



SUGGESTIONS OF QUESTIONS AND RECOMMENDATIONS TO BE ADDRESSED TO BANGLADESH FOR THE UPR – UN HUMAN RIGHTS COUNCIL (HRC)

The International Work Group for Indigenous Affairs (IWGIA) is an international NGO with ECOSOC Special Consultative Status, working in support of indigenous peoples worldwide. As such, IWGIA would be interested in contributing to and lending its expertise to governments on questions relating to indigenous peoples issues discussed during country reviews at the sessions of the UPR.

The Chittagong Hill Tracts Commission (CHT Commission) was first established in 1990 and re-established in 2008 with a mandate to promote respect for human rights, democracy, and restoration of civil and political rights, participatory development and land rights for the indigenous peoples in the Chittagong Hill Tracts (CHT) in Bangladesh, including examination of the implementation of the Chittagong Hill Tracts Peace Accord of 1997.

In this letter, IWGIA and the CHT Commission are pleased to provide the following input to the review of Bangladesh during the 4th session of the UPR.

For any further questions and follow-up information, please contact Christina Nilsson at cn@iwgia.org.

Questions with particular reference to the compilation prepared by the OHCHR (A/HRC/WG.6/4/BGD/2), the Summary prepared by the OHCHR (A/HRC/WG.6/4/BGD/3) and the National Report (A/HRC/WG.6/4/BGD/1)

1) The Chittagong Hill Tracts Peace Accord

In 1997 the Government of Bangladesh and the indigenous political movement Parbattya Chattagram Jana Sanghati Samiti (PCJSS) signed the Chittagong Hill Tracts Peace Accord after two decades of civil war and years of peace talks. The Peace Accord recognizes CHT as a “tribal inhabited” region, its traditional governance system, and it provides building blocks for indigenous autonomy. The Peace Accord however remains either unimplemented or only partially implemented. The failure to fully implement all provisions of the Peace Accord means that the indigenous peoples in the CHT remain heavily marginalized, destitute and subject to severe human rights violations. (A/HRC/WG.6/4/BGD/2 paragraph 39)¹. However, it has to be acknowledged and appreciated that in its election manifest Awami League who won the

¹ See also the Chittagong Hill Tracts Commission: Life is not ours (<http://www.iwgia.org/graphics/Synkron-Library/Documents/publications/Downloadpublications/Books/Life%20is%20not%20ours%20-%20UPDATE%204.pdf>); Cultural Survival: *Chittagong Hill Tracts Peace Accord Ignored* (<http://www.culturalsurvival.org/ourpublications/voices/article/chittagong-hill-tracts-peace-accord-ignored>)

December 2008 election with an overwhelming majority commits to implement the Peace Accord completely.

Question:

What concrete actions steps will the new Government of Bangladesh take to ensure the full implementation of all provisions of the Chittagong Hill Tracts Peace Accord of 1997?

Recommendation:

It is recommended that the Government of Bangladesh in collaboration with indigenous stakeholders develop a road map for the implementation of all provisions of the Peace Accord and commits to its full and sincere implementation.

2) Land alienation

As a consequence of large-scale settlement of Bengalis from the plains to the CHT and the government resuming control over land in the area, many indigenous peoples in the CHT have been forced to leave their ancestral land. The questions of land and resource management rights have figured prominently in the Chittagong Hill Tracts Peace Accord of 1997, which, among other things, provided for the establishment of a Land Commission to solve land-related disputes in the CHT. 11 years after signing the Peace Accord, the Land Commission is yet to start its function and no single land dispute has been resolved. (A/HRC/WG.6/4/BGD/3 paragraph 47)² The issue of alleged illegal seizure of the traditional lands of indigenous communities has also been noted by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, S. James Anaya, A/HRC/9/9/Add.1 paragraph 50.³

Questions:

Could Bangladesh update on the state of affairs of the Land Commission and the reasons for it not being in operation.

Recommendation:

It is recommended that the Government of Bangladesh take concrete action to ensure that the Land Commission starts its function immediately in accordance with the provisions of the Chittagong Hill Tracts Peace Accord of 1997.

3) Human rights violations

The overall human rights situation of the indigenous peoples in Bangladesh in general and in the CHT in particular is extremely severe. Incidents of extrajudicial killings, arbitrary arrests and judicial abuse, torture, rape, harassment and communal attack on indigenous peoples and their leaders, activists and communities by security forces, the Joint Forces and settlers with the

² See e.g. Devasish Roy: *The Land Question and the Chittagong Hill Tracts Accord* (<http://chtcommission.org/wp-content/uploads/2008/12/d-roy-land-q-cht-accord-20001.pdf>); Asia Indigenous Peoples Pact (AIPP): *Submission of the Asia Indigenous Peoples Pact (AIPP) Foundation on Human Rights Situation of the Indigenous Peoples (Adivasi) in Bangladesh to the Office of the High Commissioner for Human Rights (OHCHR)* (http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/BD/AIPP_BGD_UPR_S4_2009_AsiaIndigenousPeoplesPactFoundation_upr.pdf)

³http://ap.ohchr.org/documents/sdpage_e.aspx?m=73&t=9

acquiescence of security forces are continuously and frequently reported. (A/HRC/WG.6/4/BGD/3 paragraph 29)⁴

Question:

What concrete actions will the new Government of Bangladesh take to investigate the numerous allegations of human rights abuses against indigenous peoples in Bangladesh?

Recommendations:

It is recommended that the Government of Bangladesh take immediate action to demilitarize the CHT in accordance with the provisions of the Chittagong Hill Tracts Peace Accord and commit to conducting thorough investigations by an independent, impartial and competent body on the widespread allegations of human rights abuses by law enforcement agencies.

It is recommended that the Government of Bangladesh issue an open invitation to Special Procedures mandate holders, and a specific invitation to the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people.

4) Development projects in Modhupur Forest

Indigenous peoples in the Modhupur Forest area are facing the threat of eviction from their ancestral homeland by forest conservation and social forestry projects, which will occupy more than 1,500 acres of their land for tourism and entertainment parks. Seven indigenous hill villages will be affected and 1,000 indigenous families will face forced eviction. Many of the indigenous peoples who have been protesting against the development projects have allegedly been killed by the security forces. (A/HRC/WG.6/4/BGD/3 paragraph 49)⁵

Questions:

What concrete actions will be taken by the Government of Bangladesh to ensure that indigenous peoples' rights to their traditional lands are fully respected when planning and implementing forest conservation and social forestry projects?

What concrete actions will be taken by the Government of Bangladesh to investigate the allegations of killings of indigenous protesters in the Modhupur Forest area?

Recommendations:

It is recommended that the Government of Bangladesh fully respect the rights of indigenous peoples as stipulated in the UN Declaration on the Rights of Indigenous Peoples and take immediate action to investigate by an independent, impartial and competent body the allegations of killings of indigenous protesters by law enforcement agencies.

⁴ See also IWGIA: The Indigenous World 2008 (<http://iwgia.org/graphics/Synkron-Library/Documents/publications/Downloadpublications/IndigenousWorld/IW%202008/THE%20INDIGENOUS%20ORLD-2008.pdf>) page 342-350); ASK: Human Rights in Bangladesh 2007 (http://www.askbd.org/web/wp-content/uploads/2008/11/ASK_Human%20Rights%20Report_07.pdf)

⁵ See also IWGIA: The Indigenous World 2007 (<http://www.iwgia.org/graphics/Synkron-Library/Documents/publications/Downloadpublications/IndigenousWorld/IW%202007/IW2007%20-%20Minus%20Laos%20pages%20356-365.pdf>)