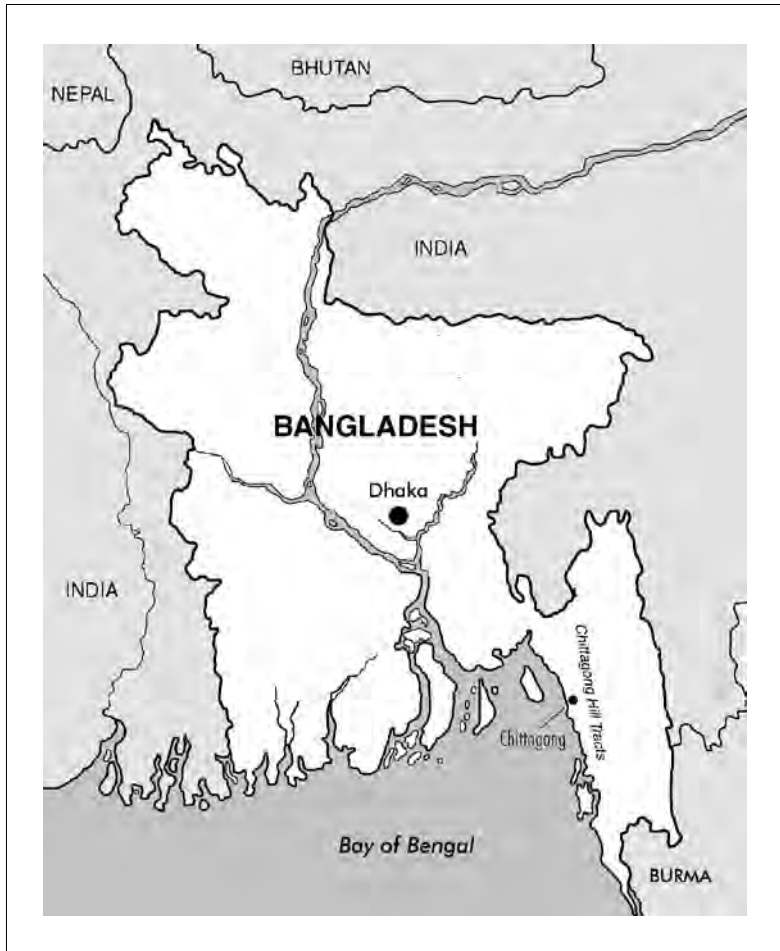


BANGLADESH

The majority of Bangladesh's 143.3 million people are Bengalis but approximately 3 million are indigenous peoples belonging to at least 54 different ethnic groups. These peoples are concentrated in the north, and in the Chittagong Hill Tracts (CHT) in the south-east of the country. In the CHT, the indigenous peoples are commonly known as *Jummas* for their common practice of swidden cultivation (crop rotation agriculture) locally known as *jum*.

The government of Bangladesh does not recognize indigenous peoples as "indigenous". The Small Ethnic Groups Cultural Institution Act 2010 uses the term "khudro nrigoshthi" (small ethnic groups) to refer to the indigenous peoples. However, in the definitions section, when explaining the meaning of the term "khudro nrigoshthi", it uses the term "adibashi", the Bengali equivalent of indigenous or aboriginal. A 2011 amendment to the constitution refers to the indigenous peoples of Bangladesh as "tribes", "minor races" and "ethnic sects and communities". Bangladesh has ratified ILO Convention 107 on Indigenous and Tribal Populations but not ILO Convention 169 and it also abstained when the UN Declaration on the Rights of Indigenous Peoples was voted on in the General Assembly in 2007.

Indigenous peoples remain among the most persecuted of all minorities, facing discrimination not only on the basis of their religion and ethnicity but also because of their indigenous identity and their socio-economic status. In the CHT, the indigenous peoples took up arms in defence of their rights in 1976. In December 1997, the civil war ended with a "Peace" Accord between the Government of Bangladesh and the Parbattya Chattagram Jana Samhati Samiti (PCJSS, United People's Party of CHT), which led the resistance movement. The Accord recognizes the CHT as a "tribal inhabited" region, its traditional governance system and the role of its chiefs, and provides building blocks for indigenous self-determination. The CHT Accord, however, remains largely unimplemented, which has resulted in continued widespread human rights violations, violent conflicts and military control.



