

JOINT SUBMISSION ON THE HUMAN RIGHTS SITUATION OF INDIGENOUS PEOPLES IN BANGLADESH

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BANGLADESH UPR REPORT ON INDIGENOUS PEOPLES

I. INTRODUCTION AND METHODOLOGY¹

1. This is a joint submission by the “Coalition of Indigenous Peoples Organizations of Bangladesh” formed in June 2012 by 17 Indigenous Peoples Organisations (IPOs) working for promotion and protection of human rights of indigenous peoples in Bangladesh to the UPR working group of the Human Rights Council (see Annex-1 for the list of the member-IPOs of the coalition).
2. The report covers the period from 2009-2012 and identifies a number of broad themes on areas of concern regarding the human rights of the indigenous peoples. It focuses on such issues as the Bangladeshi indigenous peoples’ struggle for the protection of their ancestral lands, right to self-governance, their right to free, prior and informed consent concerning their lands and development thereupon, and their civil, political, economic, social and cultural rights, including the rights of indigenous women and children. The report refers to the international human rights obligations of Bangladesh, recommendations made to Bangladesh at the previous UPR session on Bangladesh and the commitments made by the Government of Bangladesh, and finally, a number of recommendations to facilitate Bangladesh’s compliance with its human rights obligations.
3. The 6th Five Year Plan puts the number of ethnic communities at 45 comprising about 2 million people (2% of the total population of the country).² However, indigenous peoples claim their number to be more than 54 with a population exceeding 3 million. The Chittagong Hill Tracts (CHT) is the only region in the country where indigenous peoples are largely concentrated. Indigenous peoples in other parts of Bangladesh are located mainly in the north-west (Rajshahi-Dinajpur), central north (Mymensingh-Tangail), north-east (Greater Sylhet), south-west (Patuakhali-Barguna-Barishal) and south-east (Chittagong-Cox’s Bazaar).
4. The Constitution of Bangladesh does not recognise the ethnic, linguistic and cultural minorities of the CHT and in the plains of Bangladesh as ‘indigenous’. Through the 15th Amendment to the Constitution in 2011, the government termed indigenous peoples as “tribes, minor races, ethnic sects and communities”, while also calling all the people of Bangladesh, irrespective of their ethnic, linguistic and cultural backgrounds, as “Bangalee” (Article 6.2).

II. REVIEW AND IMPLEMENTATION OF THE UPR RECOMMENDATIONS 2009³

A. Ratification and Implementation of International Human Rights Treaties

Recommendations No. 2 (Mexico): *Consider ratifying ILO Convention No. 169 on Indigenous and Tribal Peoples.*

Response by Bangladesh: *...Though the ILO Convention 169 on Indigenous and Tribal Peoples is not yet ratified by Bangladesh, the tribal peoples of CHT are already enjoying most of provisions enshrined in the ILO Convention No. 169 through the implementation of the most of the provisions of the CHT Accord. The present government is continuing the process of implementation within the framework of the country’s constitution.*

5. The Government of Bangladesh has ratified ILO Convention No. 107 on Indigenous and Tribal Populations but is yet to ratify the revised version, ILO Convention No. 169, though in the 6th Five Year Plan (2011-2015), the government expresses its desire to consider ratifying it. The implementation status of the provisions of the ILO Convention No 107 which deals

with administration, land, education, vocational training, employment, language rights, all of which are vital for the welfare of indigenous peoples in Bangladesh, is disappointing. Crucial issues like collective and individual rights of indigenous people over lands traditionally occupied by them, children's rights to learn in their mother tongue (as stipulated in the CHT Accord of 1997), constitutional recognition of the indigenous peoples etc, are yet to be implemented.⁴

6. Despite a goodwill message on 'World Indigenous Peoples Day' in 2009 from the Prime Minister, Sheikh Hasina - who expressed her desire to work jointly for implementation of the UN Declaration on the Rights of Indigenous Peoples⁵ as was also echoed in the 6th Five Year Plan (page 425) - the Bangladesh Government in 2011 officially came out with a declaration that there are no indigenous peoples in the country.
7. Bangladesh ratified Convention on Biological Diversity, which includes measures on the protection of traditional knowledge systems and genetic resources of indigenous communities and measures for their equitable utilization (articles 8j and 10c), but most of the aforesaid provisions remain unimplemented, especially in the plains.
8. The coalition of IPOs is encouraged at the initiative taken by the Parliamentary Caucus on Indigenous Peoples, a pressure group of the sitting Member of Parliament, as it proposed to enact "Bangladesh Indigenous People's Rights Act" incorporating rights to ancestral domain, self-governance, cultural integrity, social justice and human rights, and to set up a "National Commission on Indigenous Peoples" complying with the provision of international human rights laws.
9. The UN Special Rapporteur on the Rights of Indigenous Peoples has made a request in 2010 to the Government of Bangladesh for its consent to visit Bangladesh,⁶ but no positive response has been given.

