

Perceptions, Attitudes and Understanding

A baseline survey on human rights in Bangladesh



Summary Report



National Human Rights Commission, Bangladesh

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Data Management Aid & Bangladesh Legal Aid and Services Trust

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Foreword

On behalf of the National Human Rights Commission, I am very pleased to present the summary report on “Perceptions, Attitudes and Understanding: A Baseline Survey on Human Rights in Bangladesh.” This groundbreaking survey is the first of its kind in Bangladesh, both in terms of its geographic and demographic reach and the breadth of human rights issues explored.

The main objectives of the study were three-fold: (1) to determine the level of awareness and understanding of human rights by the people of Bangladesh; (2) to evaluate the major types of human rights issues facing Bangladeshis; and (3) to assess the knowledge and understanding of the NHRC, its mandate, and its roles and functions. More than 3,600 households throughout the country were surveyed, representing rural and urban dwellers, and reflecting the gender, age, economic, ethnic and religious diversity of Bangladesh.

Earlier this year, the Commission consulted with a broad range of stakeholders and the public on the development of its 5-year Strategic Plan, in which it set forth the country’s most pressing human rights problems and its vision for creating a human rights culture throughout Bangladesh. These critical human rights issues formed the basis for ascertaining what people believe and expect as to their fundamental rights and freedoms. The survey also included questions about the NHRC itself in order to gauge people’s awareness and perceptions about the institution.

The results of this landmark study are detailed in the summary report and offer critical data which will inform the action plans and further work of the Commission, particularly in the area of human rights education and awareness efforts, one of the NHRC’s most important mandates. The research also offers analysis of the strengths and weaknesses of the country’s legal and policy framework for the protection of human rights. Moreover, the survey findings provide an important baseline against which to measure the success of future public education campaigns and other NHRC activities.

The NHRC wishes to express its sincere gratitude to the talented team of experts from Data Management Aid (DMA) and Bangladesh Legal Aid and Services Trust (BLAST), including Mr. Greg Moran, Barrister Sara Hossain, Mirza Hassan, Professor Kazi Saleh Ahmed and Maqbul Bhuiyan. The team worked in close collaboration with the Commission and the UNDP NHRC Capacity Development Project (BNHRC-CDP) staff to develop and conduct the survey, then compile and analyse the results. Special thanks are due to Monisha Biswas, Mona M’Bikay, Sayeed Ahmed, Qumrunnessa Nazly and Kyra Buchko of BNHRC-CDP and Elizabeth Wood at the UNDP Bangladesh Country Office for their substantive inputs as well as management and administrative support.

Finally, the NHRC would like to heartily thank UNDP and its donor partners, the Danish International Development Agency (DANIDA), the Swiss Agency for Development and Cooperation (SDC), and the Swedish International Development Cooperation Agency (SIDA) for their financial assistance and unflagging support of the Commission. Their long-standing advocacy on behalf of the NHRC and deep commitment to the cause of human rights in Bangladesh are truly appreciated.

With the lessons of this baseline survey as guidance, and a commitment to meaningful action, the NHRC invites all those who are willing to join the Commission in this historic and vital endeavor – to build a vibrant human rights culture throughout Bangladesh.

Manusher cheye boro kichu nai, nohe kichu mohiyan

Prof. Dr. Mizanur Rahman

Chairman

National Human Rights Commission

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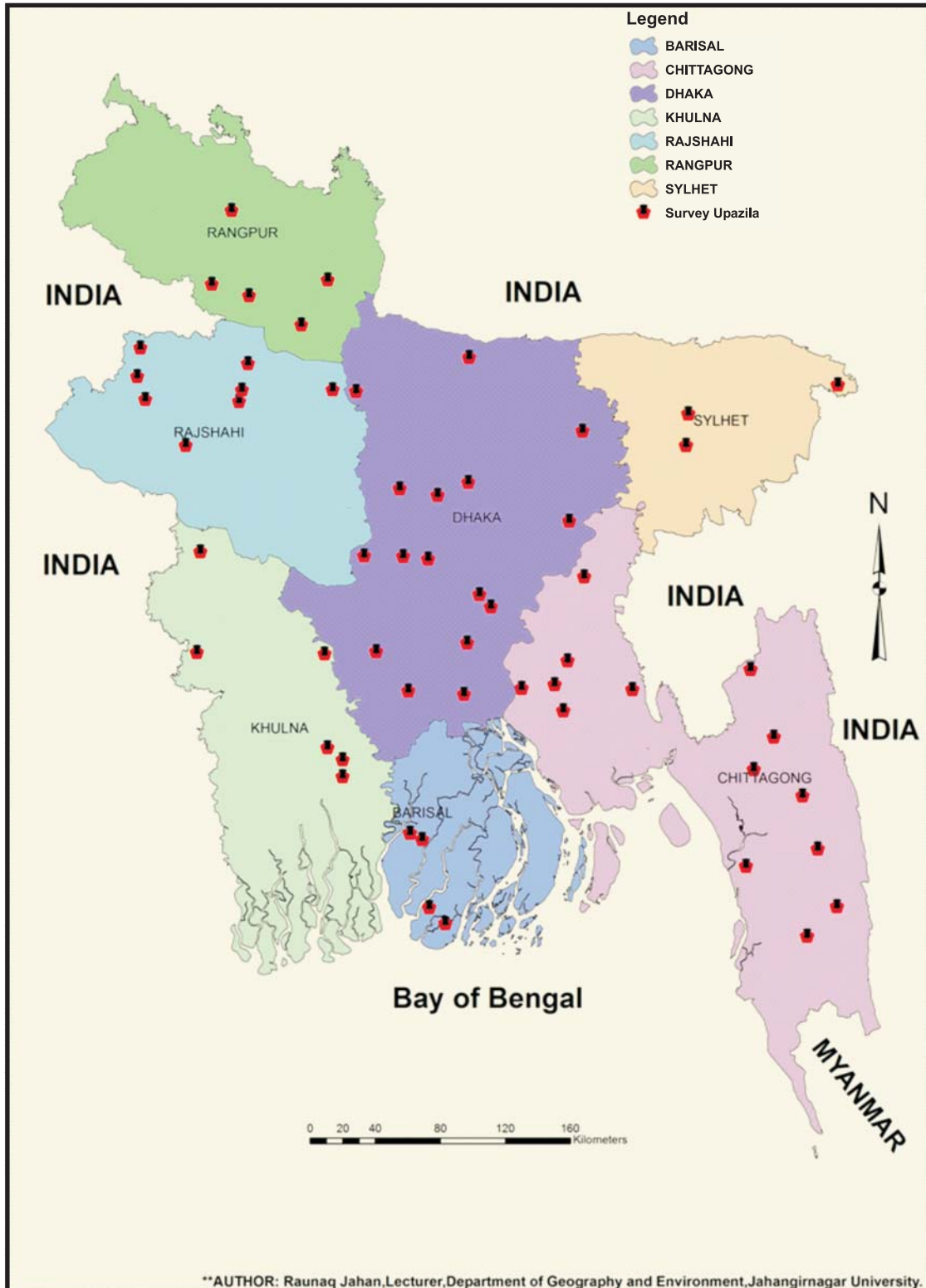
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Disclaimer

The survey data, analysis, opinions and recommendations contained in this report are those of the authors, are based on the perceptions of interviewees, and do not necessarily represent or reflect the views or opinions of the National Human Rights Commission (NHRC) or the United Nations Development Programme (UNDP).

Survey Area

Figure 1: Geographic Coverage of the NHRC Baseline Survey 2011



Acronyms and Abbreviations

ASK	Ain o Salish Kendra
BLAST	Bangladesh Legal Aid and Services Trust
BNHRC-CDP	Bangladesh National Human Rights Commission Capacity Development Project
CAT	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CHT	Chittagong Hill Tracts
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
DANIDA	Danish International Development Agency
DMA	Data Management Aid
FGD	Focus Group Discussion
GBV	Gender-based Violence
GoB	Government of Bangladesh
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
KII	Key Informant Interview
NGO	Non-governmental Organisation
NHRC	National Human Rights Commission of Bangladesh
NHRI	National Human Rights Institution
NLASO	National Legal Aid and Services Organisation
PPCR	Pilot Programme for Climate Resilience
PWD	People with Disabilities
RAB	Rapid Action Battalion
SDC	Swiss Agency for Development and Cooperation
SIDA	Swedish International Development Cooperation Agency
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
VAW	Violence Against Women

Introduction

The National Human Rights Commission of Bangladesh (NHRC) is an independent statutory body formed under the National Human Rights Commission Act (2009). In accordance with its official mandate, the NHRC serves as the major national human rights watchdog by monitoring the implementation of state obligations to respect the protection and fulfilment of the rights of every single member of society. The NHRC addresses specific human rights complaints through investigation, mediation and conciliation and, where necessary, through constitutional litigation. More broadly, the NHRC addresses human rights issues through raising public awareness. The Bangladesh National Human Rights Commission Capacity Development Project (BNHRC – CDP) is a step towards building the institutional strength of the Commission, and establishing it as an effective, efficient and credible organisation, capable of fulfilling its mandate, particularly for the most vulnerable and disadvantaged groups in Bangladesh. The Project is funded by the United Nations Development Programme (UNDP), Danish International Development Agency (DANIDA), Swiss Agency for Development and Cooperation (SDC) and Swedish International Development Cooperation Agency (SIDA), and implemented in partnership with the NHRC. The Project focuses on building NHRC capacity in following four key areas:

1. Institutional development;
2. Human rights monitoring and investigation;
3. Human rights awareness raising; and
4. Human rights research, reporting and policy development.

