

BANGLADESH
STATE OF MINORITIES
REPORT-2016

PAVING THE WAY TO LIBERATION

NAGORIK UDDYOG

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Afsana Amin
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Prepared by:

Afsana Amin
Muhammad Al Amin
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Zakir Hossain

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House # 8/14, Block-B, Lalmatia, Dhaka-1207, Bangladesh
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Foreword

South Asia, the most populous region in the world, is home to large numbers of minorities. Across the region, many of the religious, ethnic, linguistic and indigenous minorities, particularly women and the poor, face marginalization and suffer the worst forms of exclusion. These abuses are not just limited to discrimination in the socio-economic sphere, but also the denial of the most basic human rights. The denial of rights to minorities in South Asia along religious, ethnic, caste or gender lines, is increasingly a factor behind much of the internal and external conflicts in the region and a barometer not only of the wider situation of human rights, but of the prospects for peace and security in the region.

This inaugural 2016 report is a first-of-its-kind effort to bring together research and advocacy groups from various countries in the region to form a “South Asia Collective” that will periodically track and document the situation of minority rights, country by country. The report utilizes a common UN minority rights framework that looks at various indicators such as identity, culture, discrimination, participation in public life, and access to socio-economic rights to assess the situation of minority rights in the region. The current report covers six countries: Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka. It is my hope that future editions will include Bhutan and the Maldives, as well as Myanmar, which has long-standing historical cultural connections to the South Asia region.

The findings of the report are sobering: violence against minorities, both by the state and private actors, is commonplace, with communities often deprived of their rights to life, liberty, and identity. Discrimination, in both law and practice, results in the political disenfranchisement of minority communities and their social and economic marginalization. Other rights, including freedom of religion or belief, are also under attack as governments seek to impose conservative religious ideologies in an effort to homogenise culture in a pluralistic region with a strong history of tolerance and coexistence. These findings suggest that the road to the realization of human rights for minorities in the region will be a long and winding one.

According to the report's findings, the absence of regional instruments or mechanisms in place for minority rights protection and promotion in South Asia, combined with weak policy commitments by the region's governments, increase the likelihood that these communities will be targeted for abuse. In light of these challenges, the report's authors highlight the increasingly critical role that domestic civil society groups play in protecting and realizing the rights of minorities in both law and practice. In many countries these civil society groups act as the last, and sometimes the only, stakeholder documenting human rights violations, monitoring the government's implementation of national and international instruments, and holding officials to account for rights violations against minority groups.

The story of minority rights in South Asia is not all doom and gloom. There are inspiring and hopeful examples too, ranging from government efforts to bolster the environment for greater inclusivity and pluralism, to stories of human rights defenders putting their lives on the line to protect and advance the minority rights in their respective countries. What is clear, however, is that without further engagement between governments and civil society groups in the region who are directly working with local communities, mobilising them to demand and obtain rights as citizens, and providing services that minority groups are otherwise unable to access, the situation of minority rights in the region will remain dire.

It is the hope of the South Asia Collective to raise awareness regarding the neglected yet crucial issue of minority rights in the region, and encourage public debate aimed at addressing the root causes of discrimination and violence suffered by minority populations. I believe with this inaugural report they have taken an important step in this direction.

Ahmed Shaheed
UN Special Rapporteur on Freedom of Religion or Belief 3
November 2016

Acknowledgements

The idea of the South Asia State of Minorities Report 2016 was born in September 2015, with a small group of minority and human rights researchers and activists from across South Asia, deciding to come together to produce a periodic people's report, to systematically document and track the condition of South Asia's minorities and their access to rights guaranteed by international minority and human rights instruments. This is the South Asia State of Minorities Report Collective (in short: The South Asia Collective).

The goal that the collective set for itself was to contribute to advocacy for establishing South Asia wide minority and human rights standards and instruments, through building a body of evidence, and stimulate debate and discussion. An associated objective was to galvanise civil society, across the region, around minority, including human rights protection and aid in their advocacy work. The hope is that the process of periodic documentation and reporting will help give voice to minority groups and CSOs, in a region whose minorities are much violated, to demand their rights as equal citizens.

Our journey, from inception to conclusion of this first edition of the South Asia State of Minorities Report (2016), has been a most remarkable one. Notably, it has been a labour of love, with members of the collective giving their expertise and time freely, to produce what we commonly believe should be a public good – available to all South Asians and those interested in the region and its peoples, as a step towards making South Asia more caring, just, and peaceful. We have been generously helped in this endeavor by a host of friends and allies.

Misaal, a minority rights resource centre within Centre for Equity Studies, New Delhi, acted as the report's production hub, providing both editorial and practical support, leading the complex multinational nature of the production process, and enabling converting the idea into the tangible output we see today. Thanks are due to Arnab Roy, occasionally supported by Nazia Khan and Sneha Chandna, all of Misaal, who provided able research assistance. Books for Change, led by its head, Joseph Mathai, one of the first recruits to the idea, came forward to publish the report for us, trusting us with our ability to produce it,

when we had little to show in our favour, except for our enthusiasm. From early on, Joseph assumed a proactive stance to the collaboration, actively helping set up the structure of the report. The project has benefitted enormously from the support provided by People's- SAARC New Delhi secretariat, and especially the resourcefulness of its anchor, Rakhi Sehgal, to reach out to a wide and sympathetic audience across South Asia, and in building regional alliances, that is the core strength of this venture. Minority Rights Group International, London, whose flagship annual State of the World's Minorities and Indigenous People's report, is the inspiration for our own, handheld us from the beginning, and continue to guide us, to get it right. Finally, Indian Social Institute New Delhi, generously threw open their facilities for our use, an offer we made productive use of. We are indebted to all our associates. It will not be an exaggeration to say that without their support, this report would not have seen the light of day.

An invitation to a conclave on minority rights, by Centre for Study of Society and Secularism, (CSSS) Mumbai, and hosted by Social Science Baha (SSB), Kathmandu, in December 2015, brought all country authors together, at an early stage of the report production process, helping streamline research and writing plans. We are grateful to CSSS, SSB and to participants at that workshop, for valuable inputs on early drafts of country chapters. We are also grateful to participants at a seminar talk on the report hosted by Centre of South Asian Studies at University of Cambridge, UK, in May 2016, for their very helpful suggestions for improvement.

We have tried to ensure that the report measures up to high standards of analytical and empirical rigour. This entailed, among other things, putting the draft chapters through a review process. We are grateful to our esteemed reviewers for making the time and effort to provide detailed suggestions for improvements. These include, in alphabetical order, Aziz Hakimi, Carl Soderbergh, Devanesan Nesiah, Farzana Hanifa, Humeira Iqtedar, Janak Rai, Juanita Arulanantham, Pratyoush Onta, Ramin Anwari, Rowena Robinson, Sara Hossain, Shikha Dilawri, TK Oommen, and Zoya Hasan. The team at Books for Change provided valuable support in copy editing, design and production.

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We dedicate this first edition of the South Asia State of Minorities Report to justice and peace in South Asia.

The South Asia State of Minorities Report Collective
(with the following founding members)

Law and Society Trust, Colombo

Misaal - Centre for Equity Studies, New Delhi

Nagorik Uddyog, Dhaka

National Commission for Justice and Peace, Lahore

Omar Sadr, Kabul-Delhi

Social Science Baha, Kathmandu

Women in Struggle for Empowerment,

Lahore October 2016

Introduction

The focus of this report is minority groups in Bangladesh – their life and security, socio-economic conditions, political participation and culture and identity. It also discusses the three main categories of minorities - religious, ethnic and linguistic.

The chapter provides a brief demographic and other data on the small numbers of Shia Muslims, Bahais and Ahmadi Muslims in the country. The report also covers ethnic minorities who make up 1.5 per cent of the total population; they are also called indigenous people or Adivasis living in the Chittagong Hill Tracts (CHT) and various districts in the plains. The linguistic minorities in Bangladesh are mostly Urdu speaking and are often referred to as Biharis. They migrated to what was then East Pakistan during the partition of the subcontinent in 1947. About 3,00,000 Urdu-speakers live in ‘camps’ in overcrowded and cramped living conditions.¹ The report also discusses available data on Dalits.

Another focus of the report is the protection and promotion of minority rights in Bangladesh. It examines the constitutional provisions to protect and promote minority rights, particularly the provisions of equality and non-discrimination envisioned in the Fundamental Rights. It discusses the statutory provisions for protecting and promoting minority rights.

Background

Bangladesh is a secular, pluralistic parliamentary democracy; its Constitution and other laws protect religious freedom and ensure equal status and equal rights to people of all religious faiths – Hindus, Buddhists, Christians and others. There is no indication that the state actively engages in persecuting people on account of their religion. However, political parties do use religiously divisive language and, on occasion, act in ways that exacerbate rather than diminish religious and communal tensions (UKHO, 2016). Though Bangladesh has ratified all major international human rights treaties and conventions and is legally bound to comply with them it does not do so in so far as the minorities are concerned.

The 2011 census report shows that Bangladesh is a country of 149.77 million people (BBS, 2015) and it is predominantly a Muslim country. Population data updated by the BBS for 2004 through the Sample Vital Registration System (SVRS), an annual attempt to collect, compile and publish demographic data to meet the inter censal data needs showed that 89.52 per cent of the country’s population was Muslim with the remaining 10.48 per cent consisting of religious and ethnic minorities. Of the minorities, the Hindus were the largest group with 9.58 per cent of the population. The Buddhists were the third largest group with 0.46 per cent while Christians formed the fourth largest group with only 0.27 per cent of the population. Others would include several small factions within the Muslim population – Biharis, Ahmadis, Ismailis, Shias and Memons. (see Table 1) There were about 100,00 Ahmadis. (SAHR, 2011)

Historical context

After the victory of the Awami League (AL) in Pakistan’s elections in 1970, the Pakistani Army suppressed the aspirations of the Bengali people in East Pakistan, innumerable atrocities occurred, many women were raped and upwards of 3 million people were left dead. Tens of millions of people were forced into squalid refugee camps in India.

Soon after its birth, the political history and politics of Bangladesh had to deal with the twists and turns of majoritarian politics. Bangladesh’s birth was premised on a secular and democratic ethos. The Preamble of the first

Constitution of Bangladesh, which was adopted on 4 November 1972, accepted ‘nationalism’, ‘socialism’, ‘democracy’ and ‘secularism’ as state principles; Article 8 Clause 1 reiterated these. Secularism in the context of Bangladesh did not imply the absence of religion, as is often interpreted by

Table 1. Religion in Bangladesh as population percentage as on 2004

Religion	National	Rural	Urban
Muslim	89.52	89.15	91.12
Hindu	9.58	9.86	8.37
Buddhist	0.46	0.51	0.23
Christian	0.27	0.29	0.18
Others	0.14	0.16	0.07

Source : Sample Vital Registration System 2004, Bangladesh Bureau of Statistics.

its opponents. Sheikh Mujibur Rahman, the Father of the Nation, made this quite explicit when he said:

Secularism does not mean absence of religion. Hindus will observe their religion; Muslims will observe their religion; Christians will observe their religion. No one will be allowed to interfere in others' religions – the people of Bengal do not want any interference in religious matters. Religion cannot be used for political ends.¹

In order to implement this, Article 12 of the Constitution of the People's Republic of Bangladesh states:

Secularism and freedom of religion

12. The principle of secularism shall be realised by the elimination of -

- a) communalism in all its forms;
- b) the granting by the State of political status in favour of any religion;
- c) the abuse of religion for political purposes;
- d) any discrimination against, or persecution of, persons practicing a particular religion.

While the Constitution did provide the basis for creating a non-communal state in the religious sphere, it is argued that it was not a non-hegemonic Constitution. Article 1 Part 1 declared Bangladesh to be a unitary state. Through Article 3 Part 1, Bengali was adopted as the state language and Article 6 Part 1 declared that the citizens of Bangladesh were to be known as Bengalis.

Article 9 defines Bengali nationalism. According to the Constitution, this was premised on the unity and solidarity of the Bengali nation, which derived its identity from its language and culture. Clauses in the Constitution denied recognition to the varied cultural communities in Bangladesh who were culturally and linguistically non-Bengali. Bangladesh is home to around 45 ethnic communities. Bangladesh at

¹ Parliamentary Debates as cited by Amena Mohsin, 'Secularism as Religious Tolerance' in Guhatakhurata, Meghna and Willem van Schendel (2013) *The Bangladesh Reader: History, Culture, Politics*. London and Durham, Duke University Press, p. 334-335.

its birth reproduced the politics of majoritarianism/domination that it sought to fight during the Pakistan period.

One may argue that these principles in the Constitution were a logical outcome of the spirit of the liberation war of Bangladesh, which was premised on Bengali nationalism. However, some others maintain that through these clauses a nation born out of genocide and a history of democratic movements failed to move forward with a vision of libertarian principles (SAHR, 2010).

Although an Awami League-led government annulled the Vested Property Act (VPA) and passed the Vested Property Return Act (VPRA) in 2001 to restore property to Hindu minorities, the government amended VPRA in the following year. This gave the government unlimited time to return the vested property to its Hindu owners and instead passed control of the property, including the right to lease it to local government employees. In 2007 and 2008, the government did not take any measures to implement VPRA (US Department of State, 2009) and failed to prepare a list of properties to be restituted. (IDMC, 2009:9) However in later years the government has taken steps to safeguard the property rights of Hindu minorities. The latest amendment was made on 10 October 2013.

