the spot, 30 were severely injured, and 200 houses were burnt. Moreover, more than 1200 families fled the area, following widespread looting, vandalism and arson attacks on their houses. A false case was lodged against 42 named indigenous Santals and Bengali farmers, as well as more than 400 other unknown villagers, at the Gobindaganj police station. The injured were arrested from hospitals. This incident resulted in huge criticism, both at home and abroad. Civil society groups, human rights activists, political parties, and the National Human Rights Commission expressed their solidarity with the affected people

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institutes at the primary, secondary and tertiary levels along with other government privileges like stipends and scholarships, etc;

- The draft 'Anti-discrimination Act' to address untouchability and discrimination-based work and descent should be enacted. The state should undertake an effective initiative to ensure the full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;
- Both temporary and permanent removal of Dalits from their land or ancestral colonies without provision of proper rehabilitation should be stopped. Khas land should be allotted to Dalit and excluded communities on a priority basis. Khas lands allotted to Dalits should not be transferable to non-Dalits under any circumstances;
- Coverage by the social safety net programme should be increased for Dalit and excluded communities and discriminatory-free access should be ensured to the beneficiaries of these schemes. Strong monitoring also should be in place to prevent corruption and access to this service by non-Dalits; and
- Decent employment and discriminatory-free workplaces should be ensured for Dalits. Alternatives to traditional employment opportunities must also be established for Dalits. Implementation of the Prime Minister's a quota of 80% for Dalits in sweeping and cleaning positions in government and autonomous bodies should be ensured.

## **Tea Labourers**

- Application of state laws and policies must be ensured in tea estates, rather than only the company's own rules and guidelines;
- Steps must be taken to increase the wages of tea labourers as per the labour laws of the country and considering inflation and other concerns;
- Both registered and non-registered workers should be provided with adequate and quality housing, water and sanitation, education, and health services. Adequate, quality rations with nutritious ingredients should be provided;
- Steps should be taken to provide land titles to tea workers through distribution of khas land; and
- Skill development training should be provided to the workers and their family members along with flexible loan facilities, so that they can enter into alternative professions.



*... Good practice case study continued ...*

and demanded the return of the land to the original owners. However, the government ignored the demands and thousands of indigenous people and Bengalis in the area remain homeless, without food, education, or medicine. Besides this, they regularly face harassment by the police and local Bengali perpetrators. Since the incident of November 2016, the Sahebganj-Bagdafarm Land Recovery Movement Committee has been trying to unite the people to stick to their rightful demand, as well as providing shelter, food and education to the affected people. At the same time they have been fighting a legal battle in the court for the affected people and to punish the perpetrators. They dream that one day the rightful claim of the affected Indigenous Peoples and Bengalis will be fulfilled. This is the biggest movement around the land of IPs and Bengalis since the Santal Rebellion of the British era (30 June 1855).

### **The Future of the Movement**

At present the Sugar Mill authority has occupied all the disputed land and fenced around it so that people cannot enter. Police have not withdrawn the cases lodged against the affected people and many of them are still hiding to avoid arrest. On the other hand, the affected Bengalis and IPs lodged a case against 33 people for torching their homes, evicting them from their land, and murder, but police only arrested one of the accused.

The Sahebganj-Bagdafarm Land Recovery Movement is still fighting to realise their demands, while simultaneously helping the rehabilitation of the victims, despite the decrease in assistance from civil society and rights-based organisations. The committee has established some temporary shelter houses for the affected people as well as raised a school for the children. At the national level, they have connected with a good number of lawyers who are supporting the case in the supreme court as well as in local courts. They are still providing support to those who received bullet injuries during the conflict. The committee is also still holding on to their demand for the ancestral land occupied by the Rangpur Sugar Mill. Despite this, the government is terming these rightful owners 'landless' poor people and is trying to rehabilitate them on abandoned land.

## **Sexual Minorities**

- Initiative should be taken to repeal Article 377 of the Criminal Code, which criminalises adult consensual sexual acts;
- Steps should be taken to grow awareness on LGBT+ issues among law enforcement agencies, government officials and wider society. Special

training should be provided to law enforcement agencies about the rights of LGBT+ people and how to treat them;

- Discrimination-free access to education should be ensured for transgender people. School environments should be friendly to transgender people;
- A special chapter on sexual education should be incorporated into textbooks. The rights of LGBT+ people should be reflected positively in this; and
- The government should accept the UPR's recommendations regarding recognition of LGBT+ people.

## **Linguistic Minorities**

- Necessary action should be undertaken by the government to remove all legal and other barriers and ensure equal access to all public services for every citizen of Bangladesh;
- The government should make camps liveable by repairing old dwellings and providing suitable water and sanitation facilities;
- Small-scale and craft industries should be supported through provision of flexible finance, market promoting, skill building and training etc;
- Enrolment in primary education should be ensured for all children, school environments should be improved and educational institutes should have a discrimination and stigma free environment;
- High Court orders with regard to the rights of linguistic minorities as citizens should be implemented effectively. There should be no obstacle to obtaining government documents like passports, trade licenses, birth certificates, national identity cards etc; and
- Bihari people should be brought under social safety net programmes to ensure their equal access to allowances for widows and the elderly, VGD and VGS cards, educational stipends for children, skill building and training etc.

## **Rohingya Community**

- The Bangladesh government should ratify the 1951 Refugee Convention and sign its protocol to ensure access for Rohingya people seeking asylum and strengthen refugee status determination procedures, without any kind of discrimination;
- The government should take steps to establish legislation and procedures to allow access to procedures determining refugee status to all

- refugee children and their families, as well as to provide them with birth registration, security, and access to education and health-care services;
- The government also should ensure that refugees, after taking refuge in Bangladesh, are not detained, prosecuted or punished solely for their method of arrival in Bangladesh; and
  - The government should allow all international aid agencies, including UNHCR and the International Red Crescent Society (IRCS), and NGOs to provide aid to refugees.

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