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Human Rights Violation of Dalit Women in Bangladesh

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Abstract: ***By reviewing secondary literature, this paper has analyzed the human rights situation and challenges of Dalit communities in Bangladesh, with a specific focus on the status of their women. The review unravels that Dalits belong to the most underprivileged minor communities, generally considered as lesser human beings, impure, polluted, and are secluded as well as excluded from the social and economic domains of mainstream society. Due to the social norms associated with caste system, their economic opportunities are strictly limited to menial, low paid, and service oriented jobs. Social exclusion denies their access to most basic rights, opportunities, and potential to develop as full human beings. As a result, they fail to break the inter-generational cycle of poverty, exclusion, and other forms of socio-economic marginalization. Dalit women's situation is far worse and daunting due to their multifaceted marginal identities of being gender, religious, and occupational minorities. Finally, this paper advocates the necessity for hearing the voices and perspectives of Dalit communities, and facilitate social dialogues between them and stakeholders from governmental and non-governmental organizations, to preserve and re-conceptualize Dalit's human rights in their own terms.***

Keywords: Dalits, Untouchables, Minority, Human Rights, Violation, Gender, Policy.

1. INTRODUCTION

Human rights, the most important paradigm of rights discourse, mainly refers to the basic rights and freedoms that belong to every person in the world, from birth until death [26]. The most basic human rights include right to life, right to education, right to nationality, right to equal protection of law, among many other. Human rights are the minimum arrangements for every one irrespective of their background. Everyone is entitled to human rights only based on the virtue of being a human or being alive. Human rights are inherent in nature, innate, without which no human can survive [9]. The concept of 'human rights' is as old as human civilization, but its use and relevance has been well defined only in recent times. In today's world, the concern for protecting human rights, and especially of minor communities, has become a global concern. The major obstacle to achieving this agenda, however, is the wide

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range of different and contested meanings associated with the term 'human rights' and its execution. In contemporary world, a narrow understanding of human rights prevails in terms of protecting the rights and entitlements only at individual level. Human rights, as a concept, is predominantly conceived as a doctrine relating the civil, political, economic, social, or cultural rights of individuals across different cultures and locations. The collective rights of marginalized groups receive scant attention in this regard, leading to the gradual extinction of many marginal groups from today's world. The idea of collective group rights mainly falls under the category of "third generation of human rights". This is a very advanced concept mainly flourished in the 20th century, which stipulated that community based rights or group rights are extremely important for better living standard and full development of whole society [8]. Third generation of rights refer to solidarity, sustainable development, peace, and healthy environment for everyone [9].

The scenario of collective rights of marginal groups is not much better in Bangladesh. Although the Government has adapted plethora of strategies for protecting the rights of several underprivileged communities, the interests and well-being of 'Dalits' or 'Untouchables' still remain largely under discussed in our policy praxis. Despite living in this country for over centuries, Dalits have been heavily overlooked in both the rights discourse and policy domains of Bangladesh [22]. Lack of policy efforts has led to their extremely vulnerable social standing, with high risk of been exclusion, ostracization, and castigation at each and every sphere of mainstream society. In fact, the Dailt communities are not even considered for or involved in mainstream social, economic, or political dynamics [14]. Recently, the question of Dalit human rights has received strong attention from media and civil society, demonstrating a small ray of hope for their progress. Different non-governmental organizations (NGO) and international donor associations have also been keenly concerned with working for the socio-economic development of Dalit communities, a leap towards protecting their human rights in the country [12]. These initiatives demonstrate a positive change in the direction of protecting Dalit's human rights, such sporadic efforts, however are not enough. For transformative changes in their lives, especially for the social inclusion and security of Dalit women, all the sectors of the society need to come together and work for protecting their human rights, with adequate attention to their distinctive social identities and cultural diversity. Against this backdrop, by reviewing secondary literature, this paper tends to investigate the heterogeneity of Dalit community and detect the root causes of their human rights violation in Bangladesh. More precisely, this paper tends to highlight the multifaceted inequalities and marginalization faced by Dalit women and girls, and scrutinize the role of state in safeguarding their human rights. Finally, the paper shares a few recommendations regarding improving the human rights situation of Dalits at national level.