To assist in achieving the third outcome, raising human rights awareness, a detailed baseline survey was conducted to find out what people in Bangladesh currently think, know and understand about human rights, and to determine what they see as the most important human rights issues in the country. The survey also sought to ascertain the general level of awareness of the Commission's existence and role. The results of the survey will assist the NHRC to direct its future activities and measure results of interventions.

The objectives of the baseline survey study were to:

- Assist the NHRC to target the most important human rights issues and develop appropriate messages and methods to raise awareness and increase public education, by determining:
 - the general level of understanding and awareness of human rights among Bangladeshis; and
 - the major types of human rights issues facing Bangladeshis, as identified by them.
- Assess the level of awareness and understanding of the NHRC and its mandate, roles and functions.
- Determine where people go, and why, when seeking redress for human rights violations, and their level of satisfaction with the services provided.
- Assess the strengths and weaknesses of the legal and policy framework for the protection of human rights in Bangladesh.
- Provide recommendations on how stakeholders and role players in human rights protection and promotion can support the NHRC to improve the human rights situation in Bangladesh.
- Determine a baseline against which to measure the success of future public education and awareness campaigns (and other NHRC interventions).

The results of the survey can be found in a comprehensive report which also contains research on human rights in Bangladesh, a detailed analysis of the survey findings, and recommendations for the way forward for the work of the NHRC. The report is entitled *Perceptions, Attitudes and Understanding: A Baseline Survey on Human Rights in Bangladesh*, and this report functions as a summary of the extended report. The full report will be available online at the NHRC web site: www.nhrc.org.bd and at the BNHRC – CDP web site: www.bnhrc-cdp.org, from January 2012.

The baseline survey study was undertaken by a consultant team formed through a collaboration between Data Management Aid and Bangladesh Legal Aid and Services Trust (BLAST). The key personnel, and report authors, included Greg Moran (Team Leader and International Human Rights Expert), Sara Hossain (Human Rights, Gender and Law Expert), Mirza M. Hassan (Justice Sector Institution and Governance Expert), Professor Kazi Saleh Ahmed (Consultant Statistician) and Maqbul H. Bhuiyan (Lead Quantitative Survey Expert).

The Survey

The baseline study utilised both quantitative and qualitative survey methods. The quantitative aspect was undertaken via a household survey targeting the entire country. To validate findings from the household survey, identify issues not raised in the survey, and gather additional information, the household survey was supported by a qualitative survey, involving 24 focus group discussions (FGDs) and 23 key informant interviews (KIIs).

Quantitative Survey

The quantitative survey was conducted at household level, with any adult inhabitant aged between 18 and 60 years, and was undertaken from late June to mid-July 2011. The gender ratio of respondents was controlled by selecting male-female respondents alternatively. The profile of the respondents indicates that the split across age group, economic level, and women and men is largely reflective of society and a good balance was achieved.

Of the households surveyed, 94% were headed by males, with an average household size of five, consistent with the national average. Among the surveyed households, 53% were ranked among the poorest in the country, 34.2% were considered middle income, and 12.8% were ranked among the least poor. The average age of a respondent was 35, and 89% had been or were married. Thirty-four percent of respondents were illiterate and approximately 22% were educated.



Survey enumerators

Photo credit: DMA/BLAST

The survey area covered the whole of Bangladesh, encompassing both urban and rural areas across all seven divisions and 38 districts. The sampling design for the household survey represented the national population as a whole. The geographic distribution of Adibashis¹ (indigenous peoples), who live mostly in the three districts of the Chittagong Hill Tracts (CHT) and certain pockets in the plain districts, was taken into account to ensure all groups were represented proportionately, and a special sample was taken in the CHT area.

The sample number for the household survey was designed to provide reliable estimates of public awareness indicators. The samples were allocated to divisions in proportion to the respective population size. As such, the sample sizes were as follows:

Total sample size = **3952** households

National sample size = 3632 households (including 288 plain districts Adibashis)

CHT special sample = 320 households

Rural sample size (70% of the national sample) = 2542 households

Urban sample size (30% of the national sample) = 1090 households

Sample size for each village/mahalla = 18 households

Qualitative Survey

A total of 24 FGDs were held from late May to mid-September 2011, covering 186 people and a wide range of rights issues. Specific issues covered included access to justice, discrimination, violence against women, vulnerable groups, climate change, social safety nets, and other socio-economic rights. Apart from two FGDs with Adibashis in the Chittagong Hill Tracts, all were held in Dhaka, with a wide range of organisations, and included men and women from different religious, ethnic and linguistic groups. The FGDs contained representatives from human rights organisations and non-governmental organisations (NGOs), along with advocates, journalists, health professionals, economists and others. A total of 23 KIIs were held with government officials, judges, human rights advocates, academics, family members of victims of violence against women, members of civil society organisations (CSOs), police and others.

General Human Rights Awareness in Bangladesh

Respondents to the household survey were first asked to identify the major problems they believed were facing Bangladesh. Since almost any problem facing a society will have a human rights related dimension, this question was deliberately kept vague, to allow respondents to identify problems and issues without using the term 'human rights', a term with which some people might not have been familiar.

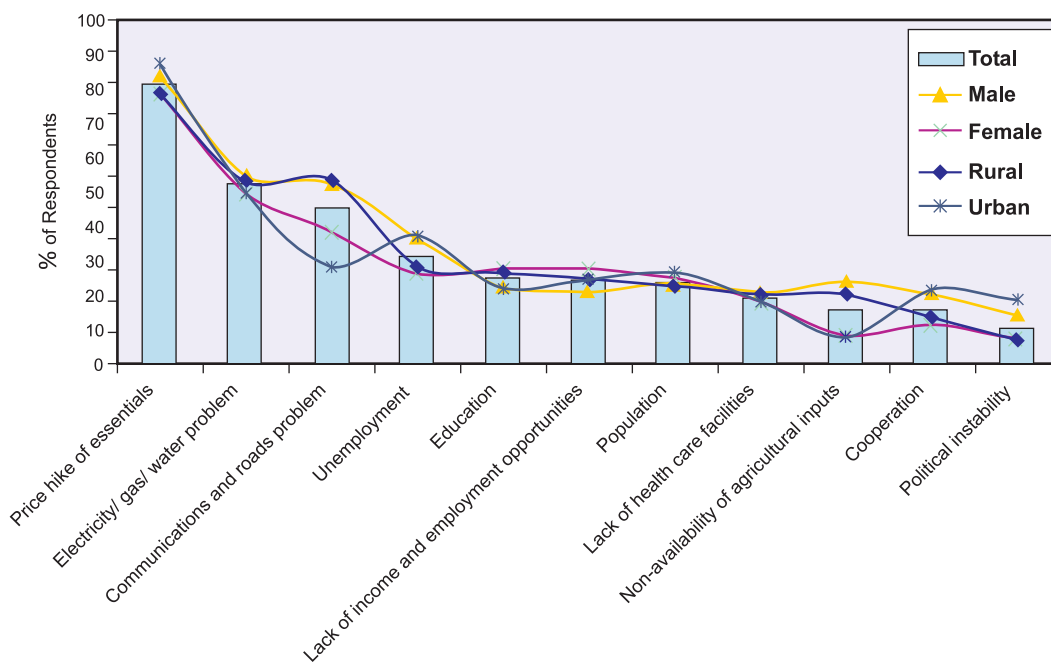
The survey also asked what one has to do to earn their rights, and respondents were generally aware that knowing your rights is the most effective way to claim them.

Understandably, in a country where poverty is so high, the major issues people identified in their daily lives relate to poverty and lack of access to, and protection of, socio-economic rights.

¹ 'Adibashi' is an indigenous word that indigenous people in Bangladesh use to define themselves. The report takes note of the Government's position on indigenous people as of August 2011. However, since the survey was conducted prior to this, the questions and answers of the survey need to be accurately reflected in the report.

The following graph shows the overall response and the disaggregated data from male, female, rural and urban respondents:

Fig. 2: Major problems facing Bangladesh at the moment



What are human rights and which should be protected?