B. IMPLEMENTATION OF CHT ACCORD, 1997

Recommendation No. 34 (Norway & Australia): *Fully implement the Chittagong Hill Tracts Accord as a matter of priority and develop a time frame for its full implementation.*

Response by Bangladesh: *Most of the provisions of the CHT Accord have already been implemented. The rest will be implemented within the shortest possible time, within the framework of the constitution of Bangladesh.*

10. Some positive steps were taken by the present government in the early period of its rule concerning the implementation of the CHT Accord. These include the appointment of chairpersons for various bodies provided for in the Accord, the appointment of an indigenous person as state minister for the CHT Affairs Ministry and the dismantling of 35 temporary military camps including a brigade HQ in the CHT. The National Education Policy 2010 accommodates, as provided in the Accord, certain measures to address the educational needs of indigenous peoples. However, as also noted by the Special Rapporteur appointed by the UN Permanent Forum on Indigenous Issues to study the status of implementation of the 1997 Accord (E/C.19/2011/6) several crucial aspects of the 1997 Accord remain unimplemented or only partially implemented. These include the following:
 - (a) No roadmap with a time-frame and consequent responsibilities for the full and effective implementation of the Accord has been declared.
 - (b) No efforts have been made to protect the "tribal-inhabited character of the CHT as provided in the CHT Accord and the CHT Regional Council Act of 1998. Conversely, on account of unrestricted land-grabbing by government-sponsored settlers, acquisition of land title by non-resident individuals and companies and unrestricted in-migration, the

indigenous peoples are being minoritized and marginalized, and made to feel insecure in their ancestral homeland.

(c) The government is yet to formulate Rules, in consultation with the CHT Regional Council, including Rules of Business, to strengthen and functionalize the Council, the major organ of self-government in the CHT. Despite mandatory legal provisions on consultation with the Council, several laws affecting the CHT people have been passed without necessary consultations, including the Forest (Amendment) Act, 2000 & the Forest (Amendment) Act, 2012, the Wildlife (Preservation) Act 2012 and the Small Ethnic Group Cultural Institutes Act 2010.

d) Several departments and subjects due to be devolved upon, or transferred to, the Hill District Councils, remain unaddressed, including on law and order, police (local), land and land management, environment and forest. There have been no elections to the Hill District Councils and the CHT Regional Council since the signing of the CHT Accord. Representation of women and members of numerically small indigenous peoples remains totally inadequate.

(e) Though 35 temporary camps were withdrawn in 2009, more than 300 temporary camps still remain in the CHT. De facto military rule through 'Operation Uttoron' (operation upliftment), which provides sweeping powers to the military over civil affairs, is yet to be revoked, leading to human rights violations and huge impediments to the healthy growth of democratic institutions and processes.

(f) The government's pledge to amend the CHT Land Dispute Resolution Commission Act of 2001 in conformity with the provisions of the 1997 Accord remains unfulfilled. The proposed amendment is yet to be placed before the Cabinet for approval and the Parliament for final adoption.

(g) As the Task Force on Refugees and Internally Displaced Persons remains inactive, more than 3,000 out of 12,222 families of India-returned Jumma⁷ refugees and 90,208 internally displaced Jumma families are yet to be reinstated to their rightful lands.

(h) During the period of the present government, about 593 plots out of around 2,000 plots of land leased out to non-tribal and non-local companies and individuals for rubber and other plantations have been cancelled due to no observance of the 'terms of lease'. But the Deputy Commissioner of Bandarban district has recently reinstated most of the plots to the original lease-holders. Despite legal prohibition on settlement in the CHT, leasing of land continue by the district authorities, particularly in Bandarban district.

11. The government delegation that signed the Accord in 1997 argued, in response to a demand from PCJSS⁸, that the government could not provide constitutional safeguard to the CHT Accord as it did not enjoy two-third majority in the parliament to amend the constitution. Consequently, in absence of constitutional safeguards the CHT Regional Council Act 1998 and a few provisions of the Hill District Council Acts 1989 (amended up to 1998) were declared unconstitutional by the High Court Division (Writ petition No. 2669 of 2000). Despite popular demand of the CHT people, the 15th amendment to the constitution denied constitutional safeguards for the CHT region and its laws despite the requisite majority being present.

C. HUMAN RIGHTS SITUATION & THE CULTURE OF IMPUNITY

Recommendation No. 26 (Australia, Czech Republic & Germany): Take steps to address the culture of impunity for human rights violations by law enforcement agencies (Australia); Adopt further measures to fight impunity for human rights violations, including by law enforcement

officials (Czech Republic); Fight impunity and hold all officers and persons acting on their behalf accountable for acts of torture and harassment of civilians (Germany).

Response by Bangladesh: *The government does not endorse such practice, and will bring any official found responsible for such acts to justice.*

