

Observations on the State of Indigenous Human Rights in Bangladesh

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Joint submission by:

Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous peoples' rights in countries throughout the world and publishes its findings in its magazine, the Cultural Survival Quarterly; and on its website: www.cs.org

American Indian Law Clinic at the University of Colorado Law School was established in 1992 as one of the first of its kind, provides quality legal representation to low-income clients with specific Indian law related problems. Many in the Denver region have limited access to legal assistance and that access is further restricted when the issue involves Indian law. They have nowhere to turn when certain rights, some guaranteed by treaty, are denied. The Clinic's student attorneys provide hundreds of hours of pro bono legal work to assist these people with direct legal assistance when possible, or by acting as a referral source when unable to help directly.

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Observations on the State of Indigenous Human Rights in Bangladesh 5630

I. Executive Summary.

This is Bangladesh's third Universal Periodic Review (UPR) cycle. In its second cycle, Bangladesh accepted 171 of its 196 recommendations, five of which directly addressed rights of Indigenous Peoples. Among the accepted recommendations are Bangladesh's commitments to improve conditions for children, women, and Indigenous Peoples, to protect Indigenous women and children from violence and discrimination, and to fully implement the Chittagong Hill Tracts (CHT) Peace Accord 1997. As of today, the implementation of CHT Peace Accord provisions is in dispute and, regardless of whose calculations are correct, at least 24 of the 72 provisions remain unimplemented. Additionally, Bangladesh has yet to ratify the ILO Convention 169. Bangladesh also abstained from voting for or against the adoption of United Nations Declaration on the Rights of Indigenous Peoples in 2007.

II. Background Information

There are over 54 Indigenous Peoples in Bangladesh who live in various regions across the country and speak at least 35 languages.¹ The Chittagong Hill Tracts is a hilly region home to 11 Indigenous Peoples (the Chakma, Marma, Tripura, Tanchangya, Mro, Lushai, Khumi, Chak, Khyang, Bawm, and Pangkhua) who collectively refer to themselves as *Jumma* people, which means “highlanders.” The other 40+ Indigenous Peoples are located in the plains of Bangladesh in the northwest (Kajshahj-Dinajpur), northeast (Greater Sylhet), central north (Mymensingh - Tangail) and south/southeast (Cox’s Bazar - Barisal.) The Santal make up approximately 30% of the plains Indigenous Peoples, and the Garo, Hajong, Koch, Manipuri, Khasi, and Rakhain follow in size, as well as several other peoples.²

According to the 2011 Census there were 1,587,141 Indigenous people in Bangladesh, which is 1.8% of the total population.³ However, Indigenous sources estimate the total Indigenous population between 2 million⁴ and 5 million.⁵ Indigenous people in Bangladesh face violence and discrimination in many facets of their lives, including attacks on their physical safety (especially Indigenous women), disregard for their ownership and cultural connection to land and resources, infringement upon the safety and sanctity of their homes, and barriers to equal access to healthcare, fair and safe employment, political participation, and education.

As a result of the government’s population transfer program in the Chittagong Hill Tracts (CHT), Bengali settlers now outnumber the Indigenous Pahari (“Hill People”), through forced displacement. In 1947, the CHT Indigenous population was 97.5%, but only 51% by 2014⁶. The CHT remains the most highly militarized region in Bangladesh. The CHT Accord that ended the civil war in 1997 recognizes the CHT as “tribal inhabited” region, its traditional governance system, and provides building blocks for Indigenous self-determination, but remains largely unimplemented (inactive CHT Land Disputes Resolution Commission, lack of rehabilitation of internally displaced people via CHT Task Force on Refugees and Displaced People, lack of demilitarization via dismantling of all non-permanent army camps, nonexistent self-government via CHT Regional Council and Hill District Councils).

¹ Dhamai, Binota Moy. “Bangladesh.” Ed. Vinding, Diana, and Caecilie Mikkelsen. *The Indigenous World 2016*. N.p.: International Working Group for Indigenous Affairs, 2016. 314-320. Print.

² Dhamai, Binota Moy. “An Overview of Indigenous Peoples in Bangladesh.”