In September 2015 Association of Land Reform and Development (ALRD) organised a meeting on this issue in Dhaka. Shamsul Huda, of ALRD in his keynote paper, spoke about the persecution of the minority community members as they tried to get their properties back that once were branded enemy properties under the enemy property act. He said there were thousands of cases pending before the tribunal for resolution under the Vested Property Return (Amendment) Act but the disposal rate was frustrating. Although a few people had obtained orders in their favour, the local deputy commissioners were, however, not applying the tribunal's orders, he alleged. (ALRD, 2015)

Religious minorities

Societal abuse and discrimination based on religious affiliations, beliefs or practices continue today. Occasionally clashes between religious groups have occurred. In all cases the minority status of the victims played a role, although it should be noted that religious minorities are often at the bottom of the social hierarchy and, therefore, have the least political recourse. Hindu, Christian and Buddhist minorities

experienced discrimination and sometimes violence at the hands of the Muslim majority; even Ahmadis were harassed. Fundamentalist Islamic groups have demanded that Ahmadis be officially declared kafirs (infidels) (Rahman, 2005).

In 2015, four prominent secular bloggers were killed with machetes. The four had appeared on a list of 84 ‘atheist bloggers’ drawn up by Islamic groups in 2013; the list had been widely circulated (BBC, 2016). Activists and atheist bloggers are leaving Bangladesh fearing threats to their lives (Daily Mail Online, 2015; The Daily Star, 2015; Times of India, 2015). Several bloggers and their publishers were hacked to death by Islamist militants in 2015 for promoting secularism. Ansar Al Islam, an insurgent group linked to al-Qaeda claimed responsibility and threatened further attacks. Although Sheikh Hasina promised to take action against the attacks, she also warned the bloggers against ‘hurting people’s religious sentiments’ (HRW, 2016).

Earlier, in 2011, 183 people belonging to religious minorities were victims of injuries, assaults, grabbing, attacks and rapes (see Table 2). The police was ineffective in upholding law and order and sometimes was slow in assisting religious minorities. This attitude promoted an atmosphere of impunity for acts of violence against minorities.

In 2013 there was a particularly brutal wave of attacks on Hindu houses, temples and businesses. (see Table 3) In a district-wide assault, ancient places of worship spanning centuries were vandalised. As per the various investigations conducted by the Ain o Salish Kendra (ASK) the attacks were

Table 2. Incidents of violence against religious minorities (2011)

Injured	Assaulted	Grabbing		Attack		Looted	Rape	Misc.	Total
		Land	House	Property	Temple Attack				
107	02	06	02	21	25	13	03	04	183

Source: SAHR (2011: 2).

systematically conducted in order to terrorize the people and their communities. Instead of stealing goods, personal belongings such as motorcycles, computers, televisions and household items were broken. Windows, walls and fences were vandalised. The attacks were triggered

by the verdict of the International Crimes Tribunal sentencing Delwar Hossain Sayeedi, the Vice President of the Jamaat-e-Islami to death on 28 February 2013 for crimes committed during the 1971 Liberation War. There was one round of attacks in the spring while the second round started in the pre-election period during hartals (strikes) and blockades called by the opposition party when the government decided to hold the elections without the opposition. ASK maintains that the failure of the administration to bring the situation under control was obvious. (ASK, 2013)

There are great differences in terms of communal violence from year to year. In 2013, 278 houses were attacked, burnt or destroyed; while next year this figure went up to 761. However, in 2015 there was a significant decrease in the number of reported cases at 104.

Based on available numbers it is clear that there are serious human rights violations that need to be addressed. Local human rights organizations like ASK work hard to gather information and data that can be presented to the general public and organizations on a national and/or international level while also advocating for improvements in the human rights situation (GHRD, 2016).

In the recently concluded controversial elections in January 2014, hundreds were killed and injured in violent attacks. Before and after the elections, attackers also vandalized homes and shops owned by members of Bangladesh's Hindu and Christian communities. (HRW, 2015)

There were reports of societal abuse, intimidation, harassment and discrimination, attacks on sites of worship and communal violence on account of religious affiliations, sometimes resulting in deaths, injuries, rape, forced displacements and alleged forced conversion to Islam. However, the evidence does not support the finding that in general there is a real risk of persecution, serious harm or other breach of fundamental human rights of members of the Hindu, Buddhist, Christian and Ahmadi minorities. There is a need to assess each case on individual merit. (UKHO, 2016)

Table 3. Incidents of violence against religious minorities (2013-15)

Type of violent incident	2013	2014	2015
Houses attacked	278	761	104
Business attacked	208	193	N/A
Temples attacked	495*	247**	213***

Source: *Global Human Rights Defence (January 2016)*, "A look back at the Human Rights situation in Bangladesh". Retrieved from: <http://ghrdblog.blogspot.com/2016/01/a-look-back-at-human-rights-situation.html>.

Also: * <http://www.thedailystar.net/rights-situation-was-alarming-in-2013-4883>.

**<http://www.thedailystar.net/state-of-human-rights-alarming-57975>.

***<http://www.dhakatribune.com/bangladesh/2016/jan/02/bangladesh-human-rights-situation-worsened-2015>.

Indigenous communities

Relative to the total population, Bangladesh has a fairly small Adivasi or indigenous population. According to some estimates, more than 3 million Adivasis live in several districts (Sylhet, Rajshahi, Dinajpur, Mymensingh, Rangpur, Bogra, Natore, Khulna, Tangail, Jamalpur, Sherpur, Netrokona, Sunamganj and three hill districts). About two third of the Adivasis live in the Chittagong Hill Tracts, which are made of the three hill districts – Khagrachori, Bandarban and Rangamati.

The Adivasis are mainly Buddhists (43.7 per cent), Hindus (24.1 per cent), Christians (13.2 per cent), and with other religions constituting 19 per cent. In 1991 official estimates of the population of ethnic communities in 1991 was only 27 per cent, other estimates put the population of ethnic communities to more than 45. Dr Mohammad Rafi, faculty at BRAC University and author of *Counting the Hills: Assessing Development in Chittagong Hill Tracts* (2001) identified 73 small ethnic groups. Philip Gain editor of *Survival of the Fringe: Adivasis of Bangladesh* (2011), estimates the number of ethnic groups at around 90, who live in both the plains and in hill areas. (as quoted in SAHR, 2011)

The authorities failed to settle indigenous people's claims to land that had been seized from them during the internal armed conflict (1975-97), or claims of recently occupied land by increasing numbers of Bengali settlers. Tension between the two communities and the failure of the security forces to protect local indigenous people against attacks by Bengali settlers led to several clashes and injuries on both sides.

At least 20 people were injured in a clash between indigenous people and Bengali settlers in Rangamati on 22 September 2013. Local people said security forces came to the scene but failed to stop the violence (Amnesty International, 2013:2).

Incidents of human rights violations including torture, killings and harassment of Buddhist monks, sexual violence against women and children and the dispossession of indigenous people's land by Bengali settlers and military personnel have been regularly reported in the Chittagong Hill Tracts (CHT) region. The indigenous communities in Bangladesh are the most deprived of economic, social, cultural and political rights mainly due to their ethnic status. The major problem for all minority communities is land grabbing by influential people from the mainstream population. There are no adequate policies to protect the land of indigenous people. The traditional land rights of indigenous people are ignored. Incidents of forcible land grabbing by Bengali land grabbers and eviction of indigenous people from their ancestral land were also common in 2011 (*see Table 4*).

News reports highlighted that in 2011 at least 40 people belonging to ethnic minority groups were killed, 94 were injured, 17 abducted, 18 raped and 40 families had their houses destroyed. The incidents took place in Khagrachari, Rangamati, Dinajpur and Rajshahi. Further, Bengali settlers in grabbed at least 7,118 acres of land, belonging to indigenous Jumma people in the area in 2011. Several attempts were also made by Bengali settlers to occupy Jumma land.

Religious persecution of indigenous people has been continuing, particularly in CHT. This includes destruction of a Buddhist temple with the aim of occupying the temple's land, harassment of Buddhist monks, destruction of Buddha's statues and preventing the construction and repairing of Buddhist temples.

The biggest concern is rape and other violence against indigenous women and their lack of access to justice by the victims and the absolute impunity that the perpetrators enjoy. In 2011, five indigenous women, three from

CHT and two from the plains were killed after being raped while 11 indigenous women were raped. In addition, attempts were also made to rape eight indigenous women. Almost all violence against indigenous Jumma women in CHT was allegedly committed by Bengali settlers.

One incident of attempted rape was allegedly committed by security personnel. Lack of access to quality education is a major factor contributing to social marginalization, poverty and dispossession of indigenous people.

Table 4. Incidents of violence against ethnic minorities (2011)

Killed	Injured	Abducted	Property damage	Rape	Total
40	94	17	40	18	209

Source: SAHR, 2011.

Ignoring strong demands of the indigenous people and civic groups from the mainstream population, the present government denied the constitutional recognition to the fundamental rights of indigenous people in the 15th amendment to the Constitution in 2011.

Even after 14 years after signing the CHT Accord, the peace accord has not been implemented. Except for the reconstitution of some committees and appointments to some posts, the government has not taken any effective measures for implementing the accord although it was a priority commitment of the majority party in its election manifesto. Hence, dissatisfaction and grievances have been mounting among the Jumma people and permanent Bengali residents in CHT over the years. On 13 April 2010 the

High Court affirmed the validity of the CHT Peace Accord signed between the government and the erstwhile Shanti Bahini in 1997, but it declared the Chittagong Hill Tracts Regional Council Act 1998 as unconstitutional. After the judgment, the Additional Attorney General asked for a stay and for a certificate under Article 103 (2)(a) so that the government could appeal to the Appellate Division against the HC judgment. The court then issued a stay order on 15 April 2010 till the problem was resolved. There was no significant progress in this regard till December 2011.

Above all, significant discrimination has been observed in budgetary allocations between the indigenous and the mainstream Bengali people. About 2 per cent of the country's population is indigenous, but the allocation for them is below 0.5 per cent of the total budgetary allocations (SAHR 2011: 4-5).

Violence against female ethnic minorities

In March 2016 the Kapeeng Foundation, a human rights organization working for the promotion and protection of the rights of indigenous peoples in Bangladesh published a report entitled: Human Rights Report 2015 on Indigenous Peoples in Bangladesh. The report stated that 85 indigenous women and girls fell victim to sexual and physical violence in 2015. (*see Table 5*) Among them, 44 victims were from the CHT, while 41 were from the plains. A total of 69 cases of violence against indigenous women and girls in Bangladesh were documented in 2015. Of the 69 cases, 38 cases were reported from and documented in the CHT, while the remaining 31 cases were from the plains. The victims were found to be in the age group between 4 to 50 years. Cases were filed with the police with regard to 46 incidents. The data shows that 78% of the perpetrators were non-indigenous, while 15% of them were indigenous, and 6% of the violators could not be identified, while the law enforcement and security personnel accounts for 1%.

Most human rights violation involving the indigenous peoples in Bangladesh were centered on land. The land grabbers used the heinous ploy to sexually and physically violate indigenous women and girls in order to terrorize the community to unsettle them, and thus create opportunities for them to occupy the lands belonged to indigenous peoples. The report stated that amongst the cases of violence committed against indigenous women and girls across the country in the recent past included not a single case of instance to prove that the victim secured justice. Rather in most cases, the perpetrator got out of bail and skipped punishment due to corruption in the justice system, which often tended to be bias towards the perpetrators. (Kapeeng Foundation, 2015).

Dalits and other oppressed caste groups

In 2011, violence and discrimination of Dalits and other oppressed caste communities by dominant Hindu castes and members of influential

Muslim communities increased as compared to previous years. News sources reported that there were 20 incidents during the year, including murder, rape, denying access to public places (temples, restaurants, police stations, cremation grounds, markets and social services), physical torture, land grabbing, forced conversions, attacks

and looting of Dalit houses and discrimination in schools. Dalits are also discriminated in getting jobs. Though in 2012, the Office of the Prime Minister circulated a special directive for reservation of 80 per cent for the post of Sweepers/Cleaners for Dalits. But, this directive is not followed properly. Dalit communities in Bangladesh are resisting discrimination and violation of their rights and are gradually getting united across the country. Dalit groups have also established strong linkages with regional and international groups working to fight against caste and other forms of discrimination.

Table 5. Violence against women from ethnic minorities

Year	Number of Female Victims
2007	9
2008	4
2009	16
2010	25
2011	31
2012	75
2013	67
2014	122
2015	85

Source: *The Daily Star*, March 24, 2016. As retrieved from: <http://www.thedailystar.net/city/violence-against-ethnic-minorities-increasing-1198804>

Gender and sexual minorities

Same-sex sexual behaviour is criminalized in Bangladeshi society. Lesbian, gay, bisexual and transgender rights' groups have reported continuing threats, particularly after homophobic public comments by Islamic leaders. In 2013, the cabinet issued a circular indicating legal recognition of a third gender, hijras, a traditional cultural identity for transgender people who, born male at birth, do not identify as being men. The third gender status came with no official definition but could ostensibly accord hijras education, health and housing rights. However, the decree did not indicate any process by which legal recognition was to be conferred to this group. In December 2014, a group of 12 hijras were selected for a government employment scheme and in early 2015 they were subjected to invasive and abusive exams as part of the hiring process. The hijras said that they were asked humiliating questions about their bodies and some reported that the physicians in charge of the exams called them 'disgusting' and then instructed

hospital janitors and security guards to conduct physical exams, which included touching their genitals. Shortly after the medical exams, the hijras' names were revealed in a newspaper article that declared them impostors because they were 'really men'. The 12 were denied employment and they reported increased harassment by neighbours (HRW, 2016).