12. Continuing human rights violations by state and non-state actors, marginalization of indigenous communities and other abuses have been perpetrated on the indigenous population. These include rape and sexual assault against women and children, killings, arson, grabbing of lands, unlawful arrest and torture, and structural forms of discrimination based upon ethnicity, religious affiliation and gender. The government has expressed its intent to protect the rights of indigenous peoples, but has taken inadequate steps to prevent the violation of their human rights. A major factor affecting the human rights situation in the CHT is the continued army presence, which has the nature of an army of occupation, although no insurgency or state of emergency exists. One example of the direct human rights violations perpetrated by army personnel is the brutal torture of two Karbaries (village head) in Bandarban on 18 September 2011 the Baro Modak BGB (Border Guard Bangladesh) camp commander. The security forces in the CHT are also often accused of abetting illegal seizure of land by Bengali settlers with impunity and of providing tacit or even direct support to Bengali settlers in the frequent communal attacks perpetrated against the indigenous population. For instance, in a communal attack at Baghaihat in Rangamati district on 19-20 February 2010, over 200 Jumma houses were burnt by Bengali settlers, allegedly with the tacit consent of the military and army opened fire into an indigenous crowd leaving 2 Jummas killed and at least 25 injured. The fallout of this incident spilled over to Khagrachari where 61 indigenous houses in the municipality area were set ablaze by Bengali settlers. On 17 February 2011, Bengali settlers attacked and burnt 23 Jumma houses in Gulshakhali and Rangi Para in Rangamati district. The Border Guard Bangladesh (BGB) men of Rajnagar BGB zone were present during the attack but did nothing to stop the carnage. A day after this incident, the army raided Jumma houses and beat up villagers in Kudukchari under Rangamati district. Recently massive, organised and a premeditated communal attack was carried out on 22-23 September 2012 by settlers on the indigenous peoples living in Rangamati town in presence of security forces that resulted in the injury to about 80 Jummas and looting and vandalizing of scores of Jumma shops and houses. During 2009-2012, 8 communal attacks were carried out against indigenous peoples in the CHT.
13. In the plains, at least 4 communal attacks were reported and several indigenous villages were attacked by non-indigenous people with the intention to occupy indigenous lands. As a result, 17 indigenous persons including 4 women were killed during 2009 to 2012, while at least 100 houses were destroyed/ looted. Besides, 6 indigenous villagers were arrested in connection with fabricated cases filed by land grabbers.
14. Unfortunately, impartial, independent and transparent enquiries are yet to be made into these incidents and perpetrators of human rights abuses committed against indigenous peoples have seldom been arrested or charged. In the rare case of enquiries, the reports have not been made public, nor have the perpetrators been penalised, even after identification. The police are often accused of delaying/ refusing to file cases, if the complainants are indigenous people and the accused are non-indigenous people, and of even harassing the complainants. Thus people are reluctant to file cases due to non-cooperation of the authorities or out of fear of reprisal. Thus a culture of impunity prevails.
15. The National Human Rights Commission Act passed on 9 July 2009 keeps investigation of human rights violations by the army and law enforcement agencies out of the jurisdiction of the National Human Rights Commission. The commission lacks institutional capacity and

adequate government support despite the formulation and adoption of a strategic plan and strong role of its chairperson for the promotion and protection of the rights of indigenous peoples in the country.

D. WOMEN & CHILD RIGHTS AND VIOLENCE AGAINST THEM

Recommendation No. 8 (Nigeria): Continue to improve its policies and programmes towards advancing the status of women, girls, children, including those with disabilities and the overall human rights situation, both in the enjoyment of civil and political rights as well as social, economic and cultural rights (Nigeria).

Response by Bangladesh: Bangladesh has accepted the recommendation, and has already taken steps to improve some programmes.

16. The Government of Bangladesh has ratified the CEDAW, ICERD and CRC. Article 32 of the Constitution of Bangladesh provides that ‘No person shall be deprived of life or personal liberty save in accordance with law.’ In addition, Section 376 of the Penal Code of Bangladesh provides that ‘Whoever commits rape shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine...’
17. Yet rape and other violence against indigenous women, and the lack of access to justice and absolute impunity that perpetrators enjoy continues to be a grave concern. The problems that indigenous women face in accessing justice against violence are non-cooperative police, e.g. reluctance to entertain complaints and arrest the offender even if identified, misleading investigation once the complaint is filed, perpetrators bullying the victims etc. In rape cases, there are instances where doctors in hospitals refuse to give physical checkups to victims or delay it to allow evidence to disappear.⁹ During January 2009 to July 2012, at least 88 indigenous women across the country were subjected to sexual violence. Of them, 10 indigenous women were killed after rape while 31 indigenous women were raped. In January-June 2012, at least 36 indigenous women and girls (16 from the CHT and 20 from the plains) were raped by non-indigenous persons. 6 of the victims in the CHT were children under 15. On 29 August 2012, for example, an 11 year old Tripura girl was raped by a police constable in Dighinala upazila of Khagrachari district, the perpetrator being a member of the law enforcement agencies whose duty is to protect individuals from such attack. Except in one rape and murder case¹⁰, there is no example where indigenous women got justice. Such impunity encourages the perpetrators to commit crimes. For instance, a Bengali settler who raped a 13 year old indigenous girl at Longadu upazila in CHT on 15 June 2011, was arrested, but got released on bail without punishment. Soon after release, he again raped and killed another 11-year old indigenous girl in the same upazila.¹¹
18. Three separate courts set up in the CHT to try cases of torture of women and children under the Prevention of Women and Children Repression (Prevention) Act 2000, failed to do anything substantial to stop violence against indigenous women due to prolonged judicial processes, non-cooperation of the police and civil administration and other related authorities, financial constraints to run cases, discriminatory social values, etc.¹²
19. The National Women’s Development Policy adopted on 7 March 2011 contains some provisions on indigenous women, although the policy categorizes indigenous peoples as “backward and small ethnic groups”. However, the policy does not mention anything regarding the state and communal violence perpetrated against indigenous women. Indigenous women were not consulted when the policy was being formulating or amended. They demanded to insert a separate chapter for them considering the distinct problems they face.¹³

E. DISCRIMINATION

Recommendation No. 17 (Holy See): Investigate complaints concerning discrimination against members of minority religions, while developing educational and awareness programmes addressing these human rights violations (Holy See).

