

Access of Marginalised Communities to Public Services:
An Assessment of Accountability Mechanisms

Executive Summary

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1. Introduction

1.1 Background and Rationale

Bangladesh is home to at least 30 million marginalised people who are marginalised based on race, religious identity, caste, ethnicity, occupation, and different trait-based identity. Marginalisation refers to a process by which a group or individual is denied access to important positions and symbols of economic, religious or political power within any society. Social exclusion, weakness in inclusion, and various social perspectives, including stigmatization are also referred to as marginalization. The Bangladesh Eighth Five-Year Plan identified marginalised groups, which includes children, indigenous, *Dalit*, extremely poor, female and male sex workers, people living with HIV / AIDS, transgender, and persons with disabilities considering different risks faced by these groups. The Constitution of Bangladesh pledges equality of opportunity for all citizens, elimination of social and economic inequality among them, and non-discrimination based on religion, group, caste, gender, or place of birth. The United Nations Sustainable Development Goals (SDG) pledge to 'leave no one behind' which Bangladesh is committed to fulfilling as a member state. SDG Target 10.2 calls for the empowerment of marginalised people and ensuring their social, economic and political inclusion.

According to the National Household Survey 2017 of Transparency International Bangladesh (TIB), corruption is an added burden on the poor, low-income, less educated, and backward communities. According to the survey, the impact of bribery and unlawful exchange of money on the marginalised population is relatively high. In addition, there is a lack of knowledge about the accessibility and inclusion of marginalised people in the accountability system for accessing various government services in Bangladesh. At this backdrop, this research has been undertaken in continuation of TIB's previous research and consultation activities on the burden of corruption on marginalised people and the need to know about possible accountability measures.

1.2 Research Questions

The following questions guided the research team to specify the research objective:

- ✓ What are the specific options for marginalised people in the existing system of accountability to hold duty bearers accountable in attaining public services?
- ✓ Do they use these options? What kind of remedy do they get if they use the options?
- ✓ If they can't use these options or get no remedy, what do they do?
- ✓ What steps can be taken to create options for marginalised groups to hold the service providers accountable?

1.3 Objectives of the Study

The main objective of this study is to assess the state of access to, and exercise of the existing institutional accountability system by the marginalised people in receiving various public services.

Specific objectives are -

- ✓ To review the extent of inclusion of the marginalised population in the existing accountability system while taking services from different public institutions;
- ✓ To analyse the effectiveness of the existing accountability systems in public services through the experience of the marginalised groups;
- ✓ To make recommendations based on the results to ensure accountability of service providers.

1.4 Scope of the Study

Some selected marginalised groups are included in this study considering diverse traits such as victims of violence, livelihoods, caste-based minorities, ethnic identity, geographical location, gender, etc. Among these categories, data was collected from acid survivors, *Dalit*, indigenous peoples, tea garden workers, and transgender groups for this research. Also, considering the challenges of first-hand data collection during the COVID-19 pandemic, above mentioned groups were selected.

Relevant laws, policies, and practices related to basic services (such as education, health, land, social security, and local government-related services) in the context of building human capabilities, social security, and empowerment of marginalised communities were selected for this study. Furthermore, the accountability systems for the marginalised communities and their practices were included.

1.5 Research Methodology and Duration

This is a qualitative study. The study collected and analysed mainly qualitative data and quantitative data when applicable. The study collected data from both primary and secondary sources. Information has been collected from the service recipients belonging to the marginalised population through interview method, at the local level, from the local leaders of the marginalised communities, public representatives and employees of the Union Parishad, Upazila Nirbahi Officers, Social Service Officers, Health Officers, Education Officers, Women's Affairs Officers, Lawyers, and Journalists. Interviews were also taken from informants from the Bangladesh Tea Board, officials of the Department of Labour, and Factory, and Establishment Inspection, national-level leaders of marginalised communities, concerned NGOs, civil society representatives, and sector experts. Relevant laws and policies, government documents, media reports, research reports, and articles have been reviewed. The data collection of the study was completed between October 2020 and September 2021.