Half of the respondents to the quantitative survey (50.2%) had never heard of the term 'human rights', bearing out the presumption that it may be unfamiliar. Those who had heard of it were much more likely to be from an urban area, male, educated and/or among the least poor. When asked to identify what 'human rights' means, those familiar with the term showed a fairly good understanding of them as basic rights accorded to all people from birth and relating to personal freedoms. However, 18.1% of those who had heard of the term could not describe what it means.

When asked which human rights people should have, respondents recognised the right to life as the primary human right, along with key civil and political rights, such as equality and freedom from discrimination, personal freedoms and freedom of expression. Understandably, there was also a strong focus on socio-economic rights and access to services. The disaggregated data showed few differences in prioritising rights, except between women and men in regards to women's rights (where 10.2% of women prioritised them, compared to only 2.6% of men) and equality (prioritised by 13% of women and 9.9% of men). When asked what one must do to earn their rights, respondents who had previously heard of human rights were generally aware that knowing your rights is the most effective way to claim them.

How are human rights protected in Bangladesh?

Over half the people surveyed were either not aware or did not believe that human rights, or at least some of them, are legally protected and enforceable in Bangladesh. Of those who were aware rights are protected,

only 6.1% knew they are protected by the Constitution. This is perhaps unsurprising when coupled with the finding that 58.4% had not heard of the Constitution. Since people can only claim and defend their rights when they know and understand that they can be legally enforced, the lack of knowledge around legal protection of rights is problematic.

Rights and Obligations

The survey sought to determine whether people understand the link between human rights and the attendant responsibilities to respect the law and the rights of others. Respondents were asked 1) which duties or obligations people have towards others in respect to the right to life, and 2) which obligations arise if they wish to claim the protection of the law. Responses generally indicated an awareness that rights and obligations are interlinked, especially the obligation to know and abide by the law. However, a large number of respondents answered 'don't know' to these questions (23.3% and 32.1%, respectively), indicating that public awareness campaigns must convey that human rights create corresponding obligations.

Sources of Information

Despite high levels of poverty, television is by far the most common source of information on human rights, and was listed as such by almost 60% of respondents. Surprisingly, only 4.9% reported hearing about human rights on radio, a source of information easily accessible to most people, and only 3% had heard about them from NGOs. Other key sources of information were neighbours (11.5%), public discussions (25%) and schools (11.6%).

Both television and radio (despite the survey response) have the potential to reach wide target audiences and benefit from being able to convey messages to everyone, including the non-literate, the poor and rural dwellers, who are less likely to be reached using printed materials than their urban, wealthier and better-educated fellow citizens.

Very importantly, people across all groups benefitted from human rights education messages at school, indicating that their inclusion in the school curriculum could greatly improve knowledge of human rights and instil corresponding values from a young age. The report authors recommend that the NHRC lobby for the inclusion of human rights in the formal school system and assist in developing the curriculum to ensure appropriateness.

Reporting Human Rights Violations

When asked what they would do if the government violated their rights, over 80% of respondents said they would take some form of individual or collective action, rather than look to someone else to protect or defend their rights. Only 16.9% said they would do nothing, whereas 40.7% would protest the violation, 31.5% would not vote for the government in future elections, 24.6% would demand the government step down, and 8.7% would try to influence public opinion to protest the government. However, only 1.1% said they would report a violation to police, and even less would report it to a lawyer or the NHRC.

Role of the NHRC

The survey asked if people believed the NHRC is able to perform its mandate in the current social, economic and political reality of Bangladesh. The responses indicated that 80% believe it can; however, this is tempered by the fact that 68% had not heard of the NHRC before participating in the survey. Interviewees and those attending FGDs expressed concern about the limited capacity of the NHRC and the need for it to collaborate

with others and build networks and links if it is going to meet its mandate. Respondents in the household survey did not appear concerned that the government will attempt to interfere in the work of the NHRC, but many of those interviewed and who took part in FGDs raised concerns in this regard.

General Human Rights Awareness

The responses to this section of the survey show that the people of Bangladesh have a deep-rooted understanding of how democracy works, especially in regards to the potential impact of citizen mobilisation and articulation of concerns. This suggests that the lack of knowledge of the technical term ‘human rights’ does not necessarily mean Bangladeshis do not understand the concept of having certain rights and being able to demand them. Instead, the responses indicate that people need to know more about other means, beyond protests or waiting until elections, to demand their rights and deal with rights violations. As it stands, the responses reinforce a lack of awareness of human rights as legally enforceable and of the institutions able to deal with rights violations, or alternatively, a lack of trust or confidence in existing institutions.

Access to Justice

The low level of human rights awareness in Bangladesh, as identified in the previous section of this report, is of concern for access to justice in this country, as people cannot claim their rights, or even identify when a right has been violated, if they are not first aware of the rights to which they are entitled. Perhaps of greater concern is the lack of knowledge about, or trust in, the institutions available to assist people to understand and demand their rights.

Bangladesh has both a formal and informal system of justice. The formal justice system is made up of the police, prisons, prosecutors, lawyers and courts. The informal system consists of Shalish (mediation) at the community level, informal mediation at the Union Parishad, NGO-organised Shalish, and NGO-supported Shalish at the local community level. It is unsurprising that people, especially in rural areas, are far more likely to use the informal system. However, the great value of the baseline survey is in illuminating where people go, and why, to seek justice for human rights violations, and their opinions of the services available.

Formal Justice Sector

Respondents were asked to provide their opinion about the quality, over the past five years, of the services that make up the formal justice sector, whether or not they had used them:

Table 1: Quality of service provided by the formal justice system over the past 5 years

Quality of service	Police	Subordinate Courts	High Court	Govt. Legal Aid Scheme
Number	3632	3632	3632	3632
Improved	33.7%	29.0%	19.1%	21.9%
Stayed the same	15.0%	9.5%	4.1%	5.1%
Got worse	28.7%	17.3%	7.6%	7.5%
Don't know	22.5%	43.8%	68.0%	54.6%
Haven't heard of this institution / body	0.1%	0.4%	1.2%	10.9%

Interestingly, given the negative press the police regularly receive, 33.7% of people believed the police service had improved, compared to 28.7% who believed it had gotten worse. The majority of respondents could not provide an opinion about the High Court or the government legal aid scheme, and over 40% could not answer about the subordinate courts, indicating that most have very little direct experience with these services. In fact, 10.9% had not heard about the provision of legal aid through the National Legal Aid and Services Organisation (NLASO), reinforcing both a greater reliance upon informal justice, and a lack of awareness of means to access justice to which all are entitled. When asked why people do not use the formal justice system, the greatest reason by far, given by 73.8% of respondents, was the cost involved. Other reasons given for not accessing the formal justice system were perceived corruption (22.1%), harassment by lawyers (19.5%), complicated process (15.7%) and because the formal court system can be intimidating (13.7%).

Low conviction rates in the criminal justice system lead to a denial of justice for many victims of crime, especially women and other marginalised groups as is evidenced by answers received during the household survey and during the qualitative survey. Vulnerable groups, such as women and Adibashis, were least likely to be able to provide an opinion on formal justice services, perhaps because they experience greater difficulty in accessing them. Respondents identified problems for women who pursue formal justice, such as a lack of support, including from their families, and an environment that is not gender-sensitive. Further, all of the interviewees in the FGD on violence against women (VAW) identified issues that prevented them seeking justice, such as difficulty in having their cases accepted by police on the grounds it was a family matter, as well as harassment and being implicated in a false case.

Informal Justice Sector

As with the formal justice sector services, survey respondents were asked to rate the quality of services provided by the institutions and organisations of the informal justice sector over the past five years, whether or not they had used them:

Table 2: Quality of service provided by the informal justice system over the past 5 years

Quality of service	Traditional Shalish	NGO-led Shalish	Arbitration Council	Legal Aid NGOs
Number	3632	3632	3632	3632
Improved	53.3%	19.1%	53.9%	16.3%
Stayed the same	12.7%	1.1%	9.6%	0.9%
Got worse	22.1%	2.3%	15.0%	1.6%
Don't know	11.7%	61.0%	21.1%	64.9%
Haven't heard of this institution / body	0.1%	16.5%	0.4%	16.4%

Almost all respondents, 99.9%, had heard of traditional Shalish (mediation), the principal method of informal justice, and 53.3% believed their services had improved, significantly more than the 22.1% who believed they had declined. Only 11.7% could not answer, compared to the far greater numbers who could not answer about the formal judicial system.

Men were more likely to believe Shalish had improved than women, possibly indicating a lack of change within traditional Shalish in giving women a voice. Similarly, with regard to Arbitration Councils men were much more likely to report an improvement, at 60.2%, than women, at 47.7%. Just over 16% of respondents

had not heard of NGO-led Shalish or NGO legal aid, and over 60% could not provide an opinion on either, indicating missed opportunities to access justice services. NGO legal aid was, however, viewed to be the least likely to be affected by corruption of all organisations, institutions and bodies surveyed. The major reasons cited for poor quality of service in the informal justice system were corruption (67%), politicisation (33.5%) and arrogance or bad behaviour by members of the Shalish (15%).