Response by Bangladesh: The Government does not condone discrimination against anybody on the basis of race, colour, sex, religion, or any other status. Equality for all citizens is guaranteed in the constitution, legal provisions as well as State practice. Moreover, positive measures are in place to facilitate access to education, job and other areas for these groups. The present Government is particularly mindful of the welfare of religious minorities. Allegations of any discrimination are being dealt with seriously.

20. On 22 November 2011, the Deputy Commissioner's office asked all NGOs in the three hill districts to submit information about the ethnicity of the organizations' beneficiaries (percentage of indigenous beneficiaries against that of Bengalis) as well as the ethnicity of the organizations' employees (percentage of indigenous employees against the Bengalis). Some Deputy Commissioners and other district officials verbally instructed or advised indigenous-managed NGOs to include a higher number of Bengali employees. The concerned NGOs provided verbal and written explanation that the higher number of indigenous beneficiaries and employees was a result of the high degree of marginalization of the indigenous population and their residence in remote rural areas, where the NGOs work. These explanations were not accepted, in violation of the constitutional principles on non-discrimination and affirmative action, and contrary to the provisions of ICERD.
21. With regard to the admission quota for indigenous students, there is no coherent policy and the entire issue is often embroiled in bureaucratic interventions. In some cases, it is totally dependent on the discretion of the authority of the concerned educational institutions. In regard to quota in government jobs, the recruitments in the last six Bangladesh Civil Service examinations (24th-29th) show a diminutive representation of indigenous candidates. Studies show that merely 1-2% of tribal quotas were fulfilled since the policy was adopted and unfortunately such vacant seats till the 27th batch of Bangladesh Civil Service were filled by non-tribal candidates.
22. The indigenous female workers working in the agricultural fields especially in North Bengal and workers in tea plantations, particularly in Sylhet, are being subjected to wage discrimination. Though these female workers are doing the same amount of work as male workers, they are getting only half the amount of wages than their male counterparts. In addition to this, they also discriminated in terms of receiving other rightful facilities as a worker.
23. The Small Ethnic Groups Cultural Institutes Act, 2010, passed without consulting indigenous peoples on the terminology to be used, recognized only 27 out of more than 54 "small ethnic groups" thus facilitating to exclude them from the 2011 population census and development facilities provided by the Special Affairs Division (SAD) which looks after the welfare of indigenous peoples in the plains. There is no decision-making role of indigenous peoples in the SAD and the demand for forming an advisory committee comprising representatives of indigenous peoples is being ignored by the government.
24. In the name of 'higher security' the government imposed restrictions on foreigners visiting the CHT. They are instructed to keep a representative of district administration with them when they meet any indigenous/religious person/groups. Restrictions were also placed on cash endowments to indigenous children and their families for education or any other purposes. In November 2011, the International CHT Commission was compelled to discontinue its 6th Mission in the CHT aimed at assessing the human rights situation in the

area as a consequence of unprecedented interference from officials of the district administration and intelligence agencies during meetings with civil society groups. In August 2011-July 2012 three foreigners (a British, a US and Swedish national) were ordered to leave Bandarban district. Such restrictions create an air of intimidation and fear on residents of the CHT and help to add to the culture of impunity by making it difficult for human rights activists to investigate allegations of human rights violations perpetrated by members of the security forces.

III. IDENTITY AND INTEGRITY OF INDIGENOUS PEOPLES

25. The government did not comply with the principle of self-identification in regard to constitutional recognition of indigenous peoples, refuted their demand to be recognized as indigenous peoples and termed them in the 15th amendment to the constitution as “tribes, minor races, ethnic sects and communities”. However, a number of legal government documents, referred to “tribal”, “indigenous” or “aboriginal” interchangeably. Examples include the following-
- (a) **“Aboriginal”**: East Bengal State Acquisition & Tenancy Act, 1950 (protected in the First Schedule of the Constitution of Bangladesh)
 - (b) **“Indigenous”**: CHT Regulation, 1900; Finance Acts of 1995 and 2010; Poverty Reduction Strategy (PRSP-2008, 2019-10); 6th Five Year Plan; Perspective Plan for Bangladesh 2010–2021 (2010) Judgment of the Hon’ble Supreme Court of Bangladesh in *Sampriti Chakma v. Commissioner of Customs & Others* (5 BLC, AD, 29)
 - (c) **“Adivasi”**: Statements of Hon’ble Sheikh Hasina, Begum Khaleda Zia and Dr. Fakhruddin Ahmed in goodwill messages on Indigenous Peoples’ Day, election manifesto of the present government, Small Ethnic Groups Cultural Institutions Act, 2010.
26. Indigenous peoples’ demands for constitutional recognition include special governance system for the CHT, protection of political, economic, cultural and religious rights, reservation of seats for indigenous peoples including women in the parliament and local government councils, constitutional guarantee not to amend constitutional provisions and laws relating to indigenous peoples without their prior consent, control over land, territory and natural resources, constitutional recognition of the CHT Accord and laws formulated under this Accord etc. However, the 15th amendment to the constitution, instead of guaranteeing the aforesaid demands, termed indigenous peoples as ‘Bangalees’. Indigenous peoples rejected it arguing that they are Bangladeshi as citizens, but not “Bangalee” as a nation.
27. On 11 March 2012, the Ministry of Local Government and Rural Development issued a circular on ‘World’s Indigenous Peoples Day’ directing officials at the district and sub-district level to discourage the observance of the World Indigenous Day program. Police obstructed rallies of indigenous peoples in Joypurhat, Khagrachari and Bandarban districts. In an inter-ministerial meeting held on 21 July 2011 in the presence of representatives from the Prime Minister’s office, Foreign Ministry, Ministry for CHT Affairs, Military Headquarters and Intelligence Departments, the Government decided to erase the term ‘indigenous’ from all laws, policies, documents and publications of the Government. The current 6th Five Year Plan changed the terminology from ‘indigenous’ to small ethnic communities.¹⁴