1.6 Analytical Framework

The state of governance has been reviewed based on the legal structure, accountability, transparency, and participation to analyse the accessibility and implementation of the existing accountability system by the selected marginalised communities.

Governance Indicators	Covered Issues
Legal structure	Laws, policies, regulations ensuring the inclusion of the groups
Accountability	Inclusion of the marginalised groups in the grievance redresser system, supervision of relevant service providers
Transparency	Access to information, disclosure of self-motivated information related to services

Governance Indicators	Covered Issues
Participation	Participation of marginalised people in the Evaluation and Action Management / Steering Committee and different committees

2. Research findings

2.1 Affirmative actions for the marginalised groups

Various steps have been taken by the Government of Bangladesh to improve the living standards of marginalised people. Mention worthy of them are -

Legal reforms proposed or made: The *Dalit* Manual 2013 has been prepared; recognition of 50 indigenous communities by naming them as “Ethnic minority group”, although naming them as “Ethnic minority groups” is considered as a deprivation of their basic right to self-identity; proposal of new inheritance law for *Hijra* community following the Sharia and Constitution.

Providing educational assistance to students belonging to the marginalised communities: Department of Social Services provided stipends to *Dalit* students (19,000) and *Hijra* students (1,225) in the fiscal year 2019-20.

Providing Health Assistance: Formulation and implementation of a programme to provide health services to indigenous peoples in remote areas.

Training and income-generating initiatives: In FY 2019-20, the Department of Social Services provided training to 2,420 *Dalits* for vocational and income-generating activities and post-training financial assistance to 2,000 *Dalit*.

Providing financial assistance: From 2002-2020, the Department of Social Services provided financial assistance for the rehabilitation of a total of 2,142 acid survivors and micro-loans to improve their socio-economic conditions. In the fiscal year 2019-20, the Department of Social Services provided an old-age allowance (45,000) for *Dalits* above 50 years and special monthly allowances for the disabled and indigent transgender persons above 50 years (2,600).

Taking special assistance and initiatives: Scholarships and auxiliary materials for education have been distributed among the indigenous students under the “Livelihood Development Assistance Program for Small Ethnic Groups in the Plains”. This programme also provided vocational training and grants; financial support to various organizations of the indigenous communities. Initiatives were taken to increase the daily wages of tea garden workers (although the latest proposed wages are still lower than in any other sector), the provision of drinking water, and increase school enrollment of the children of workers.

2.2 Review of laws and policies to ensure inclusion in the service

The Constitution of Bangladesh describes the principles of the state and the rights of the citizen, where it is stated that the rights and entitlement of receiving services of a citizen cannot be discriminated against due to any special feature.

The National Commission for Human Rights (NHRC) has drafted the “Anti-Discrimination Law”, which has not been adopted yet. However, the draft law does not mention the provisions of holding the inquiry officer, the investigating officer, and the NHRC accountable when required, which would leave a risk of improper inquiry and investigation. On the other hand, in the interest of the investigation, there is an opportunity in the law to ‘extend the time’ and adjourn the case for ‘rational’ reasons, which lacks adequate explanation. It is feared that there will be an opportunity to

delay the completion of the case. The study has found that marginalised groups were unable to file lawsuits due to the absence of anti-discrimination law.

In Bangladesh, access to government services is equal for all citizens. However, to ensure inclusion in the service, necessary laws and separate guidelines are given to ensure the inclusion of some marginalised groups with due regard to their special status and needs.

Legally, all indigenous people's identity and their land rights are not recognised. Although there is a land commission for the indigenous peoples living in the Chittagong Hill Tracts, there is no land commission to solve the land problems of the large number of indigenous people living in the plains.