The hijra community, consisting of eunuchs, inter-sex and transgender people, is much more visible than the rest of the lesbian, gay, bisexual and transgender (LGBT) group. The hijras have enjoyed a rich tradition in South Asian culture for thousands of years. Due to cultural and religious beliefs, they are recognized as semi-sacred individuals who can bestow fertility, prosperity and health on a newborn and his or her family. Unfortunately, this status has an insidious aspect: it dehumanizes hijras by removing all other aspects of their identity, leading to their being subjected to violence, discrimination and inequalities. They are treated as outcasts and are often targets of human rights violations. Many do not have access to a proper source of income and cannot hold mainstream jobs due to social stigma and lack of access to education (GHRD, 2014: 8).

Bangladesh's LGBTs feel insecure about their gender identity and sexual orientation for a number of reasons, including the criminalization of same-sex relations, persisting stigmatization and societal denial of their existence and the validity of such thinking. The socio-cultural and religious taboos in Bangladesh make LGBTs vulnerable to discrimination and violence. There is also lack of confidence among members of the LGBT community stemming from societal pressure, as they are forced to live with a non-existent sexual orientation and gender identity. Most LGBTs in Bangladesh are invisible. In April 2016, Xulhaz Mannan - a top gay rights activist and editor of the country's only LGBT magazine and his friend and co-worker at the magazine Tanay Mojumder were hacked to death. BBC Bengali Service editor Sabir Mustafa said that staff members of Roopbaan, a magazine and activist group for LGBTs that had not been condemned by the government and received some support from foreign embassies, had been careful in protecting their identities and had not believed that their lives were at risk. (BBC, 2016).

Odhikar, a human rights organization working for upholding the civil and political rights of the people since 1994, however, argues that the possibility of extremism affecting the country became a matter of concern as soon as the freedom of expression was curtailed, controlled and persecuted by the government. Since 2013, bloggers and foreign citizens have been attacked and even killed in Bangladesh. So far, seven bloggers and online activists and two foreigners, one teacher and the editor of a LGBT magazine, have been killed. The killings were claimed by an extremist group. (Odhikar, 2016: 5)

A Question of definitions and data

There is no universally accepted definition of minorities but one that has received wide circulation was provided in 1977 by Francesco Capotorti, Special Rapporteur of the United Nations Sub-commission on Prevention of Discrimination and Protection of Minorities:

....a group numerically inferior to the rest of the population of a State, in a non-dominant ‘...whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and maintain, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language’ (OHCHR, 2010).

As this UN document the criteria for being a national of a country to be counted as a minority has been disputed, but the requirement to be non-dominant is paramount. Although the 2015 Bangladesh Constitution defines minorities in narrow numerical terms, for the purposes of this chapter the definition provided by the Rapporteur as well as the UN are used to consider the country’s ethnic, linguistic and religious minorities (Hindus, Christians and Muslims) who are in a non-dominant position.

The data/information presented in the report are primarily derived from national level surveys such as the various population censuses, the National Living Standards Survey, the Demographic and Health Survey, the Labour Force Survey and the Human Development Report to get the most recent available data on the economic, human development and political status of each group (*see Table 6*).

In analysing the status of different groups, the study also takes note of the intersectional discrimination that certain groups like Hindu Dalits within the larger groupings are faced with. Likewise, the analysis also seeks to underscore some of the challenges that Bangladesh faces in accommodating the demands of the various groups in a political and social context that is marked by diversity and pluralism. The paper, however, focuses on religious minorities while analysing ethnic minorities.

The paper also draws from available secondary sources such as the Internet and published books. Newspaper reports were also scanned. Human rights' activists and members of minority communities were interviewed. The lack of disaggregated data and explicit policies made it extremely difficult to come up with policy statements. The paper therefore is largely dependent on secondary sources and the personal opinions of the interviewees. Efforts, however, were made to retain objectivity by constantly referring to numbers, statements and laws where available.

Constitution and the Law

Constitutional Evolution

Nationalist zeal continued in the polity of Bangladesh after the independence. The constitution of 1972 ensured equal rights to all citizens of the country. The very idea of nationalism (Bengali), socialism, secularism and democracy were the basic foundations of the constitution. The first Constitution passed on November 4, 1972, seemed to have separated two prominent institutions called politics and religion. In doing that, the leaders of the country did not allow communalism to grow. The concentrated effort to abolish:

- a) political recognition of religion by the state,
- b) exploitation of religion for political purpose and
- c) discrimination on religious ground (Article 2 of the Bangladesh Constitution) were some of the significant achievements of the new state.

The very preamble of the Constitution emphasised secularism as one of the fundamental principles of state policy. It is obvious that Islam, or for that matter, any other religion, as an individual belief system

was not interfered with, but its political use and or abuse was barred. (Sammad, 1998)

The very idea of secularism, as promoted in the constitution of the country, came under review of the rulers in the course of time, as one looks at different amendments that took place. Secularism, as one of the four fundamental principles stated in Article 8 of the Constitution, was amended. The

Fifth Amendment of the constitution of 1979 was particularly significant in this regard as it legitimized the introduction of martial law after 1975. Under the rule of General Zia ur Rahman, parliament passed an amendment to the constitution that radically altered the position of secularism. This important change with special reference to secularism etc. was made during the time of the military rule of General Zia ur Rahman, founder of the Bangladesh Nationalist Party (BNP). With regard to the role of Islam, it was during this martial law period that secularism was removed from the Constitution as a fundamental principle. (Shahid, 2013) Right at the beginning of the constitution, even before the preamble, the amendment added the text “In the name of Allah, the beneficent, the merciful”. And in the preamble, the amendment replaced the word “secularism” with the words “absolute faith and trust in almighty Allah”. (Bergman, 2016) Thus, in short, religious neutrality and non-communal principles, prerequisite for any secular country, of Bangladesh constitution were abandoned through the Fifth Amendment. Military ruler Zia ur Rahman was assassinated in 1981. In 1982, another military ruler called Lieutenant General Hussain Muhammad Ershad came to power. It was only in 1988, Ershad-controlled parliament passed the Eight Amendment in an apparent attempt to declare Islam as the state-religion. Introduction of Section 2A to the constitution now stated: “The state religion of the republic is Islam, but other religions may be practiced in peace and harmony in the Republic.” (Bergman, 2013)

Table 6. Summary survey of data on minority rights

Rights	Type	Source	Availability
Life and Security	Hate motivated (mass or single) violence	Qualitative research studies	Available for minorities
	Rape/crimes against women	-	-
	Crimes against Dalits/tribals	-	-
Socio-economic rights	Outcomes on education, health, employment, poverty, urbanization (poor land-holdings, higher migration, etc., leading to higher pace of urbanization among religious minorities)	-	Some available for religious minorities
	Provisioning: budgets, programmes	Govt. of Bangladesh.	Some reports available for minorities
Participation	Representation in governing institutions by gender and caste	Parliament, assemblies, media.	Some available by religious minorities
	Electoral participation		Available by religion
	Effective participation in decision making	Parliament and assembly debates	Some available for minorities
Identity & Culture	Implementation of freedom laws	Qualitative studies, media reports, some tracking by civil society	Available for minorities
	Working of personal laws, particularly for women	Qualitative studies and reports, media reports	Available For minorities
	Implementation of safeguards for linguistic minorities		Available By state

Bangladesh's constitutions and international standards

This section examines the sources of human rights, the rights of individuals, the duties of the state and the mechanisms of protection.

Life and security

Constitutional and legal provisions

'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Nothing in this article shall prevent the State from making special provision in favour of women and children or for the advancement of any backward section of citizen,'(Articles 28[1]& 28[4], the Constitution of the People's Republic of Bangladesh.

The Bangladesh Penal Code 1860 prescribed punishment for the following offences against women:

- kidnapping or abducting any woman with intent that she may be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse (Section 366);
- inducing any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be forced or seduced to illicit intercourse with another person (Section 366A);
- importing into Bangladesh from any country outside Bangladesh any girl under the age of twenty-one years with intent that she may be forced or seduced to illicit intercourse with another person (Section 366B);
- selling, letting to hire, buying or hiring any person under the age of (Benchmark, 30) eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution of illicit intercourse with any person or for any unlawful and immoral purpose (Section. 372 and 373); and committing rape (Section 376).

The Domestic Violence (Prevention and Protection) Act 2010 was passed for establishing equal rights for women and children and for ensuring protection of women and children from family violence.

The Prevention and Suppression of Human Trafficking Act 2012 prescribes measures to prevent trafficking of women and children. No mention is made of caste or Dalit women in the act.

The Mobile Court Act 2009 gave the executive magistrate the power to take steps by linking Section 509 of the Bangladesh Penal Code in the schedule of Mobile Court Act to resist and prevent eve teasing and sexual harassment of girls and women.

Everyone has the right to enjoy the protection of the law and to be treated in accordance with law and only in accordance with law. In particular, no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law (Article 31, Constitution of Bangladesh).

Status of implementation of rights

The formal justice system in Bangladesh is characteristically pro-rich, bureaucratic and hard to access. Law enforcement agencies are also not easily accessible to poor and marginalized people. For example, a 12-year-old Dalit girl was raped and murdered on 28 June 2013 in Pirojpur Sadar district.

The victim's family filed a case in the local police station but the police did not take action against the accused. One of the suspects was arrested ten months after the incident; he was released on bail. No charges were filed against the accused for a year. Moreover, the victim's family is under continuous threats by the accused since the perpetrators are relatives of an influential local political leader.

Farzana and Nasir (2008) conducted a study on the Dalits in Dhaka city. In their report, they state that almost all the respondents (52 women were interviewed under the study) alleged that they had not received fair judgments in any salish (mediation) session. Mediators are generally from the dominant middle class Bengali community who, they alleged, never play an objective or neutral role. Dalits do not see the possibility of a fair judgment when the allegation is against a Bengali. This is why many Dalit victims do not complain against the wrongs done to them by dominant Bengali people.

The mediators are non-Dalits and they often take bribes from the offenders to pronounce judgments in unfair ways.

Whilst there is a functioning criminal justice system, the effectiveness and conduct of the police varies. In some instances the local police and enforcement agencies have failed to effectively protect religious minorities from communal violence. Whilst legal protections for religious freedom are generally enforced, prosecutions are brought for violations of religious freedom and legal protections exist to address discrimination or persecution by

private individuals, authorities implemented some restrictive laws and did not always efficiently or effectively prosecute those who attacked religious minorities. Effective state protection is in general available for members of religious minority groups. However, decision makers must assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future for that individual in that particular locality (UKHO, 2016).

Threats to minorities

There are many instances of minorities being suppressed in Bangladesh. Instances of societal discrimination, harassment, intimidation and occasional violence against religious communities persist although many government and civil society leaders claim that these acts have political or economic motivations and should not be attributed wholly to religious beliefs or affiliations (UKHO, 2016). Armed conflict and human rights violations including forced evictions and government policies discriminating against religious minorities have displaced tens of thousands of people in Bangladesh. The armed conflict in CHT in South-east Bangladesh broke out in 1973 when the central government rejected demands by indigenous groups for constitutional protection and recognition as a separate community within the new state of Bangladesh (IDMC, 2009). The relocation of 400,000 Bengali settlers from the plains to CHT also fuelled the conflict. In 2000 at least 60,000 indigenous people were estimated to have been internally displaced during the conflict, while around 60,000 fled to India. In the same year the government estimated that 500,000 indigenous people and settlers had been displaced. The conflict ended officially through a peace accord in 1997, but many of its causes have persisted: the accord has never been fully implemented and many of the displaced remain without a durable solution. Bengali settlement in CHT has continued though on a smaller scale, and indigenous people continue to be forcibly

displaced from their land due to evictions by authorities, or by settlers with the knowledge or direct support of the army (IDMC, 2009).

Religious minorities outside CHT have also been displaced as a result of discrimination or communal violence (IDMC, 2009). Incidents of land grabbing, intimidation, extortion and various kinds of illegal activities, including attacks on members of religious minority communities and also on their places of worship continue. Such incidents occur because no justice was given in similar incidents in the past and also due to the politicization of these incidents. For instance, in the early morning of 3 March 2016 unidentified criminals vandalized an effigy of Radha-Krishna by entering the Dasbari Sree Sree Hari Mandir (Hindu temple) after breaking its locks in Titarkandi village under Maltab Upazila in Chandpur district (The Daily Prothom Alo, 2016). On 11 March 2016, about 50 men led by Shourav, the son of an Awami League-nominated UP Chairman candidate Abul Kalam Azad, vandalized and set fire to electoral camps of his rival candidate Nurul Islam Jewel in Patra village in Chakundia Union under Khalijuari Upazila in Netrokona district as he was contesting as a rebel candidate of the Awami League. In retaliation, supporters of Nurul Islam Jewel, who is also the Upazila unit Awami League's Organizing Secretary, attacked Hindu homes belonging to Sotesh Sarkar, Deepak Sarkar, Debal Sarkar and Sanchalata Debi in Patravillage. The attackers also vandalized the Hindu temple, Kali Mandir (The Daily Naya Diganta, 2016; Odhikar 2016a: 14-15).