IV. RIGHTS TO LAND AND NATURAL RESOURCES

28. During 2009 to 2012 the indigenous peoples continued to be dispossessed of their lands by non-indigenous settlers and migrants (the flow of which precipitated ever since the Accord was signed), military and para-military camps and training centres, afforestation, tourism,

national/eco parks. These acts of land alienation happen both through direct government support, tacit support and patronage and other acts and omissions of civil and military personnel. There is also an increasing influx of other actors such as private corporations and individual power-holders who grab plots and plantations of indigenous peoples. The aforesaid acts of land alienation are contrary to the applicable national and regional land laws, and the ILO Convention No. 107, which Bangladesh ratified in 1972. This convention provides safeguards for indigenous peoples' individual and collective land rights. The application of the East Bengal State Acquisition and Tenancy Act, 1950 that regulates and forbids transfer of lands owned by aboriginals to non-aboriginals in the plains without the consent of the government's district officer is not uniform across the plains except in some parts of greater Mymensingh district; the practice is less institutionalized in Dinajpur district; and virtually not in Rajshahi district. There are widespread reports of non-implementation of this Act, leading to illegal encroachment by the mainstream population and also by the government in the name of development.

29. In the north-west of Bangladesh, the indigenous peoples lost lands they traditionally own, as the administration listed them as "Khas" (state-owned) land. The Government plans to extract coal in Fulbari of Dinajpur district, where indigenous Santal and Oraon people in more than 76 villages face eviction. Execution of the project will also degrade the environment of the area. In Moulvibazar district, more than 1,000 indigenous Khasi families face eviction from their ancestral land by a government eco-park project initiated in 2001. A similar project taken up in Garo populated areas threatens to evict 20,000 Garos in Madhupur forest.
30. The government is yet to form a Land Commission for plain land indigenous peoples despite its assurance in its election manifesto that "Special measures will be taken to secure their original ownership on land, water bodies, and their age-old rights on forest areas. In addition, a land commission will be formed."
31. The land grabbers from outside, using intimidation and threats, uprooted hundreds of families of local Jumma and permanent Bengali residents in several sub-districts under Bandarban district. For instance, a retired army major occupied hundreds of acres of land at Faitong mouza in Bandarban.¹⁵ 13 families of indigenous Mro community from Amtali Para of Fasiakhali union were forced out of their village by land-grabbers. Muhammadia Jamia Sharif, like scores of other companies grabbing lands in the area, illegally occupied nearly one thousand acres of Jum land under the collective.¹⁶ Another organization of ex-army men grabbed more than 2,000 acres of land in Lelung Mouza of Bandarban district. About 15,000 Mro people live in fear of eviction from their ancestral lands, as the Bangladesh Army plans to acquire 9,560 acres of land for expansion of Ruma cantonment.
32. Indigenous people often face false and harassful criminal cases for allegedly violating the Forest laws.¹⁷ The forest-dependent communities' traditional rights of cultivation, hunting, gathering and so forth are denied, in violation of the provisions of the ILO Convention No. 107 and the CBD (both ratified by Bangladesh). For instance, one Garo staggers under an awful load of over 100 cases. Warrants were issued in 2012 for the arrest of Garo leader killed in 2007. Cases were filed against indigenous people as they raised their voice against social afforestation, eco-park, rubber planting and land acquisition by government.¹⁸

V. RELIGIOUS PERSECUTION

33. Article 2A of the constitution declares Islam as the state religion. But it also provides equal status and equal rights in the practices of other religions. Despite such pronouncement, religious persecution on indigenous peoples continues. This includes destruction of Buddhist temples with the intent to occupy the temple's land, harassment of Buddhist monks, knocking

down of Buddha statues, preventing construction and repair of temples etc. For instance, a 200-year old Buddhist temple of the indigenous Rakhaine community was destroyed and looted several times by land grabbers at Teknaf sub-district in Cox's Bazaar district with the motive to occupy the temple's land. On 29 July 2011, a Cherangghar (religious house) of indigenous peoples in Alikadam under Bandarban district was destroyed by forest officials. On 28 January 2012, a Buddhist meditation centre at Harinchara Beel area of Bilaichari upazila in Rangamati was ransacked by a group of Bengali settlers. In another horrific attack by the fanatic Muslims in Cox's Bazaar district, 19 temples and 40 dwelling houses of Buddhist community were torched and more than 200 houses looted and vandalised on 29-30 September 2012. Due to objection from the army, land could not be settled in the name of Furamon International Meditation Centre in the Sapchhari union of Rangamati district despite public assurances by the State Minister of the CHT Affairs ministry.