2.3 Laws and policies: limitations and challenges

The Rights and Protection of Persons with Disabilities Act, 2013 and the Policy, 2015 did not provide direct registration opportunities of acid survivors by identifying them as persons with disabilities. Also, the law does not provide guidelines on to whom the selection committee will be accountable. As a result, victims of acid survivors have to rely on the selection committee's indefinite consideration procedure to register as persons with disabilities.

The Acid Victim Treatment, Legal Aid and Rehabilitation Rules, 2008 stated the responsibilities and duties of multiple persons in the treatment, legal aid, and rehabilitation of the acid survivors, but did not specify to whom they would be held accountable. As a result, victims face obstacles in ensuring access to services.

The National Education Policy, 2010 does not address the issue of supervision regarding the distribution of books printed in indigenous languages, ensuring its teaching, assessment of teacher needs, and their training. Due to this, the persons who are supposed to supervise these can't be held accountable.

The Labour Act, 2006 and the Labour Rules, 2015 provides that only the garden authorities can inform the concerned authorities in writing if they are unable to meet the basic needs of the tea workers. As a result, workers cannot hold garden owners or garden authorities accountable.

2.4 Review of different accountability mechanisms of public services

The existing accountability structures of different public services are as follows:

Type	System
Institutional	Offline - Written complaint submitted directly at service delivery office or through postal mail, use of complaint box, hotline number, public hearing, apply right to information (RTI)
	Online - Online based central GRS of Bangladesh government, email, Facebook page, blog
	Others - Institutional supervision and audit, ward meeting, open budget, parents meeting; management committee at the school, community clinic, and Upazila Health Complex
Social	Social audit and public dialogue

A review of existing accountability structures shows that some specific methods are not user-friendly. These methods sometimes depend on the specific complaint form. Some Grievance Redress Systems (GRS) are reliant on necessary devices and internet access. The accountability activities

conducted through the management committee are not participatory and various decisions are influenced by the powerful. There is a practice of creating barriers to conducting social audits and this effort of the civil society representatives and NGOs is not given importance by the concerned authorities.

In short, the accountability structure is not readily available/inclusive to marginalised groups due to their lack of knowledge about accountability systems and procedural complexities, negative mentality, and practices of service providers.

2.5 Initiatives of NGOs to ensure access to government services

The activities of non-government organizations play a positive role in responding to the needs of marginalised people. For example, a platform for the *Dalit* community is creating community leaders and representatives from the *Dalit* community who help the *Dalit* community in accessing government services. An NGO in North Bengal organizes social audits and open discussion meetings at the Union Parishad. An international NGO arranges sensitization meetings with the service providers and service recipients (marginalised communities). Another international NGO organizes sensitization meetings in one area with the school management committee and parents of marginalised communities. In another area, they run a 'land clinic' at the local land office on indigenous families' land issues. A cultural organization in South West of Bangladesh conducts awareness-raising cultural programs about the way of life of the *Dalit* community, which they claim, is playing a positive role in increasing the sensitivities of the mainstream community.

All these activities are conducted with the help of NGOs and are mostly project-driven. As a result, the effectiveness of the activities depends on the attitude of the service providers and once the project is completed, its benefits are no longer sustainable.

2.6 Inclusion of the marginalised groups in the grievance redress mechanism

Unable to file a complaint due to marginal identity: Access to services and accountability structures of healthcare institutions is hampered due to *Dalit* identity and it becomes more difficult for them to file a complaint if they do not receive services. The Head of a *Dalit* rights organization said, "Recently, we have surveyed one of our working areas, where we found that not a single pregnant mother from that area's *Dalit* community went to the government hospital for delivery-related services. And out of these pregnant mothers, 98% of the mother gave delivery through a caesarean operation. This facility is available in the Upazila Health Complex, which is cheaper there than the private clinics. Now you tell me why do these poor *Dalit* families avoid going to the government hospital?"