Corruption was the leading reason perceived by respondents for poor quality of service in every justice service. The authors of the survey report recommend following an initiative taken in Nepal, where the amounts to be paid for all court services are painted on the walls. Such transparency would help people feel more assured that they are not being charged unfairly. Further recommendations from the report authors include: (1) incorporating human rights education into the school curriculum to raise general awareness and effect generational change; (2) providing more information on the institutions that exist to deal with human rights violations and encouraging people to use them; and (3) to ensure greater sensitivity and awareness within the justice systems, education on human rights in general, and the rights of women and other vulnerable groups in particular, should be provided for role-players in both justice systems.



A household survey being conducted

Photo credit: DMA/BLAST

Discrimination

Gender-based Discrimination

Bangladesh has made great strides towards improving the status of women in recent decades, including ratifying the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Yet many challenges remain and discrimination against women is an ongoing problem. When asked whether women and men should enjoy equal rights, the majority of respondents (74.3%) answered yes. Women, as a disaggregated group, were more likely to support equal rights, at 85.3%, as were religious minorities and Adibashis, with both groups at just under 90% in support. In contrast, men, Muslims and Bengalis recorded lower than average support. When asked when it is acceptable for community members to discriminate against women, most people could provide examples, and only 6.2% answered 'never'. Discrimination was considered most acceptable at work (accepted by 25.6%), when walking alone on the streets (25.1%), during religious ceremonies (17.5%), in the home (15.8%), and when pregnant (14.5%). In contrast, 13.6% of respondents answered that it was 'never' acceptable for the government to treat women differently, indicating a lower tolerance of discrimination by government than by their own communities. It was, however, unclear if respondents recognised positive discrimination.

The majority of respondents, 55%, answered that, in their opinion, discrimination against women had decreased, with this view more widely held by those who live in urban areas, the educated and Muslims. In contrast, 18.5% of all respondents felt discrimination against women had increased. Somewhat surprisingly, men, at 20.2%, were more likely to answer that it had increased than women, at 16.8%. Muslims and Bengalis, at 20.2% and 19.1% respectively, were also more likely to report an increase in discrimination against women than religious minorities and Adibashis, at 11.9% and 11.5% respectively.



Photo credit: Kamal Pasha

Only 4.2% of those surveyed answered that a female member of their household had been discriminated against or suffered abuse. Of those who responded to this question, the major forms of abuse were physical assault, in 54.6% of incidents, and verbal assault, in 39.5% of incidents, including verbal assaults in the street and sexual harassment. The most common perpetrators of abuse were fellow household members, in 57.2% of incidents, and neighbours, accounting for 21.7%.

Just over half reported the incidence of discrimination or abuse, but 94.4% of those who did not report, did not do so to maintain their family honour. The most common authority to which people reported was a

community leader, and the matter was usually dealt with through the informal justice system via Shalish (mediation). Of those who did not pursue Shalish, 71.4% said they did not trust the process. The major reasons given for not accessing the formal justice system were prohibitive expense, cited by 53.6%; because the abuse or discrimination was viewed strictly as a family matter, according to 25%; or because community leaders did not support such reporting, as 17.9% responded.

People with Disabilities

The survey results indicated Bangladeshis generally understand that people with disabilities (PWD) face many difficulties. Respondents also demonstrated relatively high levels of understanding of the issues they face, along with high levels of empathy. No one responded that people with disabilities face no discrimination, while only 10.9% did not know if they suffer any discrimination.

Respondents identified the major problems facing PWD as poverty, the deprivation of basic rights, and discrimination in the community. Lack of access to services, lack of employment opportunities and discrimination within the family were also identified as significant problems.

These answers were supported and amplified by the FGD on disability, which highlighted problems with accessing health services and access to employment, along with very limited specialist education catering to people with disabilities, and the inaccessibility of public transport, buildings and hospitals. The FGD also considered the specific problems faced by women with disabilities, raising issues of lack of maternal care, forced marriage, difficulty in accessing pensions for government employees with disabled children, and the lack of shelters for women with disabilities. The FGD also noted that women with disabilities are at greater risk of becoming victims of violence, with many being unable to resist an assault or report it.

Over 90% of respondents believed people with disabilities should enjoy equal rights. Only 7.1% of respondents said discrimination against people with disabilities had increased, while 57.9% believed it had decreased. Discrimination by government was only listed as an issue by 2.7%; however, this should be seen in light of more than 25% of respondents identifying the lack of state-provided health care as a major problem. To address the lack of provision of services, the report authors recommend the NHRC engage in advocacy and lobby the government.

Minority Groups

Religious minorities account for approximately 10% of the total population of Bangladesh, and include Hindus (9%), Christians (less than 1%) and Buddhists (less than 1%), with Buddhists concentrated mostly in the CHT. The government publicly supports religious freedom, yet discrimination against religious minorities remains a significant issue. Some of the main challenges include under-representation in government and military jobs, incidents of violence, vandalism and harassment, and the absence of redress for rights violations. However, when asked to identify the problems facing religious minorities in Bangladesh, the largest single response, provided by 41.3%, was that they face no problems at all. Muslims were far more likely to give this response, at 45%, than religious minorities themselves, at 26.8%.

The most common problems survey respondents believed religious minorities face were discrimination in the community, violence or abuse by other religious groups, obstacles created in practicing religious events, occupation of their land by others, and political victimisation.

Only 2.2% of those surveyed answered that they or a member of a religious minority in their community had been discriminated against or suffered abuse. Less than half had reported the matter, mainly to avoid future conflict, because their opponents were powerful, because they did not want to disclose it for social reasons, or because they had no faith in the justice system.

When asked if all religious groups should enjoy equal rights, 86.2% of all respondents said they should. When asked whether levels of discrimination had decreased or increased over the past five years, slightly more than half answered that discrimination against religious minorities had decreased, while only 7.8% believed it had increased. Discrimination by government was considered to be rather minimal, thus the report authors proposed raising awareness about social inclusion and the importance of tolerance and respecting other people's beliefs, as a priority over advocacy activities.

Research indicates that **Dalits** (or Harijans or 'untouchables') face numerous problems directly related to their status in Hindu society, including lack of education, low-income employment, poverty and poor living conditions, child labour, lack of access to justice, and violence and discrimination against women. Reasons advanced in the survey responses for why Dalits are discriminated against, such as the caste system, create a sense that some people unquestionably accept discrimination against some as inevitable. This can be seen in the response, given by approximately half of those surveyed, that Dalits' work is dirty and of lower class.

When asked when discrimination against **Adibashis** (indigenous minority communities) is acceptable, 13.3% answered it was never acceptable by the public, and 18.4% said the same of discrimination by the government. Over half of the respondents could not say when discrimination would be acceptable, while almost 22% felt it was acceptable for people to discriminate against Adibashis when deciding who can participate in a religious ceremony. Religious matters also featured when considering when government may discriminate, with 16.9% saying the government could do so when observing religious functions and 9% saying they could do so when deciding on religious holidays.

In general, survey respondents agreed that Adibashis should enjoy equal rights, but were less likely to believe they should have additional protections. When asked if Adibashis should enjoy additional protections, 65.3% answered 'no'. Bengalis (68%) were predictably more likely to answer this way than Adibashis themselves (33.6%). In contrast, 40.6% of Adibashis were in favour of special protections compared to only 4% of Bengalis. This indicates a lack of understanding in the non-Adibashi community of problems facing Adibashis, along with a problematic understanding of the value of positive discrimination.

Almost 20% of all Adibashis surveyed believed discrimination against them had increased, yet only 4.6% of all respondents believed this. Approximately one third of all respondents believed discrimination against Adibashis had decreased over the past five years, and, interestingly, Adibashis and Bengalis recorded almost identical responses, at 32.9% and 33.1% respectively. This is with the exception of Adibashis in the Chittagong Hill Tracts (CHT), where only 9.6% believed discrimination had decreased, indicating discrimination is perhaps a greater problem for Adibashis living in the CHT than for those living in the plains areas.

Violence Against Women

Bangladesh has many laws aimed at protecting women against violence, yet research indicates violence persists, particularly domestic violence, sexual violence, rape and acid attacks, along with sexual harassment in schools, universities, the workplace and public spaces. These findings were borne out during the baseline study, when respondents were asked to identify the major problems facing women in their communities.

Table 3: Most common problems facing women in your community

Problems facing women in your community		N=3,632
Problems of dowry	%	46.0
Poverty	%	37.7
Violence by husbands	%	35.6
Lack of health care	%	20.4
Violence by family members	%	18.9
Physical violence	%	16.5
Mobility restrictions	%	14.7
Difficulty getting a job/work	%	12.8
Lack of access to education	%	12.2
Lack of security	%	11.9

Both men and women listed at least 32 issues, and violence against women clearly figured strongly in the ten most commonly identified problems, as seen above in Table 3. However, knowledge of laws that protect women from violence is low, with 68% of survey respondents unable to name any.