VI. OCCUPATION, LIVELIHOOD AND FOOD SECURITY

34. The massive, unjust and politically motivated population transfer of Bengali settlers in the already land-pressed CHT caused widespread dispossession of indigenous lands, communal violence, including rape, killing, arson etc leading to huge disruptions to indigenous livelihood and occupation, including shifting cultivation, herding and grazing, forest-gathering, etc. Article 49 of the Fourth Geneva Convention prohibits such transfer of population. The settlement of non-resident settlers ultimately degenerated into their forcible occupation of indigenous lands threatening the means of latter's livelihood.
35. Discriminatory attitudes of the government against indigenous peoples are also evident in the way the indigenous peoples' agriculture and livelihood practices are looked at. For example, shifting cultivation is often regarded as a 'primitive' and 'unscientific' form of cultivation. Similar views are also held in the case of hunting, trapping, gathering etc, which are closely linked to their food security and livelihood practices. These are contrary to the provisions of ICCPR (esp article 27), ICERD, ILO Convention No. 107 and 111 and the Convention on Biological Diversity, besides proceedings of the UN Commission on Sustainable Development.
36. Indigenous peoples' right to food gets violated when denied of access to land, territories and natural resources. The indigenous peoples owe their miseries to continuing depletion of their natural resources, mainly through the expropriation of their lands. The protection of indigenous peoples' land and their resources is the key to the realization of their right to food. Unfortunately, the legal guarantee for this essential protection has been revoked in the CHT and is not complied with at the official level in the plains. For example, around 60 indigenous Khasi families of Aslom Punjee (Nahar-1) and Kailin Punjee (Nahar-2) in Srimangal will be evicted from their ancestral homesteads which apprehend loss of traditional livelihood and environmental degradation as the Ministry of Environment and Forest dubiously allowed chopping down about 4,000 trees on 30 June 2008. The Khasi villagers traditionally depend on trees for betel leaf cultivation. Around 7,000 families including indigenous Barman community of eight villages at Sreepur upazila in Gazipur district are in constant fear of forced eviction because of the establishment of 'Bangabandhu Sheikh Mujib Safari Park' there.

VII. RECOMMENDATIONS

37. In light of the above situation, the following issues can be recommended for urgent action to the Government of Bangladesh:
 - (a) Constitutional recognition of the identity, integrity and fundamental rights of the indigenous peoples as 'indigenous'.

- (b) Declaration of a roadmap with a time frame and specified individuals and agencies' responsibilities for the full, faithful and speedy implementation of the CHT Accord of 1997 within the present tenure of the government.
 - (i) Framing of Rules, including Rules of Business, for the CHT Regional Council in consultation with the CHT Regional Council
 - (ii) Election to the three Hill District Councils and transfer of agreed-upon subjects to them
 - (iii) Amendment of the CHT Land Dispute Resolution Commission Act as per the advice of CHT Regional Council, appointment of a neutral, progressive and otherwise suitable person as the chair of the commission and other support for the prompt and fair resolution of land disputes
 - (iv) Withdrawal of all temporary camps from the CHT and revocation of 'Operation Uttoron'
 - (v) Rehabilitation of India-returned Jumma refugees and Jumma IDPs
 - (vi) Cancellation of all leases given to non-resident individuals and companies for rubber and other plantation and industrial plants
 - (vii) Appointment of permanent residents of the CHT, giving priority to Jumma people, to all government, non-government and council jobs in the CHT
 - (viii) Constitutional safeguard to the Acts enacted as per CHT Accord and other statutes and customary laws
- (c) Impartial, independent and transparent enquiries have to be instituted, reports of investigation have to be made public, and the perpetrators have to be taken through the process of law in order to bring about an end to the culture of impunity in the country.
- (d) A separate Land Commission for the indigenous peoples in the plains should be set up to recover lands lost during the last 40 years and reinstate them to their original owners.
- (e) Implement forthwith the ILO Convention No. 107 and frame/reframe national laws affecting the indigenous peoples in the country in pursuant of the provisions contained in the Convention.
- (f) Capacity of the National Human Rights Commission is to be strengthened and a provision empowering it to investigate allegation of human rights violation against the members of armed forces has to be included in the National Human Rights Commission Act.
- (g) The government should declare its endorsement of the UN Declaration of the Rights of Indigenous Peoples without delay and ratify ILO Convention No. 169.
- (h) Formation of an Advisory Committee and the reconstitution of the Special Affairs Division and/or the formation of an Adivasi Affairs Ministry for the plains.
- (i) The government is urged upon to enact an Indigenous Peoples' Rights Act, to form an Indigenous Peoples Commission and to ensure indigenous peoples' representation in the parliament and local councils.
- (j) The UN Special Rapporteur on the Rights of Indigenous Peoples be allowed, when requested by, to visit Bangladesh unreservedly.