Failure to recognize indigenous peoples' rights continues

In September 2013, the government pre-empted a legislative proposal entitled "Adivasi Rights Bill 2013" that had been submitted by the parliamentary caucus of indigenous peoples, aimed at ensuring the recognition of indigenous peoples as indigenous peoples (*Adivasi*) and protecting their rights. According to newspaper reports, a foreign ministry working paper stated that: "Foreign Secretary Sha-

hidul Islam chaired an inter-ministry meeting that decided to 'guarantee' that such bill was not tabled in parliament and to communicate the matter to the speaker who was authorised to decide tabling of any bill in the House. The movers will make it [the recognition of the ethnic minorities as adivasis] a political issue if the bill is tabled as a private member's bill." ¹

As part of its internal policy, and in order to end the debate on indigenous identity and recognition of indigenous peoples, the government (particularly the Ministry of Culture) formed a committee to identify the ethnic groups in Bangladesh. The Ministry then asked the Deputy Commissioners' (DC) offices to send the names of the ethnic groups living in their administrative areas. The DCs sent around 228 names of ethnic groups, excluding the 27 indigenous communities that are listed under the Small Ethnic Group Cultural Institution Act 2010. After examining the list carefully and visiting some places to identify the ethnic groups, the committee finally proposed a list, and this is still under consideration by the Ministry of Culture. Indigenous organizations and activists believe that this initiative of the Ministry of Culture is ill-motivated and an attempt to deny indigenous peoples' real recognition.

In August 2013, the government took the initiative to draft an education law on the basis of the national education policy 2010. The Ministry of Education called for comments and feedback on this proposed new law. According to the CHT Regional Council Act, the government is bound to consult with the CHT Regional Council when drafting laws or planning decisions that affect the interests of indigenous peoples in the CHT. As in other cases, however, this was not done. In addition to this, there seem to be no special measures in the draft law addressing the problems facing indigenous peoples.

CHT Accord implementation: what next?

On 27 May 2013, the Cabinet approved, in principle, amendments to the CHT Land Dispute Resolution Commission Act 2001, which aims to resolve the long-standing land disputes in the CHT. The amendments included all 13 points proposed by the CHT Regional Council and the Ministry of Chittagong Hill Tracts Affairs, which were approved by the CHT Accord Implementation Committee and adopted by an inter-ministerial committee in 2012. Despite the Foreign Minister's assurances during the second cycle of the Universal Periodic Review (UPR) in

Geneva in April 2013 that the amendments to the Land Commission Act were in the final stages and would soon be passed, the Amendment Bill was not passed in the last session of Parliament in November 2013 as expected. Apart from the developments relating to the Land Commission Act, no measures were taken to implement the CHT Accord in 2013, despite the government's repeated commitments made in different forums and meetings over the last five years.

The human rights situation

According to information from the Kapaeeng Foundation, various kinds of human rights violations against indigenous peoples intensified in 2013. At least 11 indigenous people (three from the CHT and eight from the plains) were killed and another 42 (31 from the CHT and 11 from the plains) were arrested and detained either arbitrarily or on fabricated charges. At least 10 communal attacks (six in the CHT - including Chittagong Export Processing Zone - and four in the plains) were carried out by Bengali settlers and Bengali land grabbers, while the houses and properties of at least 346 families (275 from the CHT and 71 from the plains) were destroyed and looted. Around 2,000 people from 400 families in the CHT fled to "no man's land" adjacent to the neighbouring Indian state due to communal attacks by Bengali settlers. While influential Bengalis committed many of these violations, state actors such as members of the security forces and law enforcement agencies were either supportive of or indifferent to what was going on.²

The National Human Rights Commission (NHRC) has been vocal on the issue of indigenous peoples. Whenever, the NHRC receives a complaint from indigenous individuals or organizations, it immediately asks the relevant government bodies and authorities to take measures against these gross human rights violations. For example, on the basis of the Kapaeeng Foundation's complaint regarding the eviction of 21 Chak families in Bandarban district on 13 May 2013, the NHRC requested that the Ministry of Chittagong Hill Tracts Affairs (MoCHTA) conduct an inquiry into the eviction of these villagers from their ancestral villages and to submit the report to the NHRC. Accordingly, the MoCHTA appointed Mr. Alamgir Hosain, Deputy Secretary, to investigate the incident. Mr. Alamgir Hosain duly submitted his report to the NHRC³ but, so far, no action has been taken to ensure justice for the Chak villagers.

Land grabbing intensifies

Land grabbing intensified significantly in 2013 as compared with 2012. In 2013, around 3,792 acres of lands in the CHT were either grabbed or went under process for occupation and acquisition, while 103 *bighas*⁴ of land in the plains were occupied. Of the total land grabbed in CHT, 3,717 acres of lands were grabbed mainly by outside private parties and influential persons and 75 acres by the government. Twenty-six families were evicted from their homesteads and 1,062 families were under threat of eviction. A total of 66 families were attacked in the plains in connection with the occupation of their lands. In addition, with the help of forest officials, land grabbers felled 500 betel leaf trees in Sylhet, trees which are the main source of livelihood of the indigenous Khasi people.⁵