At a press conference on 22 April 2016, the Hindu-Buddha-Christian Oikya Parishad (The Hindu-Buddhist-Christian Unity Council) alleged that the human rights situation for citizens belonging to minority communities was deplorable. The organization stated that incidents of violence against minority communities had tripled in the first three months of 2016 as compared to the whole of 2015 (The Daily Manabzamin, 2016). On 14 May 2016, the body of 70-year old Buddhist monk Dhamma Wasa was recovered from a monastery in Chakpara village in Baishbari Union, under Naikkhongchhori Upazila in Bandarban district. Criminals had stabbed him to death with sharp weapons (The Daily Naya Diganta, 2016). The police arrested Hlamong Chak of the Chak community and two Rohingya refugees for the murder (The Daily Jugantor, 2016). Human rights body Odhikar which condemned the incident also expressed grave concern over incidents of land grabbing, intimidation, extortion and attacks on members of religious minority communities and on their places of worship (Odhikar, 2016c: 21-22).

Structural Conditions That Impact Minority Rights

The state's indifference towards the violence committed against minorities is making things worse in Bangladesh. There has been no action on newspaper reports published against incumbent ministers, members of Parliament, representatives of the people or their sidekicks; instead the victims have been harassed. Irrespective of the political party in power, there is visible inaction in all the parties on the issue of violence perpetrated against the minorities (Porishod Barta, 2001: 5).

In more than 40 electoral constituencies in Bangladesh minority voters can influence the elections. It was reported that workers of a four-party right wing alliance attacked the minorities, especially Hindus to prevent them from casting their votes in the last general elections in 2014. The general perception is that the minorities generally cast their votes in favour of a party that seems to uphold secular values.

Issues of security and peace among the minorities

In the very early years of Bangladesh's independence, policymakers tried to construct a secular country. So they kept secularism as one of the four main pillars in the Constitution. However, the rulers changed the Constitution and turned its non-communal ideology into a more communal strain. As a result, the minorities became vulnerable. Although Bangladesh's Constitution gives every citizen equal treatment before the law and ensures their protection under Article 27, and the country is also party to the International Covenant on Civil and Political Rights, which ensures freedom of religion, violent assaults on religious minorities are often not investigated or prosecuted (IRIN News, 2014).

Socioeconomic deprivations and the question of discrimination

Constitutional provisions and programmes

Article 29 (1 and 2) of the Constitution states that ‘there shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic. No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for or discriminated against in respect of, any employment or office in the service of the Republic.’

While the Government of Bangladesh does not make specific reference to the situation of Dalits in its National Strategy for Accelerated Poverty Reduction (NSAPR) 2009-2011, prepared by the Planning Commission it recognizes the pattern of discrimination against occupational groups related to caste systems. The strategy indicates the need to understand the situation of these groups and to promote targeted policies aimed at improving their living conditions. It also mentions the promotion of decent employment. It admits that the government needs to develop a comprehensive policy agenda for these groups but due to lack of information and segregated data no specific policy measures have been taken in addressing their problems. (Planning Commission, 2008)

The Bangladesh government does not actively promote any scheme or policy aimed at ensuring equality in employment in general, nor specific employment schemes and programmes for the most marginalized and excluded people. NSAPR-2009-11 talks about promoting decent employment, but there it does not mention any arrangement for alternative occupations.

Article 15(b) of the Constitution of Bangladesh states, ‘It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work.’

Article 20 states, 'Work is a right, a duty and a matter of honour for every citizen who is capable of working and everyone shall be paid for her/ his work on the basis of the principle "from each according to her/his abilities, to each according to her/his work". The State shall endeavour to create conditions in which, as a general principle, persons shall not be able to enjoy unearned incomes, and in which human labour in every form, intellectual and physical, shall become a fuller expression of creative endeavour and of the human personality.'

Article 40 states, 'Subject to any restrictions imposed by law, every citizen possessing such qualifications, if any, as may be prescribed by law in relation to his profession, occupation, trade or business shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business.'

Article 15(a) says, 'It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people with a view to securing to its citizens the provision of the basic necessities of life, including food, clothing, shelter, education and medical care.'

Article 28(1): 'The state shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth.'

Article 42(1): 'Subject to any restrictions imposed by law, every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property, and no property shall be compulsorily acquired, nationalized or requisitioned save by authority of law.'

The Vested Property Act 1965 (then Enemy Property Act) made ownership of land by Hindu minorities in the country, including Dalits, more complicated. It gave the government the right to administer land formerly known as 'enemy property', which was confiscated from Hindus after the formation of East Pakistan (present day Bangladesh) in 1947. This act was repealed in 2001 and now the Vested Properties Return Act 2001 is in force, under which Hindus can seek the return of land confiscated from them by the government or by individuals.

Article 28 (3): 'No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institute.'

Article 17(a):‘The State shall adopt effective measures for the purpose of establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law.’

Article 17:‘The State shall adopt effective measures for the purpose of establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; developing education that is consistent with the needs of society and to create a citizenry, educated and motivated to fulfill those needs; and eliminating illiteracy within a timetable determined by law.’

Status of implementation of rights

In Bangladesh there has never been any law that specifically refers to ‘caste based discrimination’ or to ‘caste segregation’ in employment. Caste affected communities in Bangladesh have been going through a serious transition in recent years as they neither have guaranteed scope for work in relation to their ‘customary’ occupations, nor are they able to access the formal labour market. On the one hand, since traditional caste-based occupations are mostly informal in nature, they do not receive the benefits of existing laws

and acts formulated with regard to formal jobs. On the other hand, they are not treated as fully ‘formal’ employees even when they are employed as sweepers and cleaners in city/ municipal corporations or other autonomous bodies. In most cases they do not have any collective association or union to negotiate their rights and claims. They are also not aware of their legal entitlements. Employers take advantage of Dalits’ ignorance and disorganization and exploit them with low wages or no wages. The workplace environment and occupational safety related problems cause immense suffering for

Dalit workers in diverse, yet unacknowledged, ways. For instance, Dalit tea garden workers are deprived of work entitlements that different laws have given them from time to time. They are subject to both direct and indirect deprivations, and continue to work in poor working and living conditions.

Despite efforts on the part of human rights activists and campaigners, manual scavenging is yet to be legally stopped. Other unhealthy working conditions continue to persist despite Bangladesh being a signatory to relevant international conventions.

Poverty

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

Discrimination also surfaces while Dalits try to access special ponds or lakes in villages. Another acute problem that Dalits across the country face is that they live with 'food insecurity'. Both Hindu and Muslim Dalits report discrimination to different degrees from non-Dalits while sharing food/tea in the same plates/cups/utensils with them. Since these groups are seen as 'dirty', the perception also is that their touch also makes things 'dirty' and as a result, they need to wash whatever they use to make it 'pure'.

Education

Minorities within a modern state are constantly subject to attempts by the state machinery to homogenize the population via language, culture and education. This not only reduces, distorts and thereby marginalizes minority communities but it also creates the 'other', the subjugated subordinate minority. In this endeavour, culture, language and education come to play hegemonic roles.

During the Pakistan period Islamiyat or religious education was made a compulsory subject in the primary and middle stages (Classes 6 to 8). After independence the Education Ministry continued with the same policy. The Mujib government, however, set up an Education Commission in 1972, which submitted its interim report in May 1973. The

commission recommended the separation of religion from education. Public opinion on the subject was sought through questionnaires. The answers showed that secular education was acceptable to about 21 per cent of the most educated section of Bangladesh, while 74.69 per cent said that religious education should be an integral part of general education. The commission's recommendations could not be implemented.

Following Mujib's assassination, education acquired an overt Islamic orientation. Islamiyat was introduced in Classes 1 to 8 as a compulsory paper for Muslim students only and in Classes 9 and 10 as an elective subject. Apart from Islamiyat, children from other religious communities were given the right to be taught their own religion. However, some of them alleged that many government-employed religious teachers for minority religious groups were neither members of the religion they taught nor qualified to teach it. The government also introduced an Imam (Muslim religious teacher) Training programme in 1979. Zia emphasized the need for religious education when he said: '... A Muslim has to live his/her personal, social, economic and international life in accordance with Islam from childhood to death' (Talukdar, 1990: 70).

The regime of H.M. Ershad (Army Chief of Staff who assumed power in a bloodless coup in 1982) furthered this process. In 1983 he wanted to introduce Arabic as a compulsory subject but failed due to opposition from students and political parties. He, however, succeeded in encouraging madrassa (Islamic school) education and put it on par with the corresponding level of general education. Today, there are an estimated 64,000 madrassas in Bangladesh, divided into two categories: The Aliya madrassas are run with government support and control. The Government of Bangladesh pays 80 per cent of the salaries of their teachers and administrators as well as a considerable portion of their development expenditure. The 2000–01 budget, for example, allocated taka 4.91 billion for salary support to non-government madrassas. The government also allocated considerable funds for the construction of 1,741 new madrassas in the private sector.

Successive governments have encouraged the growth of madrassa education in the country. Over the last two decades, revenue expenditure per madrassa student was much more than for the students in secondary high schools. The number of madrassas in Bangladesh is increasing at a fast pace and so is the number of students. According to government

published sources Bangladesh Bureau of Educational Information and Statistics (BANBEIS), during 1980-2000, the number of registered junior and high madrassas increased by 271 per cent compared to a 185 per cent growth in secondary schools. During the same period, the number of students in junior and high madrassas increased by 818 per cent compared to an only 317 per cent growth in secondary school students. Today, 30 per cent of all secondary level students are from madrassas and they are catching up fast.

These statistics do not include thousands of unregistered Qawmi madrassas all over the country.

Aliya students study for 15-16 years and are taught Arabic, religious theory and other Islamic subjects as well as English, mathematics, science and history. They prepare themselves for employment in government service, or for jobs in the private sector like any other college or university student. 'A recent survey found that 32 per cent of Bangladesh university teachers in the humanities and social sciences were graduates of Aliya madrassas.' However, the Qawmi madrassas remain outside the purview of the Bangladesh Madrassa Education Board (Ahmad). There are three basic characteristics of Qawmi madrassas:

1. They follow the dars-I Nizami system or a modified version of it,
2. They use a subject-based system rather than a grade-based system and therefore there is no clear 'time-sequence' attached to the education, and
3. Since Qawmi madrassas are privately owned, there is a tendency to depend on local charity, commercial ventures, the Bangladeshi diaspora and Muslim foundations based in the Middle East for funding.

The impact of these characteristics is critical as the students of Qawmi madrassas end up acquiring an education with a minimum level of quality and almost zero prospects in the job market.

While singling out the madrassas would be as wrong as putting the blame on unemployed Muslims for terrorism, it should be noted that education in Bangladesh (in madrassas), particularly for Muslims has become a breeding ground for Islamic militancy and fundamentalism.

Students coming from all shades of education - modern secular, Aliya madrassas or Qawmi madrassas- have fallen prey to fundamentalist ideologies and some are involved in violent activities, possibly with some difference in the number and degree of participation. But that 'Islamic' militancy in Bangladesh is informed by a precise, if not distorted, understanding of Islam remains apparent from the targets of bomb attacks. These targets include religious shrines, public gatherings mainly for entertainment and non-Sunni Ahmadis. One cannot also rule out the Wahabi connection in reproducing militancy in Bangladesh. One report indicates that some of the Islamic militant groups aided by Indian, Pakistani and Afghan Muslims, also received funds from the Middle East including Saudi Arabia, to carry out their activities. This provides a direct linkage between the Wahabization of Bangladesh and the concurrent reproduction of intolerance.

Higher educational institutions do not have separate departments catering to the religions of minority communities but in the University of Dhaka subjects like Islamic Studies & History of Islam are taught.

The other area of bias in education is the curriculum. For instance, the Department of World Religions in Dhaka University has a course on History of Islam whereas the histories of other religions are not included. Similarly, if we see the number of students and teachers of religious minorities in the top universities in Bangladesh, the scenario is quite pitiable (*see Table 7*).

Recently Education Minister Nurul Islam Nahid said that the government would formulate the National Education Policy (NEP) based on the Qudrat-e-Khuda Education Commission's report of 1974 so that a secular and science-based education system can be introduced; the report of the Qudrat-e-Khuda Commission will be slightly modified to make the policy appropriate for the country's existing education system. In view of an increase in religio-centred militancy and the allegations that these institutions are associated with it the government constituted a committee to recommend reforms in their curricula so as to make it job-oriented and also to monitor their activities. [SAHR, 2010: Page 26, paragraph 1) The Qudrat-e-Khuda Education Commission was formed in 1972 and was headed by leading educationist and scientist Dr Qudrat-e-Khuda. The commission

Table 7. Number of non-Muslim teachers and students in higher studies

University	Non-Muslim Students	Total students	Non-Muslim Teachers	Total Teachers
Dhaka University	2,498	50,713	76 (Arts faculty total-45, Science faculty-8, Law faculty-1, Business faculty-110, Social science faculty-5, Bio-science faculty-9)	1,245 (Arts faculty total-326, Science faculty-161, Law faculty-37, Business faculty-174, Social science faculty-269, Bio-science faculty-278)
Jahangirnagar University	722 (Hindu-673, Buddhist- 32 Christian-17)	-	28 (Hindu-26, Christian -2) (Arts & Humanities-4, Mathematics & Physical Science-16, Social Science-5, Biological Science-3)	472
Bangladesh University of Engineering and Technology (BUET)	-	-	34	429

submitted its report to the then Sheikh Mujib government in May 1974. The commission suggested some major changes in the primary, secondary and higher secondary education levels.