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References:

- ¹ This joint submission has been prepared following a decision in a stakeholders' workshop held on 13 June 2012 in Dhaka to develop a Joint Stakeholders' Report for submission to the UPR working group of the Human Rights Council. The workshop listed thematic issues to be addressed and assigned each of the participating organizations with responsibility to work on the relevant issues. The draft joint submission report was finalized in a validation workshop attended by relevant stakeholders on 28 August 2012. The information in the report was from sources, including IPOs, human rights reports of relevant stakeholders and media news, the reliability of which was verified in a number of ways, including checking with secondary sources, conducting fact-finding mission, interviews of relevant stakeholders, comparison with other available information on the incident.
- ² Census 2011, The daily Prothom Alo, 17 August 2012. <http://www.prothom-alo.com/detail/date/2012-08-17/news/282516>
- ³ A/HRC/11/18* and A/HRC/11/18/Add.1
- ⁴ A Brief Account of Human Rights Situation of the Indigenous Peoples in Bangladesh, AIPP, Thailand, Jan-Aug 2007
- ⁵ Sanghati 2009, Edited by Sanjeeb Drong, Bangladesh Indigenous Peoples Forum, Dhaka, 9 August 2009.
- ⁶ Web: www.un.org, A/HRC/15/37/Add.1
- ⁷ CHT indigenous peoples are also collectively known as Jumma.
- ⁸ Parbatya Chattagram Jana Samhati Samiti, a political party of indigenous Jumma peoples in the CHT.
- ⁹ *Women in the CHT: The Violent Hills* by Hana Shams Ahmed, FORUM, March 2011, (<http://www.thedailystar.net/forum/2011/march/women.htm>).
- ¹⁰ Murder trial ends with death penalties, UCA News, 17 May 2012, <http://www.ucanews.com/2012/05/17/murder-trial-ends-with-death-penalties/>
- ¹¹ The daily Prothom Alo, 11 May 2012; The daily Prothom Alo, 18 May 2012; The Daily Star, 13 May 2012.
- ¹² The Status of Adivasi Hill Women in Light of the CHT Accord, Mangal Kumar Chakma, BNPS, Sept-Oct 2009, Dhaka
- ¹³ Human Rights Report 2011 on Indigenous Peoples in Bangladesh, 1 January 2012, Kapaeeng Foundation.
- ¹⁴ Sixth Five Year Plan (FY2011-FY2015) titling "Accelerating Growth and Reducing Poverty", Government of Bangladesh, http://www.plancomm.gov.bd/sixth_five_year_plan.asp
- ¹⁵ The daily Prothom Alo, 11 June 2012, <http://www.prothom-alo.com/detail/date/2012-06-11/news/264908>
- ¹⁶ The daily Prothom Alo (Bangla) on 8 July 2012, <http://www.prothom-alo.com/detail/date/2012-07-08/news/271769>
- ¹⁷ Background Study on the Chittagong Hill Tracts Land Situation, by Raja Devasish Roy, CARE-Bangladesh, 2004.
- ¹⁸ The Daily Sun, 7 July 2012, http://www.daily-sun.com/details_Garo-people-trapped-in-forest-cases_196_1_1_1_1.html

Annex-I:
List of Member-IPOs
Coalition of Indigenous Peoples Organisations for Bangladesh

Sl.	Name of IPO & contact person	Address	Establishment	Main activities
1.	Kapaeeng Foundation Contact: Mong Sing Neo, Coordinator	House # 23/25, Salma Garden Apartment, Road # 4, P C Culture Housing, Block # B, Mohammadpur, Dhaka-1207 Tel: +88-02-8190801, E-mail: kapaeeng.foundation@gmail.com, Website: www.kapaeeng.org	1 April 2004	Human rights, lobby, campaign and advocacy, capacity building, research and publication, documentation and information sharing, women's rights, legal aid
2.	Maleya Foundation Contact: Dipujjal Khisa, Coordinator	9/2, Khan Niketon (4 th Floor), Flat no: E3, Ring Road, Shyamoli, Dhaka-1207 E-mail: maleyafoundation@yahoo.com, Website: www.maleya.org	2003	Capacity building, women rights, documentation, gender sensitivity, development understanding, environment and poverty issues
3.	Bawm Social Council Contact; Jumlian Amlai Bawm	P.O. Ruma, Upazila: Ruma, Bandarban district, Bangladesh Tel: +88-01199156311 E-mail: amlaibawm@gmail.com	1985	Awareness building, social security, healthcare, preservation of culture, traditions and customs, socio-economic development, education
4.	Bangladesh Indigenous Peoples Forum Contact: Sanjeeb Drong, General Secretary	House # 62, Probal Housing, Ring Road, Mohammadpur, Dhaka-1207 Tel: +88-02-8122881, E-mail: adivasiforum@gmail.com	13 July 2001	Human rights, lobby and campaign, advocacy, capacity and awareness building, dialogue with government, civil society, media, national and international stakeholders
5.	Mro Social Council Contact: Ranglai Mro	Ujanai Para, Bandarban-4600, Bandarnban Hill Tracts, Bangladesh Tel: +88-0361-62194 E-mail: mrosocialcouncil@gmail.com	1991	Socio-economic development, preservation of culture, traditions and customs, education
6.	Jatiya Adivasi Parishad Contact: Rabindranath Soren	Gonok Para, Rajshahi-6100, Bangladesh Tel: +88-01712 278211, 01733 977445 E-mail: japbangladesh@yahoo.com		Human rights, lobby and campaign, advocacy, education, documentation, capacity and awareness building