One widely reported case of land dispossession was the eviction of 21 Chak families (see above) in Bandarban district. Another is the threat of eviction that is facing dozens of indigenous families in Dighinala upazila in Khagrachari district, where the local district administration in September took the initiative to set up the Border Guard Bangladesh (BGB) sector headquarters by taking possession of an area of approx. 30 acres of land that falls within three indigenous villages. The Dighinala Army Zone allegedly claimed that, of the 29.81 acres of land, only 2.20 acres were registered in the name of the indigenous villagers while the rest (27.61 acres) was *khas* (state-owned) land. According to the indigenous villagers, the land is part of their ancestral lands.⁶

Situation of indigenous women

According to the Kapaeeng Foundation, in 2013, a total 67 indigenous women and children (53 from the CHT and 14 from the plains) were subjected to violence such as rape/gang rape, attempted rape, rape and murder, killing/shooting dead, physically assault/molested, kidnapped, sexually harassed or trafficked. Sexual harassment and trafficking were added as new forms of violation in 2013. In the CHT, five indigenous Tripura girls were rescued from a *madrassa* in Dhaka after being taken from the CHT in order to convert them to Islam by force. The police also rescued three indigenous girls from the Faridpur-Rajbari

crossing on Dhaka-Khulna highway while they were being trafficked to India on the pretext of well-paid jobs there.

Although impunity is generally widespread for the perpetrators of violence against indigenous women, the Women and Children Repression Prevention Tribunal in Chittagong did convict the perpetrators in a rape case in September 2013.⁷ This ruling may make indigenous women more confident that there are consequences for rape irrespective of one's ethnic background.

UPR and issues related to indigenous peoples

During the second cycle of the Universal Periodic Reviews (UPR) in April 2013, the government made a commitment to promote, protect and respect human rights and to implement the CHT Accord and ILO Convention 107. The same pledges were, however, made during the first UPR cycle with few concrete results. The recommendation to ratify ILO Convention 169 was not accepted by the government, which responded that Bangladesh's consideration in this regard would need to be contextualized within the parameters of the Constitutional provision.⁸

A number of recommendations on cross-cutting thematic issues relevant to indigenous peoples were also adopted, such as the enactment of laws for the protection of the most vulnerable groups, effective investigation and sanctioning of all cases of violence against religious minorities and prevention of violence against women by proper law enforcement and by ensuring the prosecution and punishment of offenders through proper investigations and judicial processes.⁹

The 10th national parliamentary elections

Amid violent turmoil, the 10th national parliamentary elections were held on 5 January 2014. Prior to the vote, indigenous people and other civic organizations called on the political parties to ensure that indigenous peoples' issues, concerns and development, including the identity issue, would be addressed in their electoral manifesto. Only the Awami League and the Workers Party responded to this demand. However, unlike in the 2008 general elections, the

Awami League used the terms “small ethnic group” and “tribal” instead of “indigenous peoples” in its 2014 electoral manifesto. This manifesto promises that the as yet unimplemented pledges and clauses of the CHT Accord will be implemented. The development of the Hill districts will be sped up, the geo-natural features of the three hill districts will be protected and the forest areas, animal resources and beauty of the mountain peak will be preserved. It further promises an end to discriminatory conduct towards religious and ethnic minorities and to violations of human rights, along with the protection of property, including landed property, homesteads and forest property.¹⁰

Four indigenous persons were elected as members of parliament in the election, all men and, among them, three are from the Awami League (the ruling party) and one independent candidate supported by the Parbattya Chattagram Jana Samhati Samiti (PCJSS), a regional political party of the CHT.

As in every national election, violence against indigenous peoples took place in different districts, particularly in the plains. Human rights groups blamed the police, the administration and the ruling party for failing to prevent the violence. ○

Notes and references

- 1 <http://www.dhakatribune.com/law-amp-rights/2013/sep/23/government-pre-empts-%E2%80%98adivasi%E2%80%99-bill>
- 2 Kapaeeng Foundation “Human Rights Report 2013 on Indigenous Peoples in Bangladesh”.
- 3 Kapaeeng Foundation information sharing on 23/06/2013.
- 4 The *bigha* is a unit of measurement of land area commonly used in Bangladesh.
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- 6 <http://cerdc.net/index.php/hr-report/land-rights/245-setting-up-of-bgb-sector-headquarters-several-dozens-of-indigenous-families-are-in-fear-of-eviction-from-their-ancestral-homes-in-dighinala-khagrachari-hill-district>
- 7 The Daily Star and Dhaka Tribune, Wednesday, 25 September 2013.
- 8 Statement of the Foreign Minister, Dr. Dipu Moni, during the UPR session in Geneva, Switzerland on 29 April 2013.
- 9 A/HRC/24/12 – Report of Working Group on the Universal Periodic Review, Bangladesh.
- 10 Awami League Election Manifesto 2014.

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