2. RELATED WORKS

The term 'Dalit' is a Sanskrit word referring to being deprived, oppressed, or broken. Dalits as a community is a group of people who are extremely marginalized by religious and social sanctions as well as face economic deprivations [14]. Historically, the Dalits of Bangladesh have been oppressed by mainstream dominant groups. Centering around the oppressive ideas of descent and caste system, they are considered as untouchables by the

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mainstream society. Being "untouchables", they are considered as outcaste of outcaste and too degraded to be touched [11]. They get humiliated, secluded, and completely ostracized by the inhabitants of mainstream society. The idea of caste system mainly stems from the philosophy of Hinduism, Dalits in Bangladesh belonging to each religion is considered as outcast and are mainly discriminated on the grounds of class and occupational hierarchies. This denotes that, caste discrimination is not only a problem for Hindus, but also Muslim Dalits in Bangladesh, leading to social stigmatization, exclusion and discrimination against all of them in each sphere of public life. The degree of discrimination against them often reach to an inhuman level, stripping them off every right of being a human. For example, when Muslim Dalits tend to bury their family members in public graveyards, they encounter different constrain and obstacles, which denotes an extreme violation of their human rights [13].

Almost 5.5 to 6.5 million Dalits in habit in all 64 districts of Bangladesh, consisting of 5% of the country's total population. This however is just an approximate estimation. The statistics produced by national census are often political in nature, since they deliberately under-enumerate minority communities, to avoid sparking any debates on the majority/minority issues [14]. The Dalits of Bangladesh can be divided in three broad categories; (i) The untouchable sections of Bengali speaking people called as 'Bengali Dalit' or 'Bangalee Dalit', who live in different villages all across the country [16]; (ii) Non- Bengali Dalits who either migrated or were forced to migrate from Southern India to Bangladesh during the Mughal and British colonial period [18]. Colonial rulers especially mobilized a huge inflow of Dalit migrants for labour supply in menial sectors including sweeping, sewage cleaning, tea plantations, and railway jobs; (iii) Muslim Dalits are mainly a sub-section of Bengali Dalits. Although the basic provisions of Islam don't promote caste differences, the socio-economic and cultural context of the country demark some Muslim communities as inferior to others, based on their occupational status, known as Muslim Dalits [16].

The Dalits reside at far below the poverty line with extremely limited access to health services, education, inhabitance etc. Their tales of discrimination only start here. Dalits are forced to work at service sectors and under detestable conditions, including cleaning jobs in urban areas, sweeping street, cleaning toilet, empting the septic tanks of others manual scavenging, burying the dead etc [7]. They are forcefully employed in the most menial, low paid, and dangerous jobs of our country, which offers almost non-existent scope of economic and social development to them. As a result, the average monthly income of a Dalit family remains lower than the per capita income of the country [16]. Doing menial jobs however are not their choice; they are forced to take these jobs up as they don't have access to any kind of government, public or private service, which means they can't hold official positions [25]. A large number of child laborers in Bangladesh also belong to different Dalit communities [22]. Some Dalits are also work as fishermen, barbers, washers, dryers, blacksmiths, goldsmiths, cobblers, oil-pressers, boatmen, weavers, butchers, hunters, sawyers, gardeners, tailors and drum beaters, without much prospects or opportunities to improve conditions in life [16]. In some, although they are making essential constitutions to the country's economy, they are getting very limited in return.

Although Dalits in Bangladesh can be broadly divided in three major categories (Bengali Dalits, Non-Bengali Dalits, and Muslim Dalits) in relation to their origin, they are further divided into numerous small groups based on the intersection of their occupational and

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other social identities such as ethnicity, language, and family name [16]. However, the alarming part is, many of their group names have extremely degrading meanings and connotations, although they are providing essential and affordable services to the mainstream society and its inhabitants. All these groups have their unique and distinctive patterns of lifestyles, beliefs, traditions, norms, culture, which lead them to experience multidimensional forms of inequalities and oppressions in their everyday lives. Thus, although these small sub-groups fall under the umbrella category of Dalits, there is no way to generalize their experiences, as they uphold heterogeneity both in terms of identities and everyday experiences.