There has been only one Hindu Vice Chancellor in the history of Bangladesh.² Apart from the Vice Chancellor, the government also appoints the Pro-Vice Chancellor of a university. Not a single Hindu has been appointed to this position although there are many distinguished Hindu academics. However, the present AL government has appointed Professor Pran Gopal, a member of the Hindu community, as a Vice Chancellor of Bangabandhu Sheikh Mujib Medical University (BSSMU). There are allegations of Authorities however refuted the allegations and suggested that there were channels to complain but the students felt that the teachers were very powerful and there was no point in complaining as they do not expect any justice.

² Based on interviews of medical college students. These interviews were done over a number of years, beginning in early 2000 till 2007 as part of the author's research on politics. Students alleged that they were asked odd questions about their religion in viva boards.

discrimination in awarding scholarships and enrolments against Hindus in medical institutions. In a survey carried out in December 2008 among 1,400 members of the Hindu community on discrimination in academic institutions on account of their religious identities, 37.2 per cent answered in the affirmative while 33.8 per cent said that at times they had felt discrimination. (SAHR, 2010: page 26)

Employment

It has been observed earlier that a system of silent discrimination is prevalent in the service sector. A major reason for this is the lack of inter-community trust, which again is not only a consequence of historical factors but also of the twists and turns of state politics. A survey carried out among 1,447 members of the Hindu community in December 2008 found that 75 per cent of the participants were not confident about undertaking large investments in the country; 48.6 per cent responded that they faced problems in their businesses because of their minority status. More alarmingly, 45.2 per cent said that because of their religious identity they faced problems in procuring loans for business purposes on a regular basis and 31.2 per cent said that they faced this problem occasionally.

Insecurity among religious minorities prevents them from undertaking investment ventures. Investments are confined to the majority community. This hinders upward economic mobility of religious minorities; consequently, they remain marginalized and dependent. Difficulties in getting loans just on the basis of one's religious identity makes mockery of the concept of democracy and the principle of equality enshrined in the Constitution (SAHR, 2010: page 27).

Right to Land and Property

The Home Ministry issued a circular to banks during the Bangladesh Nationalist Party (BNP) regime in the early 1990s cautioning them against providing loans to Hindus on the ground that they might leave the country and settle in India after acquiring the loans. The Hindu community has been denied the right to property, which is a fundamental right guaranteed in the Constitution. This is the most significant source of their discrimination and insecurity in Bangladesh. Pakistan had formulated some specific laws that marginalized the Hindus in a systemic way and was a major source of their insecurity. Ironically these laws were later inherited and retained by Bangladesh. Consequently, the Hindu community in Bangladesh feels economically and politically marginalized.

Profile of a vulnerable minority:

Tea estate workers

One of the few industries that Bangladesh as a country can be proud of is her tea industry. The Bangladesh tea industry contributes 2 per cent to the world's tea production and accounts for around 3 per cent of the world's tea exports (Sabur et al., 2000). A significant section of about 4 lakh people live on the plantations in Bangladesh. This sector accounts for nearly 3.3 per cent of the total industrial employment in the country. In 2012, Bangladesh recorded its highest production of tea at 63.85 million kilograms. But the pathetic conditions of the workers in the Bangladesh tea industry continue to be a point of discussion among civil society, tea workers' unions and academicians.

Historical background

Tea, as a cash crop and subsequently as an industry, became part of today's Bangladesh during the time of the colonial government. Work on a tea plantation was arduous and needed manual labour. However, a majority of the colonial Bengal's labour force was engaged in agriculture. To meet the new demand of tea plantations the colonial British government deployed indentured immigrants. Tea plantation workers were brought primarily from the backward and tribal areas of central India and the states of Bengal, Bihar, Odisha and Madhya Pradesh. The current workforce in the tea plantation industry in Bangladesh is the fourth generation of those tribal and Dalit immigrants. Unfortunately, the workers on these tea estates continue to be treated much like slaves. *Dhaka Tribune* (2014) observed the following:

These people are basically trapped into the social stigma which they inherited from their ancestors and living an inhumane life which is no less than an animal. Even their basic necessities are not properly ensured although they are living within the territory of Bangladesh. Very sadly, these poor people lack their basic rights.

The social discrimination between the officers and managers on the one hand and the workers on the other appears to be suggestive of

... contd. ...

A separate act was passed to vest property with the government under the Enemy Property Act. Known as the Vested Property Act (VPA), this is the main cause of economic marginalization of the Hindu community. It has its origins in a number of laws and by-laws promulgated by Pakistani authorities. These originated in the East Bengal (Emergency) Requisition of Property Act (Act XIII of 1948). After independence in 1947 the then provincial government was faced with an abrupt and acute problem of accommodation for the numerous government offices and public servants. Under these circumstances the act was passed for a period of three years and gave the government the power to acquire either on a temporary or a permanent basis any property that it considered needful for the administration of the state (Barkat and Shafiquzzaman, 1997; Nahar, 1994).

Hindu members of the East Bengal Assembly opposed the bill on the grounds that it would make the properties of the Hindu community more prone to acquisition. Their apprehensions turned out to be true. The proceedings of the East Bengal Assembly of 1951 show, that the VPA was widely used against religious minorities.

VPA has been one of the major sources of economic insecurity for Hindus. Due to the joint ownership property concept of the Hindus many of them have been dispossessed of their property; the Hindus regarded it as a 'Black' law, which not only marginalized them economically, but also turned them into second-class citizens. It was considered a major cause of their migration. The estimated size of such migration during 1964-91 was 5.3 million, or 538 persons each day with as high as 703 persons per day during 1964-71.

It has been alleged that VPA discouraged the minority community from acquiring new land and it was also compelled to sell off property at cheap prices. The procedure of declaring minority-owned land as enemy or abandoned property was also carried out through fraudulent practices. Government documents also substantiate these allegations. According to one estimate one million acres of land belonging to the minority community out of a total arable land of 21 million was transferred from minority owners to dominant sections of society. A study has estimated the violations of Hindu property rights due to the Vested Property Act as:

- Approximately a million Hindu households (40 per cent) were deprived of over 1.64 million acres of landed property, which is 53

...Profile of a vulnerable minority continued ...

the larger question of power and rights. Francis Rolt, a British writing in 1991, commented ‘the tea gardens are managed as an extreme hierarchy: the managers live like gods, distant, unapproachable, and incomprehensible. Some even begin to believe that they are gods, that they can do exactly what they like.’ In another vivid description, British human rights activist Dan Jones observed in 1986 that the ‘Managers have anything up to a dozen laborers as their personal, domestic servants. They are made to tie the managers shoe lace, to remind them that they are under managerial control and that they are bound to do whatever they are asked’ (The Daily Star, 2009).

There are a little more than 163 tea estates in Bangladesh. Interestingly, because of its geographical position, the north-eastern region of the country is home to a majority of the tea estates. Tea plantations in Bangladesh are concentrated in the hilly zones that include places like Sylhet, Maulovibazar, Habiganj, Brahmanbaria and Chittagong. Like other third world countries, the tea estates in Bangladesh are owned by a host of both foreign and local companies. All the 163 tea estates are managed by different companies including Sterling Companies, the National Tea Company, Bangladesh Tea Board, Bangladeshi Private Limited Companies, Bangladeshi Proprietors, James Finlay, Duncan Brothers, Deundi Tea Company and the New Sylhet Tea Estate. While four Sterling companies own 27 estates (a little more than 20 per cent of the gardens), Bangladeshi companies and individual entrepreneurs own the rest of the tea gardens.

It is unfortunate that tea plantation workers have a life of hard labour and most of the time their labour does not bring them a life of satisfaction and comfort. Illiterate and unaware of their rights, the workers suffer for generations. Poor housing conditions, abysmally low wages, strikingly long working hours and social discrimination deprive them of many basic human needs and rights (Newage, 2014). A recent study shows that the average monthly income of a worker in the tea industry in Sylhet was around 1,340 takas (Ahmad et al., 2015). This amount is not sufficient for a worker’s family to live a decent life in contemporary Bangladesh. Another report shows that it was only in 2008 that the wage was increased to 69 takas from 30 takas. After that in 2014, tea garden workers in Sylhet district called

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per cent of the land owned by Hindu households. This included 81.7 per cent agricultural land, 10 per cent homestead land, 1.74 per cent garden land, 2.4 per cent ponds, 0.68 per cent fallow land and the rest was 3.4 per cent.

- About 60 per cent of the total incidents of dispossession and 75 per cent of the total land lost took place between 1965 and 1971. The intensity of dispossession increased after the military takeover in 1975.
- In 56 per cent of the affected families, at least one of the successors had either died or migrated.
- None of those who had appropriated property at that time belonged to the poorer class.
- Approximately 44 per cent of the persons who had appropriated property of the minority community belonged to the Muslim League, 20 per cent to BNP, 17 per cent to the AL, 5 per cent to the Jatiyo Party and 1 per cent to JeI. In 1995, 72 and 11 per cent of those who appropriated Hindu property belonged to BNP and AL respectively; while in 1997 an equal number (44 per cent each) from AL and right wing parties were involved in appropriating Hindu property.

In this respect the collusion of interests (though otherwise totally absent on core national issues) between the political parties – and more specifically the two major ones – is remarkable.

ASK's 2007 Human Rights report states that in 2006 Muslim individuals seized 54 Hindu-owned land pockets and there were 43 attacks on Hindu temples by Muslims. VPA's implicit presumption that Hindus do not really belong in Bangladesh contributes to the perception that Hindu-owned property can be seized with impunity. By using this act, interest groups from the political party in power and others continue to confiscate properties belonging to the minority Hindu community, and often do so with the complicity of the authorities and influential persons. VPA represents a major source of insecurity for Hindus and is a source of violation of their human rights.

In a move to resolve the issue of land loss, in 2008 the government drafted a new law 'Vested Property Examination and Resolution Amendment Bill'. Subsequently, an amendment was made to it in 2013. Since most vesting is with the active collusion of the Upazila and other land offices, the officials concerned need proper orientation to deal with the issue.

...Profile of a vulnerable minority continued ...

for a four-month strike demanding a hike in minimum wages which government agencies and private players (owners of the tea gardens), did not agree to. Instead, the authorities and the management showed complete apathy towards the workers. In the absence of any government support or intervention to help increase the minimum wages it is surprising that the owners wanted increased productivity from the labour. Thus, 45-year-old tea worker Fazr Ali lamented: 'How can the owners and management increase production without improve the lives of the workers?' Dissatisfaction over the issue of wages was extensive in the labour lines in tea producing districts in Bangladesh. On another occasion, 43-year-old Annoda Baraik of Kalagool tea garden commented: 'How can we survive with a daily wage of Taka 69 at a time of inflation?'

The struggle, led by different tea workers' unions, has come under tremendous state repression. Workers and officials of the Burjan Tea Estates referred to 20 such cases which were filed against protesting leaders of Sylhet's Bangladesh Trade Union Sangha in an attempt to launch a blatant assault on the movement (Newage, 2014).

Ray of hope

However, in the middle of these depressing stories, there are reasons to be hopeful. The continuous struggle of the workers had paid off, as the daily wages of the tea estate workers were increased in 2015 from taka 69 to taka 85. Although far from adequate to maintain a decent life, but the increase is a positive development. Now several thousand tea workers in Maulovibazar are engaged in another movement to demand the realization of increased payments (The Daily Star, 2016).

Illiteracy and poverty seem to go hand in hand in the labour lines on tea estates. The workers are illiterate and this has been the case for generations. One of the reasons for this is the lack of well-maintained schools in the area. Further, the impoverished conditions of the workers make life for their children even more difficult. As a consequence, workers' children start earning early. In the end, it is seen that the children of tea plantation workers become the same as their parents. Any state sponsored effort to promote vocational

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Effective participation

Status of implementation of rights

Public Representation of Minorities

For the purpose of this chapter the public domain is inclusive not only of the legislature but also the government administrative sector. These are domains of major exclusions and inclusions. It is important to note that policy guidelines may not be reflective of the actual situation. It is well-known that policies are often couched in the most equitable terms; what is critical is examining the system and the politics of the system to see if these provide the space for the stated policies to be translated into practice.

The Bangladesh Constitution provides equal rights to all citizens irrespective of religion, sex, caste or place of birth. But the system itself allows for inequities to creep in. For instance, the institution of majoritarian democracy does not leave much voice for the religious minorities in the national Parliament, the emblem of people's power and representation. It is understandable that within the present parameters of the Bangladesh electoral system and the state of polarized politics, in the absence of any affirmative action there is hardly any scope for a meaningful representation of the minorities in Parliament. The Parliament is a 300-member body. To ensure women's representation in Parliament the 1972 Constitution reserved 15 seats for ten years to be nominated by elected members of Parliament. In the second Parliament in 1979 the reserved seats for women was increased from 15 to 30. This provision expired in 1991. Later the number of reserved seats for women was increased to 45 (*see Table 8*).