When asked to identify the most prevalent forms of violence against women (VAW), survey respondents clearly identified violations related to dowry demands and domestic violence as the most common.

Table 4: Most common forms of violence against women

Forms of VAW		N=3,632
Violation related to dowry demands	%	68.5
Beatings by husband / family members	%	62.6
Physical abuse	%	43.3
Sexual harassment (including eve teasing)	%	20.3
Mental violence or cruelty	%	16.5
Sexual abuse	%	16.1
Economic violence	%	14.9
Polygamous marriages	%	14.6
Acid attacks	%	12.2
Trafficking in women	%	10.1
Don't know	%	5.5
Others	%	3.6
Victim of fatwa	%	2.1

Domestic Violence

While a legal framework exists to address violence by husbands and prosecute offenders, access to justice for victims is limited and beset with obstacles, including social pressure, feelings of shame, perceived and actual discriminatory attitudes in informal and formal judicial systems, long delays in formal court systems, and geographical distance from legal services. A perceived belief that justice cannot be achieved and perpetrators will always go unpunished was reflected in the FGD with survivors of domestic violence, where all participants said they would return to their husbands if given assurances that the violence will stop. They were prepared to risk further violence for the sake of their children, seeing no alternative beyond the marriage to raise their children with dignity. Participants also found it difficult to speak out against abuse because of the shame of being left by their husbands.

When it comes to attitudes towards domestic violence, 55.6% said it is never acceptable for a husband to use violence against his wife. It is notable that while 52.6% of men answered this way, the number of women was not much higher at 58.6%, perhaps reflecting an acceptance of social norms. The report authors found a high level of understanding among people that domestic violence is wrong, but not a correlating shift in behaviour.

Over 63% of married women responded that violence against wives is acceptable for 'disobedience', and the majority of all respondents, at 71.9%, accepted that a mother-in-law can control or discipline her daughter-in-law for 'disobedience'. Thus, despite some differences in the disaggregated data, responses showed a general attitude that women may be beaten by their husbands, or family members, for 'disobedience' or when their behavior is considered to bring 'dishonour' to the husband or family. This indicates public awareness is required around the right to be free from domestic and other forms of violence and the right to freedom of opinion.

Dowry

Although illegal, dowry continues to be demanded and paid. The survey sought to find out why and whether people understand the consequences of maintaining the practice. The beliefs that dowry is a requirement for marriage, necessary for marriage into a 'good' family and essential to ensure the happiness of the girl, were most widely held among women, Bengalis and Muslims, indicating strong social pressures on, and socialisation of, women and girls in these groups. Encouragingly, 9.3% of respondents believed dowry makes commodities of women, and 7.8% recognised it violates women's rights. Yet this limited recognition indicates that the majority of respondents could not relate to the problem as a rights-oriented issue and this is clearly an area where awareness-raising is required.

Sexual Violence

Sexual violence, including rape, represents a high percentage of the total incidents of violence against women reported to the police, while sexual harassment was cited by 20.3% of respondents as one of the most prevalent forms of VAW. Of major concern is the non-recognition of marital rape as a crime, both in law and in the socio-cultural tradition. Bangladesh does not recognise a woman's freedom to refuse to consent to intercourse with her husband, and, more broadly, a woman's absolute freedom of choice over her own body. Further, an extremely worrying percentage of respondents (35%) believed that a marriage should be arranged between an unmarried woman or girl and her rapist. Although this indicates some reduction in this attitude from previous research, it identifies an attitude that must be addressed, in order to make it clear rape is never acceptable and the perpetrator, not the victim, must be punished.

As previously mentioned, when asked to name laws that protect women from violence, 68% of respondents could not, and only 1.1% of people identified the Constitution. Only 4.9% of those surveyed said that they or a female member of their household had been a victim of VAW, which is surprising, but reflects the general under-reporting of such crimes. Of those who reported an incident of violence against women in their survey response, nearly three quarters did not officially report the matter to anyone. Reflecting prevailing attitudes and understanding of rape and its legal definition, only 0.6% reported sexual abuse. Only 17.6% of victims of VAW accessed formal justice, while 30% of victims cited that they did not take such steps because it is strictly a family matter. Considering that more than 75% of perpetrators were reportedly husbands, this suggests a high percentage of cases of family violence are never officially reported. This is supported by the 46.1% of all respondents who said they would prefer to solve an incident of violence against a female family member within the family, rather than report it to the police or Shalish.

The majority of respondents, 60%, believed VAW had decreased over the past five years. Just under 20% believed it had increased, largely stating the causes to be poverty, increasing dowry demands, and because girls are moving around more freely and behaving more 'wantonly'. Perceived reasons for a decrease in VAW focused upon the growth in women's empowerment, greater education and awareness of equal rights.

Violence by State Mechanisms

Violence by state mechanisms includes extrajudicial killings by the army, police and the Rapid Action Battalion (RAB²), torture and ill-treatment of suspects while in custody, excessive force used in quelling demonstrations, and arbitrary arrests and detentions. The survey sought to gauge people's understanding and perceptions of the role, powers and responsibilities of the police and RAB in arresting, detaining and questioning suspects, and on the use of torture and extrajudicial killings.

Bangladesh is a party to all major international instruments related to the rights to life and to a fair trial, and rights on arrest and detention, including the International Covenant on Civil and Political Rights (ICCPR), and relevant rights are protected in the Constitution. Despite this, research shows a steady and unacceptably high rate of extrajudicial killings. A prominent Bangladeshi human rights organisation, Ain o Salish Kendra (ASK), has monitored killings and torture by RAB and the police. Based on their reports, the following picture emerges for the period 2004-2009.

Table 5: Extrajudicial killings from 2004 to 2009

Nature of Violence	2004	2005	2006	2007	2008	2009	Total
Crossfire (without arrest)	46	94	62	81	127	112	522
Crossfire (in custody)	88	260	196	34	31	13	622
Physical Torture (without arrest)	3	1	7	9	2	2	24
Physical Torture (in custody)	23	11	26	18	7	8	93
Shot (without arrest)	33	11	61	24	n/a	89	218
Shot (in custody)	12	-	-	-	n/a	n/a	12
Suicide (as claimed by the police after arrest)	2	-	-	-	2	2	6
Sick (in custody)	n/a	n/a	n/a	n/a	6	3	9
Total	207	377	352	166	175	229	1506

² The RAB consists of members of Bangladesh Police, Army, Navy, Air Force, Border Guard and Bangladesh Ansar. It was formed on 26 March 2004 as an elite anti-crime and anti-terrorism force of the Bangladesh Police and started its operations from 14 April 2004.

Although the use of deadly force continues, there are no recorded cases of police or RAB officials ever having been prosecuted for their actions. This, together with the impunity RAB officers have enjoyed, is said to have contributed to an increase in similar killings by the police. The idea, proposed by some commentators, that some public acceptance or support exists for extrajudicial killings is not supported by the household survey results. Instead, perceptions of when it is acceptable for police or RAB to use lethal force showed the most commonly held view is 'never', at 38% for police and 29.3% for RAB. The disaggregated data shows this view is held even more strongly by the educated, least poor, urban dwellers and men.

However, responses suggested high levels of acceptance of the use of torture, with only 15.8% responding that it is 'never' acceptable for police (including RAB) to use torture, while 35.2% of respondents would accept torture to get accurate information, even though it is widely accepted internationally that information obtained while under duress is usually unreliable. Further, 22.5% would accept the use of torture for any crime, and close to 8% would accept it when a person is a suspected terrorist or when information is urgently required. The report authors noted that the apparent broad acceptance of torture may be the result of confusion due to the lack of any clear definition of torture in national legislation, while the Bangla word *nirjaton* can mean both torture and violence. Survey respondents were asked to identify what they regard as torture, and reported the main forms as rough behaviour, beating and demanding bribes, suggesting they do not fully understand the term.

Participants in the FGD on state violence believed the main reason for torture is because the police lack investigative techniques and skills, and instead rely on torture to extract confessions or other information from suspects and potential witnesses. The authors concluded that education on the right to not be tortured, along with a clear definition of what the term means, is required for both law enforcement agencies and the general public. This could be a specific campaign, or could be combined with more general campaigns on access to justice, the rights of arrested and detained people, and the right to a fair trial. They further recommended that the NHRC should lobby for clear legislation outlawing torture and providing compensation to victims in compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

The majority of respondents, 59.9%, recognised that everyone is entitled to a fair trial and 37.1% agreed the same must apply to serious criminals. In general, responses showed high levels of understanding that simply killing someone who is regarded as a notorious criminal, when they could otherwise be arrested and tried, is a violation of their rights.

The NHRC has already begun playing a role in the matter of extrajudicial killings and excessive use of force, and has been at the forefront of calls for a RAB officer to be held accountable in the 'Limon' case.³ This has shown how effective a media strategy can be in highlighting issues facing the country and simultaneously raising the public profile of the Commission. Such work can be furthered by public awareness-raising on the rights of detained and arrested people, and the right to a fair trial and to seek redress through the courts when these rights are violated.