The living conditions or accommodation of Dalit communities fare no better than their working conditions. They live in 'colonies' with very poor housing and are frequently prevented from entering the homes of non-Dalits, as they are considered as polluted due to involved with menial jobs [18]. Dalit colonies are one of the least livable places of any city, with constant threat of evictions and demolition. Powerful people use unethical power to evict Dalit accommodations, leading them to become uprooted, homeless, or floating population overnight [14]. The sweepers community living in the Ganaktuli City Colony of Hazaribagh in Dhaka can be a case on point. Landless Dalit cleaners have been living in this colony since British era. Currently almost 2,000 families live in vulnerable buildings of this colony, labelled as risky to earthquake. The colony consists of four five-storied buildings, each consisting of 40 tiny rooms, and 3-4 persons live in these rooms on average [1]. They lack access to even the most basic human rights such as equal protection of law, education, health care, clean water, food, or privacy. They also lack access to mobility in mainstream urban society, live in constant risk of eviction and political violence, this are considered as the most vulnerable population of Dhaka city [20].

3. METHODOLOGY

The study has been conducted based on data derived from secondary sources, focusing on both qualitative as well as quantitative studies. To understand the vulnerabilities of Dalit communities, this paper integrates knowledge on the social, cultural, and economic aspects of their lives, as well as, relevant policies and interventions in question to Dalits in the context of Bangladesh. A second line of enquiry examined the human rights situation and challenges of Dalit women in particular, and the government policies associated with the issues reported. I searched for peer-reviewed as well as grey literature through Google Scholar, PubMed, government websites and other online databases. The main keywords searched were Dalits, human rights, rights violation, occupational minorities, Dalit women, multiple vulnerabilities, Dalits in Bangladesh, and state policies etc. This study incorporates all types of publications reporting information related to Dalits in Bangladeshi context, including original articles, opinion papers, commentaries, letters, and editorials. It also includes articles from both national and international newspaper, relevant reports from government and non-government organizations, periodic situation reports, working papers, policy briefs, webpages, blogs etc. The author has conceded all the ethical bindings ought to be acknowledged. Every source of information used in this study was referenced and accredited. All collected information has been analysed and interpreted in a manner which reflects the paper in terms of relevance.

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4. RESULTS AND DISCUSSION

4.1 Violation of Dalit's Human Rights

Bangladesh has ratified all three major international human rights treaties and conventions, popularly known as 'International Bill of Human Rights', which are believed to be the sources of most important and basic human rights. They are: Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social, and Cultural Rights (IESCR). Bangladesh ratified ICCPR on 6th December, 2000 and IESCR on 5th October, 1998 [4]. Upon ratifying these core international conventions, Bangladesh government has become obliged to fulfill some legal bindings to promote and protect the human rights of every citizen, including those discriminated on the grounds of caste, work, and descent. The main agenda of UDHR is to protect most basic human rights, including, ensuring dignity and justice for every human being, equal opportunity for everyone to grow and develop in freedom and equality, ensuring right for everyone to freely participate in the cultural life of the community, ensuring basic rights for everyone is to be allowed to take a full part in the life of our community [23]. More interestingly, most the provisions of the third part of the Constitution of the people's republic of Bangladesh, which talks about the fundamental rights, have been drafted by taking inspiration from UDHR in order to protect and promote human rights of its citizens [25]. More specifically, Article 27, 28, 29, and 31 of Bangladesh's constitution seek to establish equality and non-discrimination on the basis of religion and ethnicity. Unfortunately, no such fundamental provisions, human rights provision, or legal bindings seem to practically work in the case of Dalits communities in the country.

Article 27 of ICCPR directly talks about rights of persons belonging to minorities [24]. But in our country, the people belonging to Dalit communities get discriminated and marginalized at every tire of the society and are too outcaste to be even touched. They don't have access to even the very most basic human rights without which it is not possible for someone to live with minimum dignity. They don't have access to right to physical security, life and to be free from violence. They don't possess the right to an adequate standard of living, the right to equal treatment and legal protection of law when a crime is committed against them, the right to equal political participation, the right to fair access to justice, the right to own land, the right to equal access to public and social services, the right to freedom of religion, the right to marriage on free will due to the idea of endogamy , the right to education, the right to cultural identity, the right to equal opportunity and free choice of employment and equal, just and favorable conditions of work and to be free from forced or bonded labor, the right to be free from cruel, inhumane or degrading treatment, the right to health and adequate food, water, sanitation, clothing and housing [16; 3]. As mentioned before, UDHR underpins the most basic and necessary human rights, while the third part of Bangladesh's constitution has been drafted by taking inspiration from UDHR, which is committed to enshrine the most important human rights of every citizen of the country. If we compare the human rights situation of Dalits in Bangladesh with all the promises been made by national and international instruments, we will notice blatant violation of their rights, since they don't have proper access to even a single or most basic rights mentioned in these documents.