Among the women nominated members in 1973 there was only one woman from the minorities nominated by AL; in 1986 one minority woman member was nominated by the Jatiyo Party; in 1991 the BNP nominated one minority woman; in 1996 AL nominated two minority women while the BNP nominated one; in 2008 AL nominated one minority woman. These numbers are dismal even within the nominated category, which itself is a minority category and the provision is there as affirmative action. Security and equality of minority communities does not depend only on the majority community's goodwill and safeguards ensured in the Constitution. Adequate representation of minority communities with their voices being effectively heard in the highest law making body of the country is one of the critical paths for confidence building among religious communities.

...Profile of a vulnerable minority continued ...

training for the children of labour lines is unknown. In the absence of any such facility, the children grow up knowing only one trade which is related to tea gardens and includes skills like weeding, cleaning, plucking, pruning and processing in a tea factory.

Ahmad et al.'s (2015) study on tea estate workers shows that most of the respondents were illiterate. Commenting on the lack of educational facilities, one respondent said: 'We are here for working and not for education, the authority was against educating us.' However, there is lack of educational facilities but not the complete absence of educational institutions. In fact, small sections of the people living in the labour lines have recently shown an interest in sending their children to nearby schools, the study indicates. But their educational status is abysmally low as most of the people do not study beyond class five and dropout rates continue to be a problem that the state and civil society are yet to address.

As a tea worker a Bangladeshi citizen is ideally free to live anywhere in the country. But it is unfortunate that many of the tea workers are yet to come out of the tea gardens. Invisible social and economic chains tie them with the tea gardens/industry. Lack of any other skills might be a cause for their captive conditions within the tea industry. They face great difficulties in exploring livelihood options outside tea gardens. They also have limited scope to integrate with the people of the majority/other communities.

Poor housing

The wretched housing conditions in the labour line are a serious problem; they are also a source of many diseases among the workers. A study by Mahfuzul Haque (2013) found that the workers lived in dilapidated conditions: 'Houses are without repair for months. Big holes in the sun grass roof made their lives miserable during the monsoon.' It is the responsibility of a garden's authorities to provide housing for the workers in the labour line. However, many permanent workers do not have housing. In some cases, they live under the same roof with domestic cattle. While describing the living conditions in labour lines, one of the workers said: 'We live in place worse

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Table 8. Elected Religious Minority Representatives in Parliament

Year of election	Total Members in the Parliament	Minority members	Remarks
1 st Parliament, 1973	300 +15	12 (3.8 per cent)	
2 nd Parliament, 1979	300 +30	8 (2.48 per cent)	
3 rd Parliament, 1986	300 +30	7 (2.18 per cent)	
4 th Parliament, 1988	300 +30	4 (1.28 per cent)	
5 th Parliament, 1991	300 +30	11 (3.38 per cent)	
6 th Parliament, 1996 (15 th February)	300 +30		In this election no major political party except the Bangladesh Nationalist Party participated
7 th Parliament, 1996	300 +30	14 (4.28 per cent)	
8 th Parliament, 2001	300	8 (2.67 per cent)	
9 th Parliament, 2008	300+45	14 (4.67 per cent)	All (Hindus) were elected from the AL

Source: http://www.ecs.gov.bd/english/elec_par.php.

Minority representation in the various cabinets also echoes this. Here 1991 is taken as the baseline as Bangladesh has been holding parliamentary elections on a regular basis since then. In the 1991 cabinet formed by BNP, out of a 48-member cabinet only one member was from the minority community. In 1996 the AL regime had three minority members out of a cabinet of 51; in 2001 BNP had two minority members in a cabinet of 63. The 2009 AL cabinet of 35 members had three members from minority communities.

In the government service sector the situation is equally bad. Allegedly silent discrimination prevails there. Lock-offs start at the entry levels. Minorities complain that after passing civil service written examinations they are often dropped from consideration once their religious identity becomes known. The 24th Bangladesh Civil Service (BCS) Examination, 2005 is a good instance of this. BCS examinations are the entry point for individuals seeking government jobs. This is the executive body of the state. Selection boards for government services often lack minority representation. It has been alleged that non-Muslim candidates face uncomfortable questions and rude behaviour from board members of the Public Service Commission (PSC) in the viva voce. It has also been alleged that candidates who belong to the 'H Group' (Hindus) often hear remarks that they will ultimately settle in India so there was no point in selecting them. These remarks question their

...Profile of a vulnerable minority continued ...

than that of the officers' pets (at the estates). Many of us have only a thin jute mattress to sleep on' (Rasheeka, 2009). The tea workers do not have even basic sanitation facilities in their houses. A larger section of them go to the field for defecation.

No medical facilities

Tea plantation workers living on the margins of the social and economic hierarchy also do not receive proper medical treatment. No proper medical facilities exist in most of the gardens. In some gardens there are only paramedics. Women workers, who constitute around half the workforce are the worst affected. They enjoy maternity leave but the clinics lack proper facilities for deliveries. There are no scientific and modern delivery systems in many of the tea gardens. The workers also suffer from endemic dysentery, diarrhoea and hookworms, diseases caused by polluted water. Tuberculosis, leprosy and malaria are also common among tea plantation workers. Many newspaper articles have pointed out the issue of alcoholism, particularly among men. A locally brewed drink known as *haria* is often consumed by both adult and young workers, who are oblivious of its adverse effects on their health.

Hand pumps are the most common source of water supply in tea gardens. Generally, on average there is one hand pump for four to five families (Ahmad et al., 2013), which is a much higher ratio compared to the norms followed by the water supply programmes of the Government of Bangladesh. Further, the tea gardens mostly have shallow hand pumps. A study by Ahmad et al. (2015) showed that the tea workers were not aware of the need of using safe water. In another study, Haque (2013) saw a few tube wells some of which had been out of order for months. In such a situation, the workers were compelled to fetch water from the nearby *chhara* (canals), which is a source of water-borne diseases like dysentery, diarrhoea and worms.

A section of the scholars also report on the poor implementation of the Labour Act 2006, which contains special provisions for tea estate workers. Thus, lack of initiatives by the government and tea garden authorities for dealing with basic social issues related to decent

... contd. ...

personal integrity and sense of patriotism. More importantly they demonstrate the identity and form that the state is acquiring. According to a recent study the number of non-Muslim appointments (Hindus, Buddhists and Christians) in different public services was about 3,197 (10.45 per cent including 5 per cent tribal quota) (SAHR, 2010: page 17).

In the 27th BCS in 2008, out of the general cadre of 940, 68 individuals from religious minorities were selected (65 Hindus and three Buddhists); and in the health cadre out of 1,477, 90 members from religious communities were selected (81 Hindus, three Christians and six Buddhists) (*see Table 9*).

Other allegations include not giving assignments considered to be sensitive from a security point of view to those from minority communities. In the Foreign Service, there were only two members from the minority community who are now stationed in the Dhaka Headquarters. In the Bangladesh Army, there are a few non-Muslim commissioned officers, three of whom are of the rank of Major Generals: two Hindus and one Chakma. There are two to three Brigadier Generals in the Army Medical Corps and Army Education Corps. The Jatiyo Rakkhi Bahini, a para-military force formed by AL in the early 1970s and later disbanded after 1975 had a substantial number of soldiers from the Hindu community. They were later merged with the different units of the Bangladesh Army. It may be mentioned that the passing out oaths taken by the officers and soldiers are read out according to the religious scriptures of the individual concerned. In the absence of disaggregated data and extreme sensitivity of the issue it was not possible to collect information about their location and size within the armed forces.

In the public sector, one notable exception is the government-owned Bangladesh Bank, which employed approximately 10 per cent non-Muslims

Table 9. Representation of religious minorities in the 27th Bangladesh Civil Services Examinations

	General cadre	Health cadre
Hindu candidates	6.91%	5.48%
Buddhist candidates	0.32%	0.41%
Christian candidates	-	0.20%
Candidates from religious minorities	7.23%	6.09%

...Profile of a vulnerable minority continued ...

health facilities on tea estates, minimum educational opportunities and poor liveable housing conditions, have meant that millions of tea estate workers continue to suffer. Philip Gain, the Director of Society for Environment and Human Development (SEHD), commented:

The key questions to ponder: How longer will the tea communities stay confined to the labour lines? Will they continue to live as people without choice and entitlement to a land they have tilled for four generations? The employers probably want the status quo maintained for a steady supply of cheap labourers. But the tea communities, little more conscious now than before, want justice done to them. They want strategic services from the State and NGOs in the areas of education, nutrition and health, food security, water and sanitation, etc. They also want to see their languages, culture, and social identity protected (The Daily Star, 2009).

What is even more alarming is that the Bangladesh government, in its run-up to a typical post-colonial developmental agenda, is planning to set up a special economic zone (SEZ) on the rice farm of Habiganj tea estates. This land is important for the workers of the tea estate. One of the workers reported (*The Daily Star*, 2015): 'Our wage is so low that the food we get from the land helps us survive.' Ramesh Rajbanshi continued: 'If it is taken from us, we have nothing.' As a result of the proposed SEZ, about 16,000 tea workers on three tea estates in Habiganj face an uncertain future. December 2015 saw some spontaneous movement among the workers demanding the rolling back of the SEZ. The workers protested by chanting slogans like '*Amar Mati Amar Ma, Kerey Nitey Dibona*' (My land, my mother, we shall not let them snatch it away) (The Daily Star, 2015). Habiganj district authorities have already taken over about 512 acres in the Chandpur tea garden, thus delivering another blow to the workers. Thus, instead of saving the lives and security of tea garden workers, the state is promoting development that entails large-scale violence with displacement of the most deprived communities as its natural outcome.

in its upper ranks. Employees are not required to disclose their religion, but this can generally be determined by a person's name (SAHR, 2010: pages 15-18).

Electoral procedure and election-centred violence

The electoral system which was supposed to pave the way for a representative system where individuals irrespective of their ethnic or religious identities could exercise their rights as active citizens has ironically turned into a source of persecution of religious minorities. Democracy, a much laudable ideal and principle has in effect turned into an instrument of oppression of the minorities. Based on the principle of majority rule, politics has turned into a game of numbers. Individuals and communities instead of being viewed as human beings are looked upon as 'vote banks' by political parties.

Violence is inflicted upon them by political parties and their supporters in a bid to either 'win' over the 'vote banks' or stop them from exercising their voting rights through coercion and violence.

It has been argued that political behaviour and community size are highly significant in election results. In a first-past-the post British style parliamentary system, 30-35 per cent of the votes are enough to win a seat in a multi-cornered contest and 40 per cent votes can easily translate into 50-60 per cent legislative seats. Minorities constitute a little more than 11 per cent of the electorate in Bangladesh. In other words, they constitute more than 20 per cent of the electorate in 50 of the 300 parliamentary constituencies in the country. Moreover, in 197 constituencies minorities constitute 10-50 per cent of the electorate and in another six more than 50 per cent.

According to conventional wisdom the majority community does not vote as a bloc, but the minority does. This voting behaviour makes minorities an important factor in determining election results in nearly 20 per cent of the parliamentary constituencies. Purely in an electoral sense, the political system in Bangladesh gravitates towards the minorities to a certain extent. Therefore, its demographic composition is important. The higher the number of minorities in a constituency the greater will be the stake of political parties in the minority constituency.

The minorities, especially Hindus, became victims of majoritarian violence during the October 2001 parliamentary elections. The reasons for this violence were not limited to communal factors; there were

also other related factors like political and structural. The Hindus are regarded as AL's vote bank so they were targeted by BNP supporters and its alliance partners. In some instances, AL supporters had also attacked them thinking that the local Hindus did not vote for them as was expected of them. In some instances, terrorists took advantage of the situation and indulged in extortion and looting of property.

The violence started 15 days prior to the elections on 1 October and continued till about 27 October, which had an impact on Durga Puja, the most important religious festival of the Hindu community in Bengal. From a scanning of ten dailies (ProthomAlo, Jonokontho, Jugantor, Sangbad, Banglabazar, Inqilab, Dinkal, TheDaily Star, Ittefaq and BhorerKagoj) it can be observed that between 15 September to 27 October, 2001, about 330 reports of violence against the Hindu community were reported in these newspapers. These included cases of rape, killings, physical torture, plunder, damage to property, bomb throwing, arson and extortion.

After the 8th Parliamentary elections, AI reported in December 2001: 'Hindus in Bangladesh have tended to vote for the Awami League. They have therefore been the target of a political backlash by supporters of parties opposing the Awami League.' An Amnesty report added: 'Human rights organizations in Bangladesh believe over 100 women have been subjected to rape. Reports persistently allege that the perpetrators have been mainly members of the BNP and its coalition partner Jamaat-e-Islami.'

The intimidation of minorities, which had started before the elections became worse afterwards. The ASK petition of 2001 stated that 'since announcement of election schedule for the eighth parliament, religious minorities in the country had come under various threats, attacks and persecution. Their properties were looted and women and children were raped. Excepting a disciplinary action against a police superintendent in Bhola, and few arrests of alleged attackers in some places, the government so far took no measures to ensure safety of religious minorities.' (see Table 10)

Hindus were affected in 57 districts. The highest number of incidents was in Barisal (26), in Bagerhat (21 incidents), Bhola (17 incidents), Rajshahi (13) and Faridpur (12). The division-wise occurrence of violence is however a little different with the highest taking place in the Dhaka division (see Table 11).