³ Dhamai, Binota Moy. “An Overview of Indigenous Peoples in Bangladesh.”

⁴ Ibid.

⁵ Dhamai, Binota Moy. “Bangladesh.” 314.

⁶ unpo.org/article/18311 and kapaeng.org/wp-content/uploads/2016/08/HR-Situation-of-ips-in-Bangladesh.pdf

In 2015 a government order was issued banning Bangladeshi and foreigners from speaking with Indigenous Peoples of the CHT without supervision⁷. Interactions must only take place in the presence of members of armed forces. In 2016, the Foreign Donation (Voluntary Activities) Regulation Act was passed controlling NGOs' freedom of expression and association and offenses include statements against Constitution and resistance is labeled as subversive activities.

III. Past UPR Recommendations

- “Consider ratifying or acceding to: 1951 Refugee Convention and ILO No. 169 Convention on Indigenous and Tribal Peoples” (1st & 2nd cycle: Mexico)- not implemented
- “Sign ILO Convention NO. 169 that aims to protect the cultural integrity of indigenous societies and enable them to control their own development” (2nd cycle: Denmark)- not implemented.
- “Ensure protection of minorities, including indigenous minorities, in conformity with its international obligations” (2nd cycle: Switzerland) – not implemented
- “Continue improving the conditions of children, women, Dalits, indigenous people, refugees and migrants taking into account the special situation and difficulties that those groups have to overcome” (2nd cycle: Holy Sea) – not implemented
- “Develop and implement appropriate, efficient measures to protect indigenous women and children from all kinds of violence & discrimination” (2nd cycle: Slovakia) –not implemented
- “Adopt specific measures to combat discrimination and inequity and ensure basic and specialized services are available to indigenous and minority children.” UNICEF – partially implemented
- “Ensure that minority and indigenous children are not discriminated against in the enjoyment of their right to access basic and specialized health services.” (CRC)-- partially implemented

IV. Ongoing Rights Violations

A. Lack of constitutional recognition

Indigenous Peoples in Bangladesh face lack of legal recognition by the Constitution and in the eyes of the government of Bangladesh. The Constitution makes mention of “minority communities,” “ethnic communities,” and according to the government of Bangladesh, all people born in Bangladesh are Bengali.⁸ In 2010 the Small Ethnic Groups Cultural Institute Act recognized, by name, only about 27 of the more than 50 Indigenous groups. Indigenous Peoples have called on the government of Bangladesh to recognize them by either the term “Indigenous” or as *Adivasi*, which means aboriginal or tribal in Hindi.⁹

This lack of recognition often means that specific pieces of legislation designed to protect certain groups of people against certain abuses fail to include Indigenous Peoples and therefore fail to adequately respect, protect and fulfill their rights.

B. Violence against Indigenous women

Physical and sexual violence against Indigenous women is used as a tool of fear and coercion to facilitate eviction and land-grabbing. Policies to protect women, such as the 2011 National

⁷ <http://www.thedailystar.net/anger-over-hills-ban-64406>

⁸ Bangladesh. Human Rights Committee. *State Report*. United Nations Committee on Civil and Political Rights, 19 June 2015. Web. <<http://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/198/21/PDF/G1519821.pdf?OpenElement>>

⁹ Dhamai, Binota Moy. “An Overview of Indigenous Peoples in Bangladesh.”

Women's Development Policy, do not adequately include Indigenous women and therefore do not adequately protect them. This particular policy only refers to Indigenous women by calling them members of "backward and small ethnic groups."¹⁰ A lack of land rights leaves Indigenous women more vulnerable in situations of violence.

In 2014 there were 75 reported cases of violence and/or rape against Indigenous women and children.¹¹ In 2015, there were 69 reported cases. Additionally, in 2015, 85 women and girls reported being victims of multiple forms of violence, including physical assault, attempted rape, rape, and gang rape.¹² In 2016, 23 Indigenous people (6 women and girls) were killed in the CHT and in the plains, 58 reported Indigenous women and girls sexually and physically assaulted, there were, 10 rape attempts on Indigenous women and girls, 17 Indigenous women were raped (6 killed as a result) and 9 Indigenous women were gang raped¹³. In 2017 (January-June), 10 rapes occurred; 3 Indigenous women were killed post-rape; 6 were sexually harassed; 2 kidnapped; 3 physically tortured; 8 victims of attempted rape¹⁴. There is a culture of impunity for perpetrators, particularly because most perpetrators are non-Indigenous and are often Bengali settlers.¹⁵ Due to barriers of access, language, and culture, the reported numbers are most certainly lower than real numbers.

