

## **Human Rights Report 2011 on Indigenous Peoples in Bangladesh published**

On 9 January 2012 “**Human Rights Report 2011 on Indigenous Peoples in Bangladesh**” has been published by Kapaeeng Foundation, a national human rights organisation for indigenous peoples in Bangladesh, with the support of Oxfam. The report was unveiled by eminent educationist and former Vice Chancellor of Jahangirnagar University Professor Zillur Rahman Siddiqui.

A launching programme was held by Kapaeeng Foundation on 9 January 2012 at 10.00 am at Auditorium of National Planning and Development Academy in Dhaka with chairperson of Kapaeeng Foundation Rabindranath Soren in the chair. Professor Zillur Rahman Siddiqui, former Vice Chancellor of Jahangirnagar University was present as chief guest in the programme. Sultana Kamal, Co-chair of International CHT Commission; Nawab Ali Abbas Khan, MP and Member of Parliamentary Caucus on Indigenous Issues; Barrister Sara Hossain, Honourary Director, BLAST; Mr. M B Akhter, Programme Manager, Oxfam; Dr. Dalem Chandra Barman, Professor of the Department of Peace and Conflict Studies of University of Dhaka and Mangal Kumar Chakma, Advisor, Kapaeeng Foundation spoke in the launching programme. Coordinator of KF Mong Sing Neo presented human rights situation of indigenous peoples 2011 while Saikat Biswas, programme officer of Oxfam delivered welcome speech. Vice chairperson of KF Dipayon Khisa conducted the launching programme. Hundreds of indigenous activists and civil society members were present in the launching programme.

Besides, member of International CHT Commission Swapan Adnan, teacher of Dhaka University Robaet Ferdous, national coordinator on indigenous peoples of ILO Abhilash Tripura, Tandra Chakma of Manusher Jonno Foundation, Ramanath Mahato and Subin Chandra Munda of Jatiya Adivasi Parishad, Eujin Nekrek of Joyenshahi Adivasi Unnayan Parishad, Tuli Labanya Mrong of Bangladesh Adivasi Forum, Daniel Dokhar from Sylhet, Harendranath Sing of Adivasi Juba Parishad, Trimita Chakma of Coffey International Development et al.

The report has been edited by Dr. Dalem Chandra Barman, Professor of the Department of Peace and Conflict Studies of University of Dhaka and Mong Sing Neo, Coordinator of KF with the contribution of a team of indigenous rights activists, namely, advisor of KF Mangal Kumar Chakma, Project-in-Charge of Caritas Barisal office Myenthein Promila, Executive Member of KF Lina Jesmin Lushai, Executive Member of KF and Correspondent of The Daily New Age Muktasree Chakma Sathi, Student of Curtin University (Australia) Bablu Chakma, Editor of [adivasinews.com](http://adivasinews.com) Manik Soren, Human Rights Activist Daniel Dikhar and Indigenous Rights Activist Laya Lata Murmu

### **EXECUTIVE SUMMARY**

Despite strengthening solidarity and unity among indigenous peoples and civic groups of mainstream Bengali population with strong media support, the Indigenous Peoples in Bangladesh passed 2011 amidst numerous victims facing gross abuses of human rights

without access to justice. The perpetrators, irrespective of state and non-state actors, enjoyed with full impunity. Land dispossession of the Indigenous Peoples and massive communal attack on them in order to occupy their land continues unabated. Constitutional recognition of Indigenous Peoples and implementation of CHT Accord of 1997 remain unfulfilled, due to continuous following of policy-neglect by the Government of Bangladesh.

## **I. Introduction**

It is encouraging that the National Human Rights Commission (NHRC) adopted strategic planning for the promotion and protection of the rights of the indigenous peoples. However, the NHRC still lacks institutional capacity due to lack of government support and strong democratic processes.

The Government mentioned in the Sixth Five Year Plan (FY2011-FY2015) that it would consider implementing the UN Declaration on the Rights of Indigenous Peoples 2007 and ratify the ILO Convention 1969. The Sixth Five Year Plan also mentioned that an appropriate land policy will be formulated which can deal with land disputes involving indigenous peoples.

Indigenous Peoples raised their voice for adequate budgetary allocation to eliminate disparity and discrimination between them and the mainstream Bengali people. It is observed that about 2 per cent of the country's population is indigenous peoples, but the allocation for them is below 0.5 per cent of the total budgetary allocation.

## **II. Identity of Indigenous Peoples**

Ignoring strong demands of the indigenous peoples and civic groups of mainstream population of the country, the present Awami League-led government has denied the constitutional recognition of fundamental rights of indigenous peoples in the 15th amendment of the Constitution in 2011. Despite very specific demands, the government did not ensure constitutional recognition of CHT Accord of 1997 and acts and laws enacted as per the Accord, in that new constitutional reform. Parliamentary Caucus on Indigenous Peoples proposed to enact a "Bangladesh Indigenous Peoples' Rights Act" and to set up a "National Commission on Indigenous Peoples" under an act to ensure the rights of indigenous communities on their ancestral lands. According to the Caucus, the existing laws are not adequate to ensure the rights of the indigenous peoples.

## **III. Land Rights and Land Dispossession**

The major problem for all adivasis is land grabbing by influential people from the mainstream population. There are no adequate policies to protect the land of indigenous peoples. The traditional land rights of indigenous peoples are being ignored. The incidents of forcible land-grabbing by Bengali land grabbers and eviction of indigenous peoples from their ancestral land were also seen as common scenario in 2011.

In the year 2011 at least 111 houses of indigenous Jumma villagers were completely burnt to ashes in the CHT while 12 houses (6 houses each in the CHT and the plain lands) were looted and ransacked due to land-related communal conflicts. In addition, at least 146 Jumma families in the CHT were attacked by Bengali settlers while 19 indigenous families in the plain land were attacked. Besides, 21 indigenous persons including 1 from plain lands were assaulted while 3 indigenous persons (2 from CHT and 1 from plain lands) were brutally killed. On the other hand, at least 7,118 acre of land belonging to indigenous Jumma people were grabbed by Bengali settlers in the CHT in 2011. Several attempts have also been made to occupy Jumma's land by the Bengali settlers.

#### **IV. Main Human Rights Issues**

The failure to thoroughly investigate human rights violations by Bengali settlers with the support of the law enforcement agencies in the CHT and by influential land grabbers and criminals with the support of local administration including police in the plain lands remained a matter of serious concern. The perpetrators, irrespective of state and non-state actors, acted with full impunity.

In 2011, 7 indigenous people, 3 from CHT and 4 from plain lands, were killed while 13 persons were arrested or detained. In addition, 30 indigenous persons, 29 victims are from CHT out of them, were tortured, harassed and threatened. At least 8 massive communal attacks were made upon Indigenous Peoples across the country. Of them, 4 attacks were made in the CHT. All the communal attacks in the CHT were committed by Bengali settlers and in these attacks security forces played either a passive role or collaborative role. At least 3 indigenous persons were killed in these communal attacks while 70 were injured. Besides, 137 houses of Indigenous Peoples were completely burnt to ashes while 47 houses were looted or ransacked.

Religious persecution on Indigenous Peoples also continued, particularly in the CHT. This includes destruction of Buddhist temple with the aim to occupy temple's land, harassment of Buddhist monks, destruction of Buddha statues, prevention to construction and repairing of temple etc.

#### **V. Women's Rights**

The biggest concern in rape and other violence against indigenous women is the lack of access to justice and absolute impunity that perpetrators enjoy. In 2011, 5 indigenous women, of them 3 from the CHT and 2 from the plain lands, were killed after rape while 11 indigenous women were raped. Except 1 woman from the plain lands, the rest of the raped women were from the CHT region. In addition, attempts to rape were made on 8 indigenous women including 1 from the plain lands while 5 women (4 from the CHT and 1 from the plain lands) were abducted. Almost all violence against indigenous Jumma women in the CHT have allegedly been committed by Bengali settlers. Only one incident of attempted rape was reported to have been allegedly committed by a security personnel.

## **VI. Education and Children**

Deprivation of access to quality education is a major factor contributing to social marginalization, poverty and dispossession of Indigenous Peoples. 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 BCS examinations (24th-29th) show a diminutive representation of indigenous community's 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 BCS were filled by non-tribal candidates.

## **VII. Present State of Implementation of the CHT Accord**

This year marks the passing of 14 years of signing of the CHT Accord. In the meantime, the present Awami League-led grand alliance which signed the Accord has already consumed 3 years of its tenure. But except for reconstitution of some committees and appointment to the some posts, the government has not taken any effective measures towards implementation of the Accord. Despite making it a priority commitment in the election manifesto and strong demands from the Jumma peoples and the civic society of the country, the government has not come up with a 'Road Map' with a time-frame to implement the 1997 CHT Accord. Hence, dissatisfaction and grievance has been mounting among the Jumma peoples and permanent Bengali residents in CHT over the years.

## **VIII. Recommendations**

- (1) To end all intimidation and harassment of Indigenous Peoples and to prosecute all those responsible for attacks and intimidation against Indigenous Peoples.
- (2) To take all measures to fulfill Awami League's election promises by fully implementing the CHT Accord with a declared time-frame for a road map and providing a forum for solving land disputes of Indigenous Peoples in CHT and plain lands.
- (3) To implement ILO Convention No. 107 and ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples and relevant to the situation in Bangladesh.
- (4) To recognize, more categorically, the collective and individual rights of Indigenous Peoples over land and natural resources, in accordance with international human rights standards and in congruence with their customs and traditions.
- (5) To stop the systematic and forcible displacement of Indigenous Peoples from their ancestral lands and to develop legal mechanisms to save the illegal land dispossessions of Indigenous Peoples.
- (6) To form a separate land commission for plain land Indigenous Peoples for restoration of dispossessed land.

- (7) To stop communal violence and physical abuse against indigenous women and to conduct judicial inquiries into the communal violence and abuses against indigenous women.
- (8) To implement 5% quota in government jobs and education institutes for Indigenous Peoples.
- (9) To allocate adequate budget for Indigenous Peoples and to ensure full and effective participation of Indigenous Peoples in major decision-making processes in all development programmes.
- (10) Amendment of the Constitution-
- a) To incorporate the CHTRC Act 1998, and Rangamati, Khagrachari and Bandarban HDC Acts of 1998 (Amendment), which were enacted in congruence with the CHT Accord signed on 2 December 1997, in the First Schedule of the Constitution as 'existing laws';
  - b) To replace 'tribes, small nationalities, ethnic groups, and communities' with 'Indigenous Peoples' in 'Article 23A' of the 15<sup>th</sup> Amendment to the Constitution;
  - c) To enshrine the list of more than 54 different indigenous ethnic groups by adding a new schedule in the Constitution, and ensuring constitutional recognition of the Indigenous Peoples;
  - d) To remove the phrase - '...people of Bangladesh shall be known as Bengali as a nation and...' from Article 6 of the 15<sup>th</sup> Amendment to the Constitution;
- (11) The NHRC should investigate human rights violations against Indigenous Peoples.