Table 10. Incidents of violence against minorities in 2001

	Assault	Threat	Phys- ical torture	Looting	Break- ing/ Torching	Extor- tion	Explo- sions	Other	Total
15-30 Sept	21	52	24	11	19	11	4	22	164
1-15 Oct	38	42	41	37	54	21	3	10	246
16-27 Oct	32	16	29	39	57	0	2	13	188
Total	91	110	94	87	130	32	9	45	598

Table 11. Incidents of violence against minorities in 2001

Division	15-30 Sept	1-15 Oct	16-27 Oct	Total
Dhaka	20	34	29	83
Chittagong	18	17	11	46
Rajshahi	9	19	36	64
Khulna	20	26	21	67
Barisal	13	32	18	63
Sylhet	0	3	4	7
Total	80	131	119	330

Representation of minorities in public employment

In Bangladesh ‘affirmative action’ is not totally new and the debates and controversies that are prevalent at the national level with regard to the ‘quota system’ need to be linked with the condition of Dalit communities under-going caste-based discrimination.

In Bangladesh, the ‘quota system’ in civil services has been in force from 1972, but only in recent times has the system come under some scrutiny. The popular discourse that the country is ‘homogenous’ in its ethnic composition and that Bengali Muslims form an overwhelming majority of the people has played a role in shaping the policies in relation to the ‘quota system’. Most importantly, the system has never been subject to serious academic or policy debates. Instead, it has been seen as an ‘administrative’ issue that might require some technical refinement. An informed review of the system could bring certain issues like how the real ‘backward’, ‘non-advanced’ or

Good practice case study:
**Bangladesh Dalit and Excluded
 Rights Movement**

Like in many other countries in South Asia, Dalits in Bangladesh continue to experience discrimination. The country is home to approximately 5.5 million Dalits who are socially known as ‘untouchables’. Extreme poverty, social exclusion and lack of adequate representation in different decision making bodies are some of the problems that the Dalits continue to face. Mainstream political parties have never taken up the issue of inhuman social practices that Dalits suffer from in the country. One also does not come across many laws and social safety nets on the part of the state to protect the rights of the Dalit community. It is unfortunate that there was a dearth of even civil society efforts to safeguard Dalit interests till the beginning of the 21st century.

The beginnings

In 2002 the Dalit movement in its current form came into existence. The Bangladesh Dalit Human Rights (BDHR) organization was established in 2002 to engage with Dalit issues. A handful of organizations working with issues of the Dalit population also came up in the country at the beginning of the 21st century. But all these organizations were isolated and excluded. To bridge the gap between these organizations and to understand the Dalit situation in the country, in 2006 BDHR submitted a detailed report on the conditions of the Dalit population across the country to the United Nations Sub-Commission on the Promotion and Protection of Human Rights. This was, without much doubt, one of the early attempts by civil society organizations to study the issues of Dalit people in Bangladesh. In connection with this, a consultative meeting detailing the overall situation of Dalits in Bangladesh was held in October 2006. The meeting was organized by BDHR in collaboration with Nagorik Uddyog and the International Dalit Solidarity Network (IDSN). The meeting was marked by the presence of different activists working among Dalit groups and prominent human rights activists. The meeting gave the participants and activists a platform that had hitherto been absent to exchange their views on the possibility of forming a national level

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‘systematically excluded’ communities could be included through meaningful reform of the system to the surface. By means of such a review, Dalit communities will be able to make their claim to affirmative action that they also fundamentally deserve to ensure their representation in decision making.

Until now, the ‘quota system’ in the country has basically revolved around two categories of people – ‘freedom fighters’ and ‘women’. Arguments and controversies have also focused on these two groups of beneficiaries. However, the question as to how the quota system can be used more dynamically to support different ‘minority’, ‘marginal’ and ‘disadvantaged’ groups has never been systematically analysed by policymakers or civil society stakeholders. In 1985, and then in 1997, the quota system was revised and attained the shape that currently exists. (*See Table 12*)

Identity and culture

Legal and Constitutional Position

State of Urdu speakers

There were no expectations that the socioeconomic status of Biharis would drastically change after they were issued national identity cards and they became voters. Camp dwellers still face discrimination and have difficulties in getting passports, public service employment and trade licenses. Their

Table 12. Incidents of violence against minorities in 2001

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

Source: Yasmin, 2010: page 21.

...Good practice case study continued ...

network and launching a nation-wide movement to end the atrocities on Dalits. Finally, on 22 April 2008, at a national consultation organized by BDHR and Nagorik Uddyog, the national movement called the Bangladesh Dalit and Excluded Rights Movement (BDERM) was formed. (BDERM, 2011: 6).

BDERM is not merely a civil society organization, it exists as a movement of the Dalit population at the national level that attempts to combine and collate the work of different civil society organizations working on Dalit rights in Bangladesh. BDERM describes itself as ‘a National Platform, which launched campaign in 2008 against caste based discrimination through mobilizing Dalit community and rights activists’ (BDERM and NU, 2016: 85). The organic linkage between different civil society organizations and BDERM is the key factor in its success.

BDERM is associated with 34 civil society groups (BDERM and NU, 2016: 5). As a national level movement, BDERM is engaged in awareness raising, mobilization, capacity building and advocacy. BDERM works in approximately 50 districts in the country. Relentless work among the Dalit community across the country has also brought the organization international recognition as the movement is now a member of the International Dalit Solidarity Network (IDSN) and the Asian Dalit Rights Forum (ADRF) (BDERM and NU, 2016: 86).

BDERM’s objective is to lead a national campaign and initiate a movement from the grassroots through to national and international levels to help secure Dalit rights. In a broad sense, the goal of the movement is to build ‘an equal society by eliminating all forms of discrimination against Dalit and excluded communities on the basis of equality, dignity, prosperity and security’. BDERM is committed to achieving its goal through organizing different Dalit organizations and individuals. BDERM’s objectives are:

1. To build awareness among Dalit and Excluded community people on socio-economic, cultural, education and political rights.
2. To build public awareness against discrimination based on work and descent.

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camps are always under threat of eviction. The government has continuously violated their fundamental rights. The Urdu-speaking Bihari community does not yet have state recognition as a linguistic minority in Bangladesh.

Serious obstacles remain for those who want to access additional identity documents or related services. Many Biharis are unaware of courts judgment or details of the rights that they are entitled to. Those who want to use their national identity cards to access other documents and services – applying for a passport, seeking a trade license – are often not familiar with the administrative processes or requirements. Or worse, they may feel intimidated in government offices where they have to apply for such services; a challenge especially stark for women, who want birth certificates for their children but tend not to stray outside their camps into the city. Consequently, many camp dwellers do not even attempt to approach the government.

Camp dwellers who have sought government services have encountered problems such as corruption, discriminatory requirements, and in some cases, even denial of requests for documents due to their identity or camp address. Government records are critical for camp dwellers if they have to enjoy their rights as citizens when it comes to education, employment and the opportunity to travel abroad for education or work. The realization of these rights can ultimately help overcome poverty.

Many passport applications have been rejected because of lack of a residential address; a ‘camp address’ is considered an improper residential address. Governmental officials also say that they have written instructions not to issue passports to Biharis. However, even after obtaining an official document from the Home Ministry indicating that Biharis were entitled to get passports, some applicants still failed to have their passport applications approved. (Hussain, 2016)

Freedom of religion

Restrictions on freedom of religion

The Office of the United Nations High Commissioner for Human Rights’ (OHCHR), in its preliminary findings of a country report by Special Rapporteur on Freedom of Religion or Beliefs Heiner Bielefeldt on 9 September 2015, stated that:

One particularly atrocious crime is the abduction of people, mostly girls, with the purpose of forcing them to convert to another religion, while

...Good practice case study continued ...

3. To make the policy makers sensitive and responsible both government and non-government level to the rights of Dalit and Excluded community people and take initiative.
4. To ensure access of Dalit and Excluded to development process and basic service provision.
5. To establish network harmony and communication in regional and international level.
6. To strengthening capacity of Dalit run organizations and play a catalytic role for internal communication among Dalit groups.

As a social movement and a strong platform for ensuring Dalit rights in the country, the movement has grown bigger since its inception. One of its important achievements is recognizing and bringing to the surface Dalit issues in the country. This seems to have led the state to come out of denial mode. At the international level, BDERM's continuous engagement has also helped bring the issue to the attention of different agencies including UN bodies and the World Bank. In its

2011 report, the movement noted: 'There is now tentative recognition from the government, donors, media, civil society and academics that there are Dalits and excluded communities living in Bangladesh who face discrimination and poverty' (BDERM, 2011: 13).

The campaign and movement

From its inception, BDERM has taken up Dalit issues across the country. On the one hand, BDERM undertook both reactive and proactive popular campaigns perhaps in an attempt to bring up the issue of discrimination against Dalits among civil society groups and society. Thus, for instance, different strategies like 'human chains - where people stand by the side of the road with festoons and photographs – have been a vital tool to raise visibility and gain media coverage' (BDERM, 2011: 13). Human chains are a common form of protest for the movement. On international days, BDERM organizes human chains to demand specific issues including inclusion of minorities in the larger stream of society and ending atrocities against Dalits. 'Events, rallies, human chains and awareness raising events have been held across the country to mark International Human Rights Day,

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at the same time forcing them into an unwanted marriage, potentially even ‘marrying’ them with their abductor. In addition to other elements of a brutal violation of human dignity, these crimes amount to rape or similar cruel abuses. Such incidents linger long in the memory of the affect families and communities instilling in them yet another dimension of fear that they will in the long run lose out in the country. (OHCHR, 2015)

In evidence presented to the Sub-committee on International Human Rights of the Canadian Parliament on 24 February 2015, Mr Kirit Sinha Roy (President, Bangladesh Hindu Buddhist Christian Unity Council) stated:

Finally, I would like to inform you about the unique problem of abduction and rape, leading to forced conversions and forced marriages. Minority women and girls are the most vulnerable of all because they enjoy greater freedom of movement. Sexual assault and rape are still considered very shameful in South Asia among all communities, and victims get little comfort by going to the police. The police are corrupt and un-trustworthy and likely to mistreat the victim.

Abductions of women and underage teens often end in forced conversions and marriages. There are no specific laws banning forced marriages.

Abductions are usually not taken seriously by the local police. There are often notices in the vernacular press saying, ‘I AB of XY and daughter of CD have converted from Hinduism to Islam. My new name is EF. I am now the wife of GH.’ This is a sure sign that this is a case of forced conversion and marriage. Unfortunately, there are no statistics about forced conversions and marriages’ (Parliament of Canada, 2015)

The OHCHR report of 9 September 2015 continues:

Religious conversions are generally rare and, if occurring, mostly take place in the context of interreligious marriages. However, conversions have also occurred outside interreligious marriages, in particular from Buddhism to Christianity or from various religions to Islam. Occasionally Muslims have also converted to Christianity or Baha’ism. Within the indigenous people of the Mro, who traditionally practise Buddhists, some tens of thousands turned to a newly founded religion named ‘Krama’.

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World Dignity Day, International Women's Day, Day for the Elimination of All Forms of Racial Discrimination, National Victory Day and International Mother Language Day. For example on 5th December 2009 human chains and rallies were held in 11 districts. Leaflets and posters were distributed, events received national and local media coverage and highlighted caste based discrimination to new audiences. In Dhaka around 200 people from different Dalit colonies attended, gave speeches and held a human chain in front of the national museum.' (BDERM, 2011: 13)

Immediately after it came into existence, BDERM called for a human chain to protest against the sexual harassment of a Dalit girl in July 2009. The larger demand was ensuring women's security in the workplace. This mode of campaigning against discrimination also strengthened the self-confidence of the Dalit population as it gives them a basis to register their protest before the world.

BDERM also stands strong in campaigning for protecting minority and Dalit rights and security in the country. It has also strengthened its capacity to respond to atrocities and discrimination against minority and Dalit groups. In many districts BDERM has succeeded in getting law enforcing agencies and the administration to take action against atrocities like murder, rape and kidnapping of Dalit community members. Thus, for instance, BDERM registered its protest against the murder of Tulshi Kumar Das. To protest the murder, BDERM organized a human chain on 4 August 2015 in front of the National Press Club, Dhaka. Tulshi Kumar Das, a dalit, was allegedly beaten to death inside a factory for 'stealing a bicycle' (Daily Janakantha, 2015).

BDERM also undertakes advocacy with policymakers and government institutions to reform existing laws/policies to protect socially excluded Dalit minorities in the country. To improve the lives of Dalits and to end historical atrocities against them, BDERM along with different rights groups have put pressure on the government to make legislative changes. A demand to draft the proposed anti-discriminatory law has been a major concern for human rights activists and BDERM. In an interview, Dr Shah Alam, a member of the Law Commission of Bangladesh, recognized the

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Those having converted to another religion – including sometimes even their offspring after generations – typically face social ostracism in their social environment based on the ascription that the conversion had allegedly not been genuine and instead been motivated by the expectation of material benefits or other non-religious incentives. Some converts actually had to go into hiding or have concealed their newly adopted faith for fear of social stigmatization.