³ RAB officers shot a 16-year-old student, Limon Hossein, in a field while he tended his cows, and waited several hours to seek medical attention for him, resulting in the amputation of his left leg above the knee.

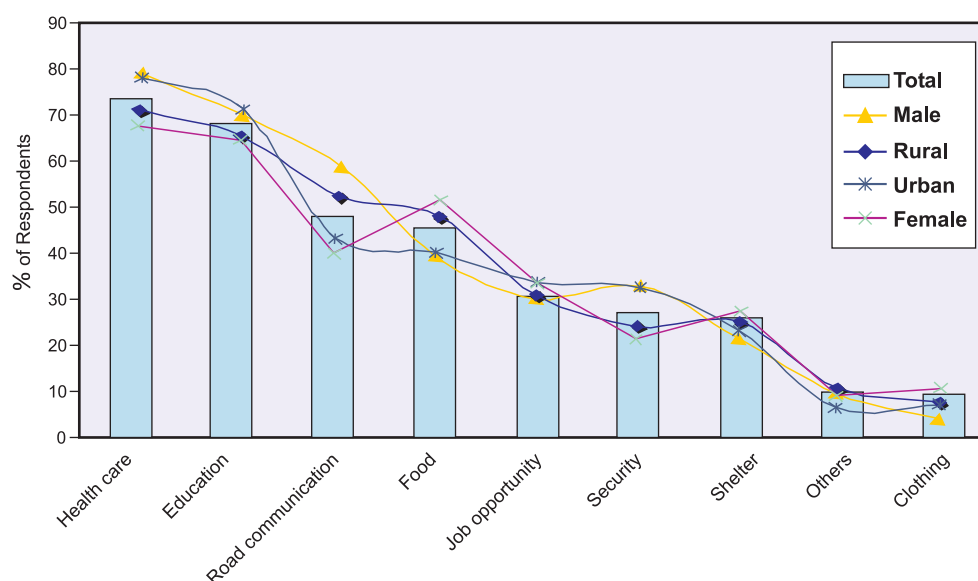
Socio-economic Rights

Given the prevailing rate of poverty and high level of dependence on the state for basic services, socio-economic rights are, understandably, of paramount concern to the vast majority of Bangladeshis, as evidenced by their prioritisation of socio-economic issues throughout the survey. When asked to identify the major problems facing Bangladesh, the main issues raised were related to poverty and lack of access to, and protection of, socio-economic rights. The survey sought to confirm whether people understand the provision of socio-economic support and services as a right rather than a favour.

Government Services

Respondents were asked to identify the services they most commonly expected the government to provide for free:

Figure 3: Services the government should provide free of charge



Those that featured most prominently, such as health care, education, road and communications, and access to food, indicate Bangladeshis have a high degree of awareness of their right to basic services and the obligation on the state to provide for their basic needs.

Key services that people identified as a right, rather than a favour, are road and communications for rural areas (identified by 92.4%), free education (90.7%), health care (90.2%), and electrification of rural areas (89.6%). Generally, rural, poor and less educated members of society were more inclined to see the provision of such basic necessities as a favour, rather than a right, than people who are more highly educated, among the least poor and urban residents. While people appear to have a good understanding about the responsibility of the state to provide them with basic services, responses indicated that they also have low expectations in regards to their realisation.

Specific Issues

Respondents were asked a variety of specific questions to measure their understanding of particular socio-economic rights issues.

When is it acceptable for the government to evict people from unauthorised, urban slums?

Though a high percentage did not know (40%), those who did answer felt it would be acceptable to reduce crime (24.8% of overall respondents), to develop/modernise the city (19.8%), to ensure a clean environment (12.1%), and to make the city clean (11.6%). Predictably, the poorest and rural dwellers were far less likely to agree with any of these reasons for evicting people when compared to the least poor and urban residents. Women were far less likely than men to accept any of the reasons listed, except when it comes to ensuring a clean environment.

Should the government provide food for the poorest children when they are at school?

An overwhelming 94.4% believed they should, including high percentages among both the least poor and poorest respondents. When it comes to what type of food should be provided, most agreed that fortified biscuits (55%), snacks (33.9%), fruit (31.7%), rice/bread (24.6%) and milk (12.3%) were most appropriate.

Who should be able to use government-owned resources to help them earn a living?

The most common answers were the poorest people (76.7%) and the landless (56.3%).

Do men and women receive equal treatment at clinics/hospitals?

Nearly three-quarters of respondents (73.7%) believed they do. Where women do not receive equal access to healthcare, the major reasons advanced were that women are perceived as weak and unable, by convention, to demand equal services (56.8%), and that there are not enough women doctors (25.8%).

Which types of employment put women most at risk and where would awareness of labour rights be most required?

The answers provided were employment as domestic workers (40.1%) and in the garments industry (34.9%). For men, employment as transport workers and jobs in the garments industry were perceived as most hazardous.

Health

Numerous issues related to health services, and barriers to accessing them, were identified by the survey respondents, many of which focused upon the lack of availability of services, and the difficulty in accessing those that are available, whether due to discrimination, prohibitive cost or distance. While health is a human rights issue, many of the problems identified and barriers to accessing health care are related to the government's commitments to provide health care, and cannot be addressed through public education and awareness but through advocacy and lobbying.

Education

The right to education is a priority NHRC area and education in Bangladesh is free and compulsory for both boys and girls up to grade eight in terms of the National Education policy. The government provides additional incentives for children to attend school, such as providing stipends for girls' school expenses if parents promise to delay their daughter's marriage until at least 18. Yet according to the United Nations Children's Fund (UNICEF), around one million Bangladeshi children have never been to school, largely due to

poverty and inability to bear educational expenses, whether they be indirect costs, such as transport and uniform, or fees imposed by schools, despite government policy. Other contributing factors are poor teaching quality and the high teacher-student ratio, as well as the inconsistent living arrangements of children from slums, who often move frequently due to evictions, civic unrest and employment instability.

Girls have less access to education than boys, despite efforts to address this, and a gender gap remains in the higher levels of education. The tendency to prioritise the higher education of boys was borne out in survey responses, when asked to what age people will educate their children:

Table 6: To what age will you educate your children?

Level of education		For a girl	For a boy
Primary level	%	2.5	1.6
Up to SSC	%	22.4	10.4
Up to HSC	%	10.7	10.0
Up to University level	%	25.7	34.8
As desired by the child	%	32.7	42.8
Till marriage	%	5.1	(not mentioned for boys)
No education needed	%	0.4	0.5
As desired by husband	%	0.5	(not mentioned for boys)

As seen above in Table 6, respondents were much more likely to educate boys to either university level or the level desired by the child than girls. The major reason given for why girls drop out or are removed from school was poverty (62.7%), although 18.1% mentioned poor performance of the child, possibly linked to girls being given more time consuming chores and responsibilities than boys. Poverty also saw over 50% of poor families removing boy children from school, with an additional 32.2% removing a boy child so he can earn an income to help support the family or himself. While girls' enrolment in school has improved, and surpassed boys' enrolment in recent years, secondary dropout rates remain high and only 24% of university students are women. Some factors that need to be addressed to reduce the dropout rate include harassment of girls in secondary school, underestimation of girls by their teachers and families, and archaic gender stereotypes in textbooks.

Migrant Workers

Bangladesh is a major source country for migrant workers, with an estimated seven million Bangladeshis working and living overseas, and the migration sector is the major contributor to the country's foreign exchange earnings. Although the sector has huge growth potential, given the demand overseas, there are human rights challenges that are compounded by: low skills of potential migrants; lack of capacity in both public and private sectors to manage labour migration; and the lack of a regulatory framework, or administrative and judicial measures, to prevent and prosecute exploitation and abuse in migration processes. The survey report also highlights the link between human trafficking and migrant workers, noting that, although the exact number of trafficking victims is unknown, most trafficked persons are lured by promises of jobs or marriage. As such, while current legislation only penalises trafficking of women and children, the growing incidence of reported trafficking of adult males, in the guise of offering jobs overseas, has prompted the government to draft comprehensive legislation criminalising all forms of human trafficking.

Migrant workers are extremely vulnerable, and those consulted during the qualitative survey noted that the specific vulnerability and type of rights violations experienced by migrants often depends on whether they are male or female. The most common problems identified by participants in the FGDs on human trafficking and migrant workers' rights include: crimes against migrant workers that go unpunished in the host country, such as beatings and the withholding of wages; social costs on the family; the risk to women workers of sexual violence, exploitation, trafficking and forced prostitution, which can result in social stigma upon return to Bangladesh; and corruption among recruiting agents and government employees.