Elsewhere, transgender people were not allowed to stand in line for the government's relief assistance during the COVID-19 pandemic. When they wanted to complain to the elected representatives about this, the staff of the ward commissioner's office did not let them do that. Other social security programs also have examples where marginalised groups were unable to lodge complaints against the relevant authorities. For example, in the context of not being registered in the old age allowance even after paying bribes and not being able to lodge a complaint, one person from the *Dalit* community described, "Who do I go to complain to? The Chairman? Both of them belongs to the same political party. I am a *Dalit*; I cannot fight with these mainstream people. It's like fighting the crocodile in the water."

Complaining to the education authorities cannot bring a solution: This research has found that allegations of racist behaviour by 'mainstream' classmates and teachers in schools have not been resolved. In this case, some students and parents have also been the victims of negative comments

from teachers in the wake of the allegations. In one place, when parents complained to a science practical laboratory teacher about *Dalit* students not being allowed to hold science practical laboratory equipment by the mainstream students, the teacher said, “The mainstream students perform the lab test well, so it is better if your (*Dalit*) children just observe how others are practising the lab test and learn the process.” In another place, in response to a parent's complaint about a mainstream student making derogatory remarks about an indigenous student's ethnic identity, the teacher said, “A *Mog* should be called *Mog*. There is nothing wrong with that.” Elsewhere, there have been allegations of *Dalit* students failing exams due to protests they made against their teachers who made them clean school toilets. After giving a written complaint to the Upazila Nirbahi Officer regarding this, the UNO formed an investigation committee comprising the Upazila Education and Social Service Officer. Investigating officers threatened the complaining parents that filing a complaint against a government official would not bring good results. The matter later remained unresolved.

Complaints to the concerned authorities of the social security program have not been redressed:

During the COVID-19 pandemic, not all the families living in a *Dalit* colony received relief assistance. There are instances where no solutions were being found by complaining to the deputy commissioner about the relief lists. In this regard, the Deputy Commissioner said, “I am here to support the elected representatives. I cannot interfere with the list made by the elected representatives.” In another place, one of the leaders of the indigenous organization said: “The chairman openly calls us 'Indians', 'outsiders', 'occupiers of the hills' and refrains from giving us various certificates and including us in the list of allowances. The concerned officials know that our ward members also take bribes from us for different services because I told them about these misdeeds. But the concerned people do not do anything as there is trouble in taking action against the elected representatives.”

Not getting cooperation from the concerned land authorities despite a complaint: Indigenous people were evicted from their lands by the forest department in the name of protecting the “reserved forest” despite complaining to the local administration and elected representatives. There was a case filed in the High Court by an environmental organization appealing that the declaration of “reserved forest” in the Madhupur has been made unconstitutionally and without following the law. In this case, the High Court gave some specific directives which were ignored by the forest department and there are proofs that they have attacked the household and cultivation land of indigenous families in the name of relinquishing and social forestry. In Sherpur, there are instances of eviction and destruction of crops and orchards in the name of social afforestation by compiling a list of “illegal occupants” by the Forest Department referring to the houses and cultivable lands of the local indigenous. Regarding the land rights of the indigenous groups, a leader of an indigenous organization said, “For indigenous peoples, land right is the biggest challenge than the language right. If you don't have a place to stay and stand, then what are we going to do with the rights of your language? Maybe in the next 20 years, almost 80% - 90% of indigenous people will become landless. A few years later, NGOs will not have any work regarding the land rights issue of the indigenous groups, because these groups will become landless soon.”

Adverse reactions to the filing of complaints: As a result of filing complaints, marginalised people have to face negative experiences. For example, relief assistance to indigenous families has been cut off due to complaints about receiving less relief under the Social Safety Net program. Elsewhere, due to the resistance of upper-caste Hindus, the body of a *Dalit* was not allowed to be cremated in a crematorium. The *Dalit* community seek justice from the Upazila Nirbahi Officer in this regard, he asked them to cremate the body in a different crematorium. Elsewhere, the study revealed that the local Upazila Nirbahi Officer provided written instructions to the restaurant owners to arrange separate seating areas and utensils of the *Dalit* in the wake of allegations that *Dalit* was prevented

from entering and eating at the restaurants. In another place, complaining that 100 per cent sanitation among the indigenous communities was not ensured, a professor from the indigenous community had to face the experience of almost being thrown away from the meeting in the presence of public representatives and government officials.

2.7 Challenges in the concern stakeholder's supervision and management

Lack of supervision: Supervision of the complaint system is not integrated. People from the indigenous community filed written complaints about education, land and social security programs by appearing in these offices. But due to their indigenous identities, there are instances of complaints not being recorded, preserved in the register and followed up.

Marginal Population Data: There is a lack of supervision and lack of coordination in collecting population data of marginalised groups. Different marginal population numbers and definitions are mentioned on the websites of the Ministry of Social Welfare and the Department of Social Services and in their various reports. The same situation is also found on the websites and reports of other concerned organizations.

Lack of supervision in education: Due to the lack of supervision of the education authorities, the issue of neglecting the education of marginalised students have come up in the study. For example, the lack of infrastructural facilities in the tea garden schools and the necessary furniture in the classrooms and the non-cooperation of the teachers regarding the non-understanding of the teaching and examination questions of the non-Bengali students is a picture of lack of supervision.

Lack of supervision in health services: Tea garden owners or authorities are responsible for ensuring the health services of the workers as per the provisions. The health care of the workers is being neglected due to the lack of supervision by the concerned authorities. On the other hand, the lack of supervision in drinking water facilities, sanitation and government vaccination programs in the Chittagong Hill Tracts and adjoining plains is evident through the locally prevalent diarrhoea and measles. This local outbreak is termed as an 'unknown disease' and the culprits are transferred to another place as the highest punishment. Regarding all these problems, an indigenous person from the Chittagong Hill Tracts said, "As soon as the army camp is set up here, roads are built and the supply of potable water is ensured. But the indigenous people still have to collect water from hill fountains or rivers. The government is conquering the river Padma by spending so much money, building bridges with us could have been done at a lower cost. The proof that the state does not care about us is the advertisement 'I will transfer you at Bandarban' through national media."

2.8 Transparency: Challenges in access to information

Access to information related to services: Teachers do not inform *Dalit* students if they want to know the reasons why they do not get stipends. On the other hand, there are instances of embarrassment and threats received from the hospital authorities and local influential people when the *Dalit* community requested information from the Upazila Health Complex regarding the distribution of medicines under the Right to Information Act.

Access to information on accountability: If a person wants to know about the process of reporting irregularities in the enrolment of social security programs, the concerned officials and public representatives obstruct by not providing information about it.

Reasons for lack of access to information: According to service recipients and sector experts, due to geographical challenges, lack of awareness about services, less education or illiteracy, reluctance, socio-economic status, social deprivation, marginalised people faces challenges to access to information.

2.9 Transparency: Lack of disclosure of self-motivated information related to services

Transparency in disclosure of information related to services: The selection of beneficiaries from the marginalised groups for the social security program is done in a non-transparent way. For example, the beneficiary selection is not publicized locally and nationally, and the reason for not getting selected for the Social Security program is not revealed to the applicant. Under the housing scheme for *Dalit*, there are instances where *Dalit* people were not informed about their relocation and rehabilitation even if they want to know about it.

Deficit in the practice of self-motivated disclosure of information: Although public hearings are held on land issues, it is not publicized in the areas where indigenous people live in. In addition, the practice of publishing and disseminating self-motivated information about service and grievance redress systems by service providers is negligible. In this context, a former grievance redress officer said, "We do not like to receive a complaint. Because investigating it, redressing it is a hectic process. No one likes to work in this department. This is one of the departments where the frequency of the designated person's change is very high. There is no bounding to register the complaint and follow-up those. So we are not bound to do this. On many government office's websites, you will not find the name or contact number of the GRS Officer, because they intentionally do not want this to happen."