UCA News, an Asian Catholic News Service, reported on 5 February 2015:

On November 9 last year [2014], the pastors were arrested while holding a secret mass conversion. ‘They attempted to convert a group of 40 Muslim villagers secretly and it made other villagers angry,’ said Mahfuzur Rahman, officer in-charge at Banbhasa police station in Lalmonirhat district. Police say unless there is violence over conversions there is nothing to worry about. [...] Sayedul Islam, imam of a local mosque, said area Muslims have no problem with conversion as it is almost always temporary. ‘We have seen for years that most Muslims convert back to Islam soon after. Those who don’t come back we declare them ‘outcast’ from society, but their number is very few,’ he said.

There are instances of forced conversion of religious minorities to Islam, mainly of Hindus but also of Christians and others. For example, the USSD IRF (2014) report noted:

Local inhabitants reported that in May a group of Muslim men in Lalmonirhat abducted, forcibly converted, illegally married, and raped a 12-year-old Hindu girl. A Hindu community leader stated police refused to investigate the incident and pressured the victim’s family to drop the case. He stated another girl was abducted from her village in a similar manner in April. A journalist said the girl was being held by her abductors in Dhaka, but police refused to intervene (US Department of State, 2014).

Family/Personal laws

Family laws have separate provisions for Muslims, Hindus and Christians. Family laws concerning marriage, divorce and adoption differ depending on the religious beliefs of the people involved. Muslim and Hindu family laws are codified in the legal system (US Department of State, 2014).

...Good practice case study continued ...

demand as he commented: ‘We have been researching the law for the past two years and we launched it in January through a seminar. The law will be an umbrella law which will address not just discrimination faced by Dalits, which is discrimination due to profession and identity, but also other forms of discrimination including religion, race, gender, physical disabilities.’ The Chief Executive of Nagorik Uddyog, Zakir

Hossain welcomed the effort and added: ‘Even if it is an umbrella law, it will still be a great development for the Dalit population’ (Al Jazeera, 2014).

There is no denying that as a consequence of its relentless struggle, an anti-discrimination law was drafted by the Law Commission in 2014 to address the issue of widespread discrimination of the Dalit community in the social sphere. Organizations like the National Human Rights Commission (NHRC), the Manusher Jonno Foundation (MJF), Nagorik Uddyog, Bangladesh Dalit and Excluded Rights Movement (BDERM) and Research and Development Collective (RDC) were associated with this drafting process (The Daily Star, 2015). As part of a larger level advocacy to reform the policy landscape, Nagorik Uddyog and BDERM have organized meetings with parliamentarians. One such meeting was held on 12 October 2015 at the Parliament Members’ Club of the National Assembly in Bangladesh. The overall objective of the meeting was to campaign for a space for policy reforms to end and eliminate caste based discrimination in the country.

The problem of housing for the Dalit population in the country has also been highlighted through BDERM’s continuous persistence at different levels. BDERM has engaged in on-going lobbying with the Dhaka municipal authorities for improved housing, water and sanitation for Dalits, especially scavengers, living in the city.

It is interesting to note that in the process of reforming policy through advocacy with policymakers and different ministries, BDERM has undertaken different studies to make the point of exclusion of and atrocities against Dalits across the country. BDERM organized a series of seminars and conferences in an attempt to create pressure on the government to adopt/reform specific policies/laws.

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OHCHR, in its preliminary findings of a country visit to Bangladesh by Heiner Bielefeldt, Special Rapporteur on Freedom of Religion or Beliefs on 9 September 2015, further noted that:

Whereas most aspects of the law in Bangladesh are secular, personal status issues – such as marriage, family life, divorce, custody of children, maintenance, inheritance etc. – remain governed by religious laws. Depending on the religious backgrounds of the concerned individuals, provisions of Islamic law, Hindu law or Canon law etc. apply. The Buddhists do not have their own personal status law in Bangladesh, but fall under the Hindu law. Projects supported by the Government to design a specific personal status law for the Buddhist community so far seem to have failed.

The Baha'is reported that they apply their own family laws, which are recognized by the Government (OHCHR, 2015).

Human Rights Watch (HRW), in its 2012 report noted:

Since its independence in 1971, the bulk of Bangladesh's laws are applicable to all citizens without discrimination based on sex or religious belief, with one major anomaly: its personal laws. Some reforms, especially laws against domestic violence and acid attacks, have addressed family issues and apply across the religious spectrum. But personal laws on marriage, separation, and divorce, some dating to the 19th century, have remained largely frozen in time. [...]

All three sets of personal laws [Muslims, Hindus, and Christians] discriminate against women with respect to marriage, divorce, separation, and maintenance, as explained below. They also fail to recognize marital property and its division on an equal basis after divorce or upon separation.

A report by the Immigration and Refugee Board of Canada, published on 9 October 2013, noted:

The Director of Research Initiatives Bangladesh noted that Hindu personal laws do not grant women a right to inheritance, so Manipuri women 'will face problems in having a good resource base independently'. Other sources corroborate that Hindu personal laws in Bangladesh discriminate against women, and many women who separate face poverty due to a lack of legal recourse. [...]

...Good practice case study continued ...

The seminars and meetings were marked by the presence of different activists, academics and politicians. Broadly the following topics were the points of discussion in the seminars/meetings: situation of Dalit human rights, problems of Dalit housing, draft United Nations Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent, the situation and needs of tea workers (almost all the tea workers are Dalits and minorities in Bangladesh), general discussion on the Dalit movement in South Asia and the lessons to be learned for Bangladesh (BDERM, 2011: 14). Reports of different meetings held by BDERM can be found on their website (see <http://www.bderm.org/reports>).

The movement has not been restricted to organizing conferences and seminars to detail the conditions of the Dalit population in the country though. A more meticulous task of research was undertaken to come up with a detailed report focusing on different Dalit issues. BDERM has published a Research Report on Dalit Scavengers in Dhaka City. The report presents the health and safety conditions of Dalits engaged in scavenging in Dhaka. Detailed in-depth interviews suggest that most of the scavengers were suffering from various infectious diseases. The study concluded that lack of medical facilities for the scavengers made the situation worse for them (see <http://www.bderm.org/node/40> for details).

BDERM as a movement has gained strength from its effective organic linkage with different organizations working in different parts of the country on Dalit issues. There is no denying the fact that effective participation at the grassroots level continues to be a key in BDERM's success. BDERM follows a bottoms-up approach to ensure the rights of Dalits. It is a national platform for promoting their rights. BDERM is spread over almost every district in Bangladesh. Currently it has 52 district committees in 52 of the 64 districts in Bangladesh. The working committees in the districts collaborate with the national working committee to chart out detailed plans.

BDERM sustains its work as a movement. It is an on-going movement to ensure the inclusion of Dalits in mainstream society.

The Professor at BRAC University said, ‘Hindu Manipuri women are triple minorities - religion, ethnicity and gender all make them incredibly vulnerable to violence, abuse and exploitation’. She expressed certainty that ‘accessing housing, employment or services from the police will be enormously, triply difficult for a Hindu Manipuri woman.’(Canada, 2013)

The laws cater to the requirements of religious observance by the minorities. For example, the USSD IRF 2014 report (published in 2015), noted that while:

Religious studies are compulsory and part of the curriculum in all government schools. Students attend classes in which their own religious beliefs are taught. Schools with few students from minority religious groups are generally allowed to make arrangements with local churches or temples to hold religious studies classes outside of school hours [and] the jail code makes allowances for the observance of religious festivals by prisoners, including access to extra food for feast days or permission for religious fasting (US State Department, 2014).

Interfaith marriages

OHCHR, in its September 2015 report, further notes that:

[...] Even though the structure is to a certain degree pluralistic in acknowledgment of diverse religious-normative traditions, the system does not easily, if at all, accommodate certain constellations of inter-religious partnership. Moreover, some people – for instance, converts, agnostics, atheists and others – may face even greater difficulties to fit into the limited options provided by a religion-based structure of personal status laws.

An Australia Refugee Review Tribunal (2008), discussed the situation in general terms as:

There is no legal barrier to inter-religious marriages, and such marriages are reportedly becoming more common in the larger cities of Bangladesh. However, couples in interreligious marriages still experience problems, ranging from family pressure to physical attacks. The sources suggest that the more extreme instances of violence occur in rural areas. Inter-religious marriages are reportedly recognised under the Special Marriages Act of 1872. Information indicates that a non-Muslim woman wishing to marry

a Muslim man is required to convert to Islam. However, if she refused to convert to Islam, and the family accepted this decision, the marriage may be reportedly solemnised under the Special Marriages Act. [...]. If a Muslim boy marries a Christian or Jewish girl conversion is essential. If they are not converted, neither the family members, nor the society nor even the civil court accept this marriage. As a result the couples concerned face immeasurable harassment and there are certain cases where they are kidnapped and killed.

The OHCHR report of 9 September 2015 noted that:

Interreligious marriages, although slowly becoming more popular in urban areas, so far have been very rare in Bangladesh. The striking paucity of interreligious marriages in a country in which people of different religious orientations have always lived side by side is a surprising phenomenon. I would assume that difficulties arising from the existing structure of personal status laws are a main factor explaining that situation. While some interreligious constellations can be accommodated within the existing system, in accordance with the rules of the concerned religious communities, others cannot. For instance, a Muslim woman cannot legally marry a non-Muslim man.'

The Chittagong University Journal of Law (2008), in an article titled, 'Inter-religious Marriage in Bangladesh: An Analysis of the Existing Legal Framework' noted that: 'Although IRM [inter-religious marriage] is accepted in some social stratum in Bangladesh, it will not be correct to say that it is widely accepted in Bangladeshi society as a whole [...] If the IRM parties are not economically independent, their social lives may be particularly precarious. This social unacceptance has its roots again in the religious disapproval of such marriages.'

Implementation of the 1997 Peace Accord

The CHT Accord signed in 1997 has completed 18 years without making any real progress in commissioning an effective and functioning local self-governance system that ensures land and other rights for the indigenous people in CHT. The central issues of the CHT Accord include the preservation of tribal inhabited characters of CHT; transfer of all subjects and functions, as envisaged to be under the jurisdiction of the three Hill District Councils to be supervised by the CHT Regional Council at the top and their enforcement thereof; holding elections to these councils; resolution of land disputes after inserting necessary

amendments to the CHT Land Dispute Resolution Commission Act 2001 in line with the CHT Accord; rehabilitation of

internally displaced persons and India returnee refugees to their respective homesteads with restitution of their land to their rightful ownership; dismantling all temporary military camps including 'Operation Uttoran'; cancellation of land leases given to non-residents; appointment of permanent residents to all services available in the CHT on a priority basis; effecting necessary amendments to the CHT Regulation 1900, Bangladesh Police Act and all other relevant laws in accordance with the spirit of the accord and; rehabilitation of Bengali settlers outside CHT with due honour and dignity. However, all these remain unimplemented (Kapaeeng, 2015: 181).

Despite the government's explicit assurances, nationally and at various international forums, including at UNHRC and at the UN Permanent Forum on Indigenous Issues (UNPFII), implementation of these provisions remains frozen till date. The government claims that 48 out of the 72 provisions of the accord have been implemented. But PCJSS and some civil society and professional organizations in CHT claim that only 25 of the provisions had been implemented till the filing of this report. However, what cannot be denied is that the core components of the accord like the authority to deal with the administration and management of land, forest, police (local), and law and order has not been devolved to the Hill District Councils. Furthermore the rehabilitation of India returnee refugees and internally displaced persons through the CHT Task Force, the de-militarization through dismantling of all temporary security or military camps, the cessation of 'Operation Uttoran' (or Operation Uplift), a de facto military rule in the CHT, and the resolution of land disputes by the CHT Land Dispute Resolution Commission are yet to be implemented. As these provisions have not been implemented along with the non-implementation of the agreed on amendments to the CHT Land Dispute Resolution Commission, the 'Tribal Area Status' of the CHT region is getting eroded severely and fast. Civil Aviation and Tourism Minister and member of the Parliamentary Caucus on Indigenous Affairs, Mr Rashed Khan Menon addressing a High Level Policy Dialogue on the Status of the Implementation of the CHT Accord also admitted that the characteristics of the CHT are diminishing and this is something which should not be overlooked (The Daily Star, 2015).

Recommendations

- All intimidation and harassment of indigenous people should be stopped.
- All those responsible for attacks on and intimidation of indigenous people should be prosecuted.
- The majority party should take measures as per its electoral pledge of implementing the CHT Accord within a declared time-frame for a road map and providing a forum for solving land disputes of indigenous people in CHT and plain land.
- Stop the systematic and forcible displacement of minorities from their ancestral land.
- Establish a separate land commission for indigenous people in the plains for restoration of their dispossessed land.
- Allocate adequate budget for indigenous people and ensure their full and effective participation in major decision making processes in all development programmes.
- The NHRC should investigate human rights violations against indigenous people.
- Bangladesh and its donors must ensure that Urdu speakers are not discriminated against particularly when the government issues new identity documents, in obtaining passports or their access to education.
- A comprehensive national survey need to be undertake to understand the socio-economic and human rights situation of the minorities irrespective of different categories of minorities.
- Government should establish a National Minority Commission to address the minority issues effectively.
- Government should enact law commission proposed 'Anti-discrimination Act' without delay.

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House # 8/14, Block-B, Lalmatia
Dhaka-1207, Bangladesh
Tel : 880-2-9143636
Fax: 880-2-9141511
E-mail : info@nuhr.org
Website : www.nuhr.org

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