While the majority of human rights violations against migrant workers take place outside Bangladesh, where there is little the NHRC can do to address them, the report authors suggested the NHRC lobby for greater protection of migrant workers under the law, and foster improved regional cooperation with other national human rights institutions (NHRIs). Forming links with other NHRIs could encourage them to deal with complaints from migrant workers living in their own countries, and raise awareness among migrant workers that they are entitled to lodge complaints with the NHRC in the country in which they are working.

Child Rights and Child Labour

Bangladesh has signed and ratified the Convention on the Rights of the Child (CRC) and is party to numerous international instruments related to child rights. Bangladesh is thus bound by Article 32 of the CRC, which calls on state parties to recognise the right of the child to be 'protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development'. It further requires states to take legislative, administrative, social and educational measures to ensure the implementation of Article 32. While Bangladesh has ratified the Convention on the Worst Forms of Child Labour, it is yet to do so for the Convention concerning Minimum Age for Admission to Employment. Encouragingly, the Ministry of Labour and Employment has recently adopted a National Child Labour Elimination Policy (2010), which provides a framework to eradicate all forms of child labour by 2015.

Child Rights

In discussing child rights, it is important to understand how people define the term 'child', while the CRC, along with the general age of majority in Bangladesh, considers someone to be a child until age 18, this does not mean all people do. The survey sought to determine the age at which Bangladeshis perceive someone to no longer be a child. Roughly half the survey respondents believed both boys and girls stop being children between the ages of 6 and 10, while a significant number, 16-17%, do not see them as children by the time they reach 5 years of age. Only 0.8% of all respondents believed a boy was a child until age 18, and only 0.9% believed this about girls. Understanding of the age of majority appears to be determined to some degree by religion, economic status, education and whether one is rural or urban, with those who are rural, non-literate, among the most poor, Adibashis and/or members of minority religions more likely to set the age lower than others. Thus, any education campaigns on child rights must make clear who is considered a child, so people may understand who these rights relate to and protect. Some resistance to the idea that anyone aged below 18 is a child should be anticipated. The household survey sought to identify respondents' attitudes to child rights and their understanding of which rights should be protected and prioritised. Respondents were asked to list the rights that boy and girl children should have, based on their own definition of a child:

Table 7: The rights boys and girls should have

Right	Girl	Boy
Highest		
To education at state expense	80.1%	42.8%
To be brought up / cared for by both parents	49.3%	47.7%
To play	43.6%	41.1%
To receive healthcare	43.1%	46.6%
The right to freedom of thought and conscience	13.5%	16.0%
Lowest		
Not to be trafficked	0.6%	1.2%
To be protected from sexual abuse	0.8%	5.5%
To be protected from mental violence	3.9%	5.0%
Not to be separated from the parents against their will	4.6%	4.5%

Despite worrying levels of trafficking, the household survey results indicated that people do not see it as a major rights issue for children, as the right not to be trafficked ranked as one of the lowest children should have (0.6% for girls and 1.2% for boys). This differs from the participants in the FGD on child rights, who highlighted trafficking as a major issue. Answers to the survey indicated that people are very aware of parental and state responsibilities to raise children, but have an extremely low level of recognition of the right of a child to be free from violence and trafficking and to protection from abuse, suggesting awareness-raising in these areas is required.



Photo credit: Kamal Pasha

Given the sensitivities involved, specific questions on sexual exploitation were not included in the household survey, yet respondents identified the right to be free from sexual violence as one of the rights to be protected. Participants in the FGD on child rights also highlighted sexual exploitation of children as a major issue, noting that girl children are most at risk.

In general, household survey respondents believed verbal discipline was most appropriate for a minor fault by a child, but would also accept slapping and beating with a cane for major faults. They also accepted that teachers could discipline children for disobedience or naughtiness, reinforcing that disobedience is widely unacceptable in Bangladeshi society, and that physical punishment for it appears to be quite commonly accepted.

Underage marriage is a major issue facing girls, with the potential to impact on their human rights for their entire lives. This is of great concern, considering approximately half the women in Bangladesh marry before they turn 18. Encouragingly, survey responses suggest almost all Bangladeshis (93.9%) do not believe this practice is just. The most common reasons given for the continuation of the practice were poverty and to ensure the security of the girl. Three-quarters of respondents recognised health problems as a major consequence of underage marriage, and over 50% acknowledged that married underage girls will become mothers before they are ready. The report authors recommended tapping into this existing awareness of rights and health issues to advocate for an end to underage marriage.

When asked if Adibashi children should be afforded special protections or rights, 70.6% responded that they did not know, although Adibashis were far less likely to respond this way. However, there was some support for: the right to be educated in their own language, supported by 13.5% of all respondents; the right to participate in their own culture, which is a core right for all indigenous peoples, and supported by 9.4%; and the right to follow their own religion, another core indigenous right, which was supported by 9.7%.

Child Labour

Child labour, as defined by the United Nations Children’s Fund (UNICEF), is work that exceeds a minimum number of hours, depending on the age of the child and on the type of work. It can expose children to a multitude of risks including injury and death, health problems, sexual exploitation and violence. In Bangladesh, child labour is an area of major concern, exacerbated by high levels of poverty, leading some parents to see little option but to allow their children to work.

Of children ages 5 to 14, approximately 13.4% (4.7 million) work, 7.3% work and do not attend school, with rural children more likely to work without attending school than urban children. The most common form of child labour is domestic labour in other people’s homes. A recent UNICEF report found approximately half of all child labourers do not attend school at all, and only 11% of children in domestic labour attend school. Thus, while child labour is perceived as a way out of poverty, working children become stuck in a lifetime of low-paying, low-skilled jobs, thereby perpetuating the cycle of poverty.

Despite recent policies aimed at protecting children, Bangladesh does not have a strong record of domesticating international instruments, including in complying with the CRC. Article 32 of the CRC requires Bangladesh to provide a minimum age for admission to employment, appropriate regulation of hours and conditions of employment, and penalties and sanctions to enforce the protection of children from harmful work. There is no uniform minimum age for admission to work in Bangladesh, but the Labour Act (2006)

prohibits employment of children under 14 years of age, and any hazardous form of labour for anyone under age 18. However, with 93% of working children employed informally, the Labour Act is minimally enforceable. Hazardous work for children has been defined in the National Child Labour Elimination Policy (2010) as: work that exceeds five hours per day; work that creates undue pressure on the physical and psychological well-being and development of a child; work without pay; and work where a child becomes the victim of torture or exploitation, or has no opportunity for leisure. The UN Committee on the Rights of the Child expressed concern in 2009 that many Bangladeshi children continue to work in five of the worst forms of child labour – welding, auto workshops, road transport, battery recharging and tobacco factories.

Respondents were asked what they considered to be hazardous work for children. For all children aged 5-17 they believed carrying heavy weights to be most hazardous, and did not perceive this hazard to drop as children become older. Brick or stone breaking for the construction industry was also perceived as hazardous for children of all ages. The idea that any work is hazardous was accepted by 34.1% for boys aged 5-11, but decreased to 10.3% for boys aged 12-17. For girls aged 5-11, 36.8% believed any work was hazardous, compared to 15.1% for 12-17 year old girls. Generally, respondents understood that some work becomes less hazardous as children grow older, while some work is hazardous for any child, boy or girl, of any age.

The survey showed high levels of awareness that child labour can be harmful, acknowledged by 91.5%, and relatively high awareness that law and policy exist to regulate it, with 41.6% aware of some law or policy. Ninety percent of respondents said children aged 5-11 should not do any paid work at all; however most respondents said children aged 12-17 should be allowed to do paid work, although they were more accepting of boys in this age group working, as only 37.7% would not allow boys to engage in paid work, compared to 49.5% who would not allow girls to do so.

Despite high levels of understanding that children ought not to be engaged in work that detracts from their education and impacts on their development, and awareness that some forms of work can be particularly dangerous for children, poverty drives people to allow children to work in all forms of labour, knowing the risks to the child involved. Further, the fact that compulsory free education ends at Grade 8 is somewhat contradictory to the notion that children should not work until age 18. Given the scope of the problem, and the enormous consequences for children, and future generations, child labour is clearly an area where a concerted public education and awareness campaign is required to convince people the negatives outweigh the benefits.

Adibashis

Of Bangladesh's more than 142 million inhabitants⁴, just 1.2% are described as indigenous, with most living in the Chittagong Hill Tracts (CHT). Others live in the plains areas of Bangladesh and are more integrated into communities dominated by the majority. The most populous indigenous people in Bangladesh are the Santal, Chakma, Marma and Mandi. A separate mini-survey was taken in the CHT to ensure those living there were represented in the results. The responses showed very clear differences in how not only Bengalis, but also non-CHT resident Adibashis, understand the CHT situation, compared to those who live there.

Adibashis are reportedly among the poorest of the poor in Bangladesh, yet approximately 67% of respondents in the household survey could not identify any problems faced by Adibashis in Bangladesh,

⁴ According to the results of the now disputed 2011 census, conducted by the Bangladesh Bureau of Statistics, the population on 15th March, 2011 was over 142 million.

while an additional 8% believed they face no problems, indicating a fairly widespread lack of understanding of the situation of Adibashis.