7.	Greater Sylhet Indigenous Peoples Forum Contact: Pidison Prodhan Suchiang	Purbasha Residential Area, Sreemangal, Moubibazar, Bangladesh Tel: +88-01711467711 E-mail: gsipfbd@gmail.com Web: www.gsipf.org	1997	Human rights, socio-economic development, environment
8.	Asia Indigenous Peoples Pact Contact: Joan Carling, Secretary General	108, Moo 5, T. Sanpranate, A. Sansai, Chiang Mai 50210, Thailand E-mail: aippmail@aippnet.org Tel:+66 (0)53 380 168, Fax: +66 (0)53 380752, Web: www.aippnet.org		Human Rights, Capacity Building, Environment, Indigenous Youth & Development, Indigenous Women, Organization Strengthening
9.	Chittagong Hill Tracts Citizens' Committee Contact: Jasheswar Chakma	9/2, Khan Niketon (3 rd Floor), Ring Road, Shyamoli, Dhaka-1207 Bangladesh Tel: +88-01556700153 E-mail: chtcitizen@yahoo.com	2010	Lobby and campaign for implementation and indigenous peoples' rights
10.	Movement for the Protection of Forest and Land Rights in CHT Contact: Sudatta Bikash Tanchangya	C/o CIPD Office, Rajbari Road, Rangamati-4500, Rangamati Hill Tracts, Bangladesh Tel: +88-01925812398 E-mail: chtlandandforest@gmail.com	October 1998	Forest and Land Rights in the CHT
11.	Bangladesh Indigenous Peoples Network Contact: Sudatta Bikash Tanchangya	C/o CIPD Office, Rajbari Road, Rangamati-4500, Rangamati Hill Tracts, Bangladesh Tel: +88-01925812398 E-mail: adivasi.bd.net@gmail.com	October 2010	Networking among indigenous peoples in Bangladesh
12.	Bangladesh Indigenous Women Network Contact: Nishi Dewan	House # 23/25, Salma Garden Apartment, Road # 4, P C Culture Housing, Block # B, Mohammadpur, Dhaka-1207 Tel: +88-02-8190801, E-mail: biwn.bd@gmail.com	2012	Capacity building, lobby and campaign, advocacy, empowerment, legal aid, human rights, research
13.	Adivasi Samaj Unnayan Samity Contact: Gonesh Shoren	Nimnagar, Balubari, Dinajpur, Bangladesh Tel: +88-0531-52123 E-mail: gshoren@gmail.com	1978	Social-economic development, preservation of culture and customs, capacity of traditional institutes
14.	Adivasi Cluster Development Forum Contact: Ajoy A Mree	Jalchatra, P.O.+Upazial- Madhupur, Tangail district, Bangladesh Tel: +88-01715404292		Traditional social structural development, land rights

		E-mail: ajoya.mree@yahoo.com		
15.	Patra Samprodai Kalyan Parishad Contact: Gouranga Patra	Doloy Para, Khadim Nagar, Sylhet Tel: +88-01711399613 E-mail: patragouranga@yahoo.com	2001	Human rights, education, environment, socio-economic development
16.	Jum Literature Young Society Contact: Trijinad Chakma	386 Jagannath Hall, Dhaka University, Dhaka-1000, Bangladesh Tel: +88-01914219224 E-mail: jum.1997.jum@gmail.com	1996	Promotion and protection of indigenous culture and literature, publication etc
17.	Bangladesh Adivasi Chhatra Sangram Parishad Contact: Pari Chingtham	320 Jagannath Hall, Dhaka University, Dhaka-1000, Bangladesh Tel: +88-0192455773, 01927453527 E-mail: parie_mb_dc@yahoo.com, adtripura@gmail.com	19 August 2000	Lobby and campaign for rights to education, solidarity and networking of indigenous students

Annex-II:
List of International Human Rights Treaties signed by Bangladesh

Treaty	Ratification
International Covenant on Economic, Social and Cultural Rights (CESCR)	05 January 1999
International Covenant on Civil and Political Rights (CCPR)	06 December 2000
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	11 July 1979
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	06 December 1998
Optional Protocol to the Convention on the Elimination of Discrimination against Women (OPCEDAW)	22 December 2000
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	04 November 1999
Convention on the Rights of the Child (CRC)	02 September 1990
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP CRC AC)	12 February 2000
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP CRC SC)	18 January 2000
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	07 October 1998
ILO Convention on Indigenous and Tribal Populations (Convention No. 107 of 1957)	22 June 1972
ILO Convention on Discrimination (Employment and Occupation) (Convention no. 111 of 1958)	22 June 1972
Convention on Biological Diversity (CBD)	03 May 1994

Annex-III:

Election pledges related to indigenous peoples made by Awami League-led Government in December 2008

Election Manifesto of Bangladesh Awami League-2008

NINETH PARLIAMENTARY ELECTIONS-2008

Election Manifesto of Bangladesh Awami League

A Charter for Change

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18. Religious Minorities, Disadvantaged People and Underdeveloped Areas

i. Terrorism, discriminatory treatment and human rights violations against religious and ethnic minorities and indigenous people must come to an end permanently. Security of their life, wealth and honor will be guaranteed. Their entitlement to equal opportunity in all spheres of state and social life will be ensured. Special measures will be taken to secure their original ownership on land, water bodies, and their age-old rights on forest areas. In addition, a land commission will be formed. All laws and other arrangements discriminatory to minorities, indigenous people and ethnic groups will be repealed. Special privileges will be made available in educational institutions for religious minorities and indigenous people. Such special privileges will also apply for their employment.

ii. The 1997 Chittagong Hill Tract Peace Accord will be fully implemented. More efforts will be directed toward the development of underdeveloped tribal areas, and special programmes on priority basis will be taken to secure their rights and to preserve their language, literature, culture, and unique lifestyles.

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