2.10 Participation: Participation in evaluation and work management/management committee

The participation of the marginalised people in the school management committees and meetings is not ensured. For example, although there is a provision to make the land donor a member of the school management committee, there are instances of not keeping the donor or his family or even any member of his community in the school management committee where the school is built on the land donated by *Dalit* and indigenous person. Again, the practice of regularly not informing the elected *Dalit* member of the school committee about the date of the meeting has come up in the study. Also in the meeting of the management committee, the opinion of the members of the *Dalit* community is not taken or their opinion is not given importance. The negative influence of local influential 'mainstream' people works to hinder their participation in these meetings.

Indigenous people and *Dalit* are not adequately represented in various standing committees and beneficiary selection Upazila committees. The selection committee for beneficiaries of special programs of the Department of Social Services includes inactive *Dalit* representatives or obedient *Dalit* representatives of influential people. Indigenous and *Dalit* representatives of all these committees are not invited to attend the meeting. In one area under study, under the special program of the Prime Minister's Office, a peon from the office of the Upazila Nirbahi Officer was appointed in the Upazila Coordination Committee, who did not want to sit in the meeting room chair due to the presence of the UNO. When an Indigenous leader protested the issue, the UNO scolded her, saying, "Do you think I should take your opinion about who to include or exclude in the committee? The government is not bound to take your (indigenous people's) opinion on this matter. I can form the committee as I wish. If you go too far, the government has the power to stop all the activities of your organization."

3. Conclusion

The lack of precise data on marginalised people is a major obstacle to providing access. There is a lack of effective communication and information directed towards marginalised people about public services and safeguards that are available to them to ensure accountability of the duty bearers. Marginalised people often face obstacles that hinder access and accountability due to legal constraints or the lack of enforcement of existing laws. The existing accountability framework of various public services is, in many cases, not inclusive for marginalised groups. The linguistic,

financial and technical predicaments and capabilities of marginalised groups are not often taken into account. Another noteworthy issue is the negative attitude and practices of a section of the service providers which leads to marginalised people being discouraged from using whatever accountability structure is in place. They do not often get the expected results by filing complaints but instead face adverse reactions. Unless the accountability system is strengthened to ensure equal access to basic services and entitlements of the marginalised people, it will be difficult to achieve the pledge of 'leaving no one behind' under the Sustainable Development Goals.

4. Recommendation

1. To eliminate barriers to the inclusion of marginalised people in various services and to ensure non-discriminatory and accountable services, the anti-discrimination act should be enacted quickly.
2. Gather accurate information of all marginal groups about their geographical location and population and update it regularly.
3. Ensure proper and regular publicity about the services and accountability system of government agencies at the field level and in all media in the language of marginalised communities. The involvement of marginalised communities and concerned private stakeholders should be ensured in the formulation and implementation of publicity plans.
4. To make the grievance redress system marginalised community-friendly, arrangements should be made to receive and record verbal grievances from the people concerned and to follow up regularly to resolve these grievances.
5. In a public hearing event in government institutions, separate time should be allotted for marginalised issues, and encourage them to express their concerns.
6. Regular public hearings should be conducted by the indigenous people to resolve the land issue and ensure the accountability of those concerned authorities.
7. Priority should be given to hiring or assigning representatives of the marginalised communities as service providers in the service establishments of areas where the marginalised population lives.
8. Reserved representation/membership should be created to ensure representation and participation of marginalised communities in various organizations including local government bodies.
9. To ensure inclusive, non-discriminatory and accountable services as promised by the Constitution, service providers should be trained to raise awareness to change the mindset and practices towards the marginalised communities.
10. To increase the transparency, accountability and participation of the marginalised people in the ongoing social security activities, regular assessment activities should be implemented with the concerned government and non-government stakeholders.