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4.2 Violation of Dalit Women's Human Rights

Dalit women and girls are marginalized among the marginalized, outcaste of outcaste, hierarchically they come last in the Dalit household. By employing an intersectional lens, it can be inferred that Dalit women or girls encounter multiple forms of discriminations due to their multiple marginal identities; (i) she is a woman, (ii) she is a Dalit, and (iii) she is a Dalit woman. These three identities intersect together to make Dalit women and girls one of the most vulnerable sections of Bangladeshi population. Being Dalits, these women and girls already face plethora of discriminations, mentioned in the previous sub section of the paper. Their gender identity adds additional layers of marginalization to their everyday experiences. For example, they are deprived of control over even their own bodies, they have no decision making power on their own fertility as well as within their households, they face high rate of domestic violence, they have no divorce rights, they fall victims to molestation, rape, exploitation, harassments in hostels, verbal and sexual abuse in workplace, and even public sphere [20]. The standard maternity leave sanctioned by Bangladesh government is 6 months but Dalit women only receive 2 months for Dhaka City Corporation, and in most of the municipalities they have to report back for duty just a few days after the child birth [19].

Women are also largely absent from the traditional Dalit *panchayet* system [6], which denotes their lack of access to voice, agency, or decision making autonomy at both public sphere. In private sphere too, Dalit women face blatant gender discrimination and lack of freedom and autonomy. Sometimes, they are not allowed to go out of home without permission of men or being escorted by them [10]. They also fall victims to prostitution, trafficking, or bonded labor, child marriage, early pregnancy, maternal mortality, incessant dowry demands, and various forms of physical violence in both public and private [6]. There is no separate toilet or bathing facilities available to Dalit women within their living chambers, an acute violation of their human rights. Hence, they need to share unhygienic open toilets and bathing places near puddles, which result in extreme violation of privacy and security as well as bring in dangerous health hazard for them [5]. The worst part is, when these women and girls go to legal system in order to seek help, either their complaints are neglected, turned down, or they face additional abuse and humiliation. According to local newspapers, a very young Dalit girl working as tea labourer was gang-raped at Shamshernagar Tea Garden in Moulvibazar, back in 2015. Police was initially reluctant to lodge any official complaints, however, they were forced to register the case six days after the incident in the wake of country wide protest. Although, she identified four out of the 10 accused, Kamalganj Police Station is yet to submit any official charge sheet even after so many years of the incident [22].

Bangladesh government has also ratified Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), popularly known as the 'International Bill of Women's Human Rights' on 1984 with initial reservations on four articles of which two were withdrawn later. Bangladesh still has reservation on article 2 and Article 16 (1c) [21]. In this paper, I am not elaborating the debates on how such reservation affect the overall women's human rights doctrine in Bangladesh. However, if we analyze the situation of Dalit women in reference to CEDAW provisions, it can be detected that these women don't have access to even the most basic human rights, without which it is not possible for a woman to live in the society with minimum honor and dignity. Hence, Dalit women occupy the most vulnerable positions of in a patriarchal society like Bangladesh, eventually leading them to become the most

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unprivileged, oppressed, and discriminated. Let alone the two reservations on article 2 and 16(1c), in reality, not even a single ratified CEDAW provision works in favour of the Dalit women of Bangladesh.

4.3 State Promises: Far Away from Implementation

It has already been discussed that, the government of Bangladesh has drastically failed to protect the human rights of Dalits, through fulfilling the legal obligations imposed on them upon ratifying international conventions and treaties. We have noticed the tremendous efforts of Bangladesh government to protect and preserve the human rights of Rohingyas, a foreign ethnic minority. The government is sheltering and feeding more than millions of Rohingyas from the last few years in spite of the country's major economic constrains, only on the grounds of human rights and social justice [10]. Here the question remains, why are the government not talking any effective measure for protecting the human rights of Dalits or improving their living conditions, who have been living in this country from over centuries, as well as are clearly the most marginalized group of population? This shows an acute dearth of political commitment to promote the human rights situation of Dalits in Bangladesh.

Besides, the affirmative actions enshrined in the constitution and existing legislations of Bangladesh don't work for Dalit communities. Article 28(4) of the constitution and CEDAW article 4 lay strong ground for affirmative actions (positive discrimination), especially for more marginalized groups like women. These provisions refer to special measures for fostering greater equality by supporting groups who face, have faced entrenched discrimination so they can have similar access to opportunities as others in the community [16]. The country has special quota systems in education, employment, political sectors to foster equal participation of backward groups like ethnic or religious minorities, disables, women. Unfortunately, the Dalits in Bangladesh has no access to such quotas. Recently, strong demands have been raised by civil societies for at least 5% quota reservations for Dalit communities in government jobs, different public universities, and colleges. In response to it, the honorable prime minister of Bangladesh has promised special arrangements for Dalits, but any visible action is yet to be taken [21].

Bangladesh is also highly commitment to implementing the 17 sustainable development gals (Agenda 2030) in order to transform the planet, which requires the improvement of the lives, livelihood, and well-being of Dalit population at every sphere of society. Lack of policy attention to improve their living conditions will have a direct bearing on most of the sustainable development goals [1, 2, 3, 4, 5, 6, 7, 8, 10, 11], and the very agenda of SDG (leaving no one behind) will be left incomplete. A few years ago, the government promised to allocate 550 billion for oppressed, destitute, ultra-poor and marginal people, and all Dalit population were supposed to be covered by these programs [22]. Years have passed, but no effective implementation of these programs have yet taken place to improve the lives of Dalit communities. In fact, their living conditions and human rights situation are only degrading day by day due to extreme impoverishment.

Besides, an Anti-Discrimination Act was drafted and submitted to the Ministry of Law, Justice and Parliamentary Affairs in 2014. The Draft contained a number of provisions to foster the rights of Dalits and effectively prohibit untouchability practices [17]. The law has been

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passed and enacted, but in reality it couldn't bring much change to the human rights situation of Dalit communities in Bangladesh [14].

5. CONCLUSION AND RECOMMENDATIONS

By reviewing secondary literature, this paper has shed light on the human rights situation and challenges of Dalit communities in Bangladesh, with a special focus on their women and girls. Findings encapsulate that, let alone preserving or protecting their human rights, Dalits in Bangladesh, irrespective of their professions or origins, are not even considered as full human being. Due to lack of recognition, they are discriminated by mainstream society at each and every sphere, leading to extreme violation of human rights. This paper highlights the heterogeneity of Dalit population and urge not to generalize their experiences. It stretches a comparative analysis on what the human rights conventions promise them vs what they actually get in real life, in reference to the most prominent national and international sources of human rights ratified by our government. More precisely, the paper unfolds the alarming situation of Dalit women with regard to how their multiple identities make them most vulnerable section of national population by applying an intersectionality lens.

First of all, I have severe disagreement with using the very term "Dalits". The members of civil societies often criticize the usage of the term untouchable, as it refers to someone too degrading to be touched. But the connotations associated with the term Dalit is no better and can be even more disrespectful as it refers to someone who has broken. Hence, we need a conceptual leap. It is high time that we should start addressing them as humans, not with derogative terms like "Dalits" or "Untouchables". Besides, the government needs to stop politicizing the agenda of human rights of Dalits. At one hand, the government has ratified core international documents of human rights, as well as, is highly committed to achieving sustainable development goals which strongly talk about the human rights issue of minorities. Besides, they are making strong public promises, but in reality, they are not taking effective measures to ensure the human rights of Dalits or other minority communities. It will not be right to say that Bangladesh government has not taken any initiative at all. The government has adopted a few relevant plans and policies, but all of them have failed due to communication gap. Mainly because, due to the top down policy making process of Bangladesh, those who run public offices or make policies, actually don't have much idea about the real life experiences of Dalits or other minority groups. They make and implement policies based on their perceived notions without much regard to the context or cultural divergence of the Dalit communities. As a result, these interventions drastically fail to be implemented at field level. That is why, effective and practical dialogues are needed between policy makers and the targeted beneficiaries of the policy. The stakeholder, both from governmental and non-governmental sectors, need to communicate with grass root communities, understand their lived realities, and initiate dialogues with them to understand their problems in their own voice and terms, instead of enforcing the western paradigms of human rights or development on them. To bring transformative changes and true social inclusion of Dalits in mainstream society, the policies and programs need to have reflections of their own experiences, needs and demands. Besides, the boarder society needs to change their attitudes and mindset towards Dalit population to help the policies work more effectively on grassroots level. The social myths, prejudices, stigmas,

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and superstitions associated with Dalit communities need to be deconstructed to foster their inclusive participation in all spheres of society.

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