Given this, the most common problems identified in the household survey were:

Table 8: Most common problems facing Adibashis

Problem	Total %	Identified by Bengalis	Identified by Adibashis ⁵	CHT sample
Discrimination within their communities	11.0	9.3	30.4	10.4
Unequal rights compared to others	7.4	5.1	33.6	37.0
Land occupations	7.1	4.0	43.7	78.5
Restrictions of free movement	5.8	5.0	15.7	15.4
Lack of equal opportunities in employment	6.2	5.1	18.5	11.5
Lack of education in mother tongue	3.6	3.2	8.0	22.4

The above table clearly shows that Bengalis and Adibashis have very different ideas about the problems facing Adibashis, while the CHT sample shows there are also some clear differences in which problems are most prevalent for Adibashis living in the CHT, compared to those in the plains.

The majority of respondents agreed that Adibashis should enjoy equal rights. However, 68% of Bengalis did not believe Adibashis should be entitled to additional rights or protections, with over two thirds of respondents saying they should not be favoured over others. In contrast to only 6.9% of all respondents who supported additional rights and protections, 40.6% of Adibashis and 20.4% of religious minorities were in support.

Chittagong Hill Tracts

The authors noted a very low level of awareness among non-Adibashi Bangladeshis of the human rights violations and issues faced by Adibashis in the CHT. Table 8 (above) clearly indicates that Adibashis, particularly those living in the CHT, regard land occupations and the general lack of equal rights as far greater problems than Bengalis. This was reflected in the mini-survey in the CHT, where 85.9% rated land occupations as the most serious problem they face, compared to 6.6% of all respondents in the national survey. Further comparisons show how differently issues in the CHT were viewed by those surveyed in the national sample, and those in the CHT mini-survey. Abuse by government forces was seen as one of the most important issues by 4.4% of the national survey, compared to 55.9% of the CHT survey, while abuse or violence by other groups was cited by only 3.6% in the national survey, compared to 38% in the CHT.

Further, residents of the CHT suffer from poor realisation of their social, economic and cultural rights in a far greater proportion than the rest of the country's population, with an alarmingly low literacy rate, poverty levels at twice the national average, and poor infrastructure and governmental services.

Despite widely reported issues, particularly regarding the failure to fully implement the CHT Peace Accord or establish the Land Commission, along with issues related to land invasions, when asked whether the

⁵ Includes Adibashis in both the CHT and the plains areas.

situation in the CHT has improved, most people (65.4%) simply did not know. This is in strong contrast to the findings of the Special Rapporteur on the status of the implementation of the CHT Peace Accord, who visited in 2010, and observed that the delayed implementation of the Peace Accord results in widespread human rights violations, military control and violent conflicts. Overall, 24.9% of respondents believed the situation had improved, yet only 9.8% of Adibashis would agree. Further, where 3.7% of all respondents said it had gotten worse, 21% of all Adibashis, from plains areas and the CHT, believed it has deteriorated.

The survey report also noted particular problems Adibashis in the CHT face when attempting to access justice. Like elsewhere in Bangladesh, the CHT has a dual system of justice, although formal courts were only introduced in 2008. The problems impeding formal access to justice across Bangladesh are obviously also present in CHT, particularly lengthy delays and procedures (with cases taking between two and 25 years to reach completion), corruption and high fees. Adibashis face additional barriers including transportation (since state courts are far from the hill villages) and the fact that court proceedings are complex and only in Bangla, whereas many indigenous people only speak or read their native language. Another major impediment to access to justice is the fact that the Land Commission is still not functional, as the resolution of land disputes could play a major role in improving the general human rights situation in the CHT.

Climate Change and the Environment

The realisation of most human rights is necessarily related to and, in some ways, dependent upon one's physical environment. Thus, climate change threatens all human rights. Bangladesh is one of the most at-risk countries in regards to problems associated with climate change, and the impact of climate change on Bangladesh could drive back progress made in tackling extreme poverty.

In recognition of the potential impact, the Government of Bangladesh is at the forefront of responses to climate change and its effect on the environment. Given both its vulnerability and its experience in dealing with natural disasters, Bangladesh was selected to participate in the Pilot Programme for Climate Resilience (PPCR). The PPCR aims to help countries transform to a climate resilient development path, consistent with poverty reduction and sustainable development goals. Bangladesh also has numerous laws and policies related to the environment and climate change.

Since Bangladeshis are primarily the victims of climate change, it is hard to envisage how a NHRC awareness campaign could target this issue from a public education and awareness perspective. Instead, NHRC efforts should focus on a 'watchdog' role in ensuring the Government of Bangladesh continues to plan for any impact climate change will have on all people living in Bangladesh, especially marginalised and vulnerable communities.

There can also be a role for the NHRC in articulating and monitoring the human rights implications of climate change, given that the issue impacts on rights in areas such as food, health, shelter and livelihoods.

Recommendations

The survey responses have shown that awareness and understanding of human rights is already very strong or growing in some areas, such as awareness that child labour is harmful, underage marriage is wrong and domestic violence is never acceptable. As such, attitudes towards these practices and many more are gradually shifting and showing the promise of change. Yet change is slow, and it cannot be denied that many of these practices continue despite the growing awareness. Children continue to engage in hazardous labour, underage girls are married off due to poverty, and wives are regularly beaten for ‘disobedience’. Greater awareness of rights and changes in attitudes must be accompanied by behavioural change. For this to happen, people must understand why their behaviour needs to change. Campaigns need to show the consequences of human rights violations and the positive impact of behavioural change. For the threat of consequences to have an impact, people need to believe they are real, so pressure must be applied on all actors to ensure human rights violations are taken seriously and for processes to improve. Finally, not everything can be addressed through raising awareness, and advocacy and lobbying will be required in some areas.

Recommendations made by the baseline survey report authors have been included throughout this report in the relevant sections, and some key recommendations are reiterated and elaborated on below:

- Raising the profile of the NHRC is a priority. The NHRC should consider producing a plain language pamphlet on the Commission’s role and functions, as well as developing a general workshop (including a manual for trainers) on human rights and the role and functions of the Commission.
- Raising awareness of other institutions that deal with rights violations must also be prioritised. A pamphlet on the role of the NHRC could easily include a list of other institutions, what they do and how to contact them.
- It will be important for the NHRC to liaise with NGOs, civil society organisations (CSOs) and UN agencies to avoid duplication and to take a more coordinated approach to best support the community. Where other organisations are already undertaking awareness and education campaigns, the NHRC may choose to: 1) leave these areas to others, and focus on areas where gaps exist, or 2) consider a joint campaign to increase effectiveness.
- To counter limited awareness of the term ‘human rights’ and the role of the Constitution, all NHRC messages (print and non-print) should provide a basic definition of human rights and highlight their protection in the Constitution.
- Human rights messages should make it clear that rights create obligations to respect the law and the rights of others, and these obligations apply equally to everyone.
- Role-players in both the formal and informal justice systems would benefit from education on human rights generally and the rights of vulnerable and marginalised groups in particular.
- Given that most respondents recognise violence against women is wrong, education and awareness measures need to focus on the legal and criminal consequences of such violence, and target both perpetrators (to dissuade them) and victims (to empower them to report).
- A general anti-discrimination campaign highlighting the consequences for all of unfair discrimination will do more to increase understanding than merely telling people it is wrong.

- The NHRC should lobby for the inclusion of human rights in the formal education system and target schools for specific awareness-raising campaigns, as educating young people is one of the most effective ways to prevent discriminatory attitudes and stereotypes taking hold.
- Campaigns to address violence by state mechanisms should lobby for changes to the law to remove impunity for police officers and members of RAB. A test case where the NHRC puts pressure on the government to authorise a prosecution should be considered.
- The NHRC should lobby ministers, bureaucrats and the heads of police, prisons and RAB to include, or preferably mainstream, human rights education in all training materials and programmes used in law enforcement institutions.
- Although it is the government's responsibility to inform people of its services, the NHRC could produce a booklet on socio-economic rights in Bangladesh and include a summary of services offered by the government, with information on how to access them.
- Child labour is an area where a specifically targeted campaign would appear necessary. Such a campaign should reach the general public, but specifically target employers, children and parents and focus on the consequences for children and employers.
- The NHRC should advocate for greater compliance with the CHT Peace Accord and immediate activation of the Land Commission.
- A general campaign on the rights of Adibashis is required, given the general lack of awareness across all non-Adibashi groups. Given the government is currently resistant to recognising Adibashis as indigenous peoples, a campaign for the rights of Adibashis to at least follow their religions and cultures could be subtly woven into a campaign for greater respect within the community for the rights of religious minorities.
- Awareness raising campaigns should highlight the advantages of diversity for a country and the importance of recognising the unique cultures and customs of all people in the country. Again, such campaigns could target school children to instil inclusive values from an early age, and could form the basis of art and essay competitions in schools.

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