Indigenous children are disproportionately subjected to abduction and trafficking. Legislation (Bangladesh Children's Act of 2013) to combat trafficking, which is a large issue in Bangladesh, does not recognize Indigenous children and therefore does not adequately protect them. Indigenous children who have been abducted are often forced to convert to Islam, outright or through deceptive educational programs and promises of a more fortunate future.¹⁶

C. Land and resource grabbing and threats to physical security

Land grabbing, in violation of Indigenous Peoples' civil and political rights and the principle of free, prior, and informed consent, is rampant in Bangladesh. Land grabbing, in addition to resulting in the loss of land, triggers an overall lack of resources for future generations and impacts a community's ability to enjoy its culture and meet the needs of education and healthcare for its citizens.

In the Chittagong Hill Tracts, tourism centers have been built without the free, prior and informed consent of Indigenous Peoples on Indigenous land. Private companies, the military, Bengali tea estate holders, and leaders of national political parties have all been responsible for evicting Indigenous Peoples from their land, without sufficient consultation or compensation.¹⁷

Land grabbing of Indigenous lands continues to rise. In 2015, 26 homes belonging to Indigenous Peoples in the plains were burned down and 65 homes were looted. 44 Indigenous people were physically assaulted and 1 boy was killed. 45 families were forcibly evicted from their land and 1,400 more families were threatened with eviction. In 2015 alone, 5,216 acres of Indigenous land were grabbed by Bengali settlers, private corporations, and the government of Bangladesh.¹⁸ Land grabbers also filed false cases against 28 Indigenous people, who have little hope in the legal system because of a lack of evidence of their land ownership recognized by the courts. In 2015, as a result of a 1974 agreement between Bangladesh and India, 360 acres of

¹⁰ *National Women Development Policy 2011*. Ministry of Women and Children Affairs. 2011. 23.

¹¹ *Human Rights Report 2014 on Indigenous Peoples in Bangladesh*. Kapaeeng Foundation. 2015. 19.

¹² Dhamai, Binota Moy. "Bangladesh" 317.

¹³ <http://kapaeeng.org/wp-content/uploads/2017/02/HR-Book-2016.pdf>

¹⁴ www.thedailystar.net/city/32-indigenous-women-girls-became-victims-violence-6-months-1444822

¹⁵ Dhamai, Binota Moy. "Bangladesh" 317..

¹⁶ Chakma, Bablu and Manik Soren. "Breaking the Silence: Situation of Indigenous Children in Bangladesh." *Survival Under Threat*. 125-126.

¹⁷ Dhamai, Binota Moy. "Bangladesh." 318.

¹⁸ Dhamai, Binota Moy. "Bangladesh." 318.

Indigenous land was transferred to India. 350 Indigenous people (Garo & Khasi of Pallathol under Barlekha Upazila in Moulavibazar) depend on these lands.

2016 saw an increase of people dispossessed of lands. Over 15,429 acres of Indigenous lands were acquired by the government for “special economic zone,” “special tourist zone,” and “reserve forests,” 1208 Indigenous homes were burnt in the plains¹⁹. In Feb 2016, upwards of 56,000 refugees of the CHT who returned from Tripura, India after 18 years to retrieve their traditional lands and rationing benefits returned to neither of these promises and after six months many were supplied with free rationing, but the agreed-upon 20-point package plan was not fulfilled²⁰. Returnee refugees have all the necessary documents, but are still deprived of promised government rehabilitation process²¹.

Extrajudicial killings continue as do arbitrary arrests and tortures, many of which are related to land conflicts, regardless of Supreme Court ruling against them. In 2015, there were reportedly 74 arbitrary arrests of Indigenous Peoples²². This number grew to 191 in 2016, 81 of whom were reportedly tortured in the process²³. These numbers further increased in 2017, with more cases of electric shock on genitalia, beatings, and disappearances than ever before, particularly toward Jumma peoples. On April 5, 2017, a 19-year-old student from Hatimara village was arbitrarily arrested and tortured. Two weeks later, he succumbed to his injuries and his dead body was seized by the Bengali army of 7 and kept from his family²⁴.

In 2016, 96 Indigenous people were physically tortured, 297 homes were searched/ransacked by officials, 200 homes of Santals were burnt by land grabbers and policemen in the Gaibandha district, police forcibly evicted Santals from ancestral land-- which led to 3 Santal deaths²⁵. On June 2, 2017, Bengali-Muslim settlers in the CHT were supported by both the Longadu army and police in their attacks on four Jumma communities (Tintila, Manikjorchara, Nattya Para, Boradam), burning over 300 Jumma homes, including a PCJSS office²⁶.

The construction of the Rampal power plant in the Sundarbans has incited protests by Indigenous people who were not consulted before the project began to move forward. The Sundarbans is a World Heritage site that straddles the border between Bangladesh and India. It is home to several endangered species, as well as hundreds of thousands of Indigenous people. The government of Bangladesh is undertaking a project to build a coal-fired power plant in the Sundarbans which threatens the ecology of the region as well as the land and livelihoods of the Indigenous communities who live there. And since these Indigenous people live off of the electricity grid, they will gain nothing from the power plant, whose energy production is not designated for their consumption.²⁷ The power plant was protested by pro-Sundarban activists at Dhaka University on January 26, 2017 when they staged a half-day shutdown.²⁸ An estimated 50-100 tear gas shells were thrown at the demonstrators to curb the protest. Five protesters were locked up and two journalists were injured while trying to cover the protests.²⁹ The police also

¹⁹ <http://kapaeng.org/wp-content/uploads/2017/02/HR-Book-2016.pdf>

²⁰ www.thefinancialexpress-bd.com/2016/02/11/15066

²¹ Ibid.

²² unpo.org/article/20047

²³ Ibid.

²⁴ unpo.org/article/20047

²⁵ <http://kapaeng.org/wp-content/uploads/2017/02/HR-Book-2016.pdf>

²⁶ www.culturalsurvival.org/news/arson-attack-jumma-villages-bengali-settlers-longadu-300-houses-torched

²⁷ Associated Press. “Police in Bangladesh Clash with Protesters over Power Plant.” *The Washington Post*. WP Company, 26 Jan. 2017. Web. 08 Feb. 2017.

²⁸ Star Online Report. “Teargas Shells Rain on Sundarbans Hartal Supporters.” *The Daily Star*. N.p., 26 Jan. 2017. Web. 08 Feb. 2017.

²⁹ Ibid.

ordered a bus driver to drive into a crowd of protesters in order to disperse them.³⁰ The National Committee to Protect Oil, Gas, Mineral Resources, Power and Ports announced a series of sit-ins and demonstrations in response to the police treatment of protesters.³¹ Al Gore raised concerns about the plant at the World Economic Forum but the Prime Minister of Bangladesh defended the plant.³² Despite protests, the government has claimed construction of the power plant will move forward no matter what.³³

The plans for the Phulbari coal mine has also led to protest by Indigenous Peoples who were not consulted and has led to numerous human rights violations. The project was first proposed in 2006 by Asia Energy, the Bangladesh subsidiary of the British-owned Global Coal Management Resources Plc (GCM). The coal mine would be located in the Dinajpur district in northwest Bangladesh and would require 14,660 acres of land, 80% of which is arable farmland upon which thousands of people are dependent for their livelihoods. Much of the land falls in Bangladesh's "rice bowl" - a fertile area protected from annual floods that produces much of Bangladesh's rice. If this were destroyed it would endanger the food supply for many in Bangladesh, where almost 50% of the population already live below the poverty line. Only one fifth of the coal extracted from the mine is designated for domestic use in Bangladesh - the rest has been designated for export.³⁴

The coal mine, if completed, would displace an estimated 130,000 people in Phulbari.³⁵ GCM claims this number would be only 50,000. The estimated displacement over time could be as high as 220,000 as the coal mine continuously drains and contaminates nearby water. Neither GCM nor the government of Bangladesh has the capacity or desire to resettle this many people.³⁶ Approximately 50,000 Indigenous people (including Santal, Munda, Mahali, Oraon, Pahan, Bhumali, Karmokar, Turi, Hari, Rai, and Rabidas) would be affected by losing their land and livelihoods.³⁷ Displacement is especially dire for Indigenous communities, who fear losing their culture and cultural heritage if their communities are separated and scattered.³⁸ Seven UN special rapporteurs have called for an end to the project because it constitutes human rights violations against thousands of Indigenous People and other citizens of Bangladesh.

The project was stalled after 3 protesters were killed and 200 were injured by paramilitary troops in August 2006 during a protest against the project. The families of the victims have yet to receive compensation. Additional violence has occurred at subsequent protests. Protesters have been beaten by the police, sent death threats, and arrested and detained arbitrarily. Bangladesh's Rapid Action Battalion, which has been accused of numerous human rights violations, has been present at least two demonstrations to quell protesters.³⁹ Protests continue to the present day - evidence that the people of Bangladesh, both Indigenous and non-Indigenous, have not consented to this project moving forward. While the project currently lacks a valid license to operate in Bangladesh and remains stalled, GCM continues to maintain offices in the country and sell investment shares in the project on the London Stock Exchange and lobbies for the project to be

³⁰ Mithun, Morshed Jahan. "Police Order Bus to Plough Through Rampal Protest March in Mirpur." *The Dhaka Tribune*. 27 Jan. 2017. Web. 10 Feb. 2017.

³¹ Durjoy, Nure Alam. "National Committee Announces Fresh Protest Programmes." *The Dhaka Tribune*. 27 Jan. 2017. Web. 10 Feb. 2017.

³² Sangstha, Sangbad. "PM Defends Rampal Plant." *New Age*. The Outspoken Daily, 20 Jan. 2017. Web. 08 Feb. 2017.

³³ Star Online Report. "Teargas Shells Rain on Sundarbans Hartal Supporters."

³⁴ International Accountability Project. "The Phulbari Coal Project: A Threat to People, Land, and Human Rights in Bangladesh." (n,d): n. pag. *Phulbari Solidarity Group*. Web. 10 Feb. 2017.

³⁵ "10 Years After Phulbari Massacre, Open Pit Coal Mine in Bangladesh Remains Stalled." News & Articles. Cultural Survival, 20 Dec. 2016. Web. 08 Feb. 2017.

³⁶ International Accountability Project. "The Phulbari Coal Project: A Threat to People, Land, and Human Rights in Bangladesh." (n,d): n. pag. *Phulbari Solidarity Group*. Web. 10 Feb. 2017.

³⁷ Chakma, Goutam Kumar. "Land Rights and Land Alienation of Indigenous Peoples." *Survival Under Threat*. 70.

³⁸ International Accountability Project. "The Phulbari Coal Project: A Threat to People, Land, and Human Rights in Bangladesh." (n,d): n. pag. *Phulbari Solidarity Group*. Web. 10 Feb. 2017.

³⁹ Ibid.

restarted.⁴⁰ At the last GCM Resources Annual General Meeting in December 2016 the chairmen continued to maintain that the project would benefit the local population and was ecologically sound. They also remained optimistic that the project would go forward in the future, despite vehement opposition on the ground and during the meeting.⁴¹

D. Lack of Implementation of the Chittagong Hill Tracts (CHT) Peace Accord

The Chittagong Hill Tracts Accord was signed in 1997 by the government of Bangladesh and the Parbattya Chattagram Jana Samhati Samiti, an Indigenous party. The goal of the accord was to “elevate political, social, cultural, educational, and financial rights and to expedite socio-economic development process of all citizens in CHT.” The core tenets of this accord were the creation of the Hill District Council and 3 Regional Councils (with the intention of promoting self-government), rehabilitation and amnesty for refugees, demilitarization through the removal of army camps in the CHT, and land dispute resolution.⁴² The provisions of this accord have the capacity to improve the lives of Indigenous people in the CHT and foster better relations between those Indigenous communities and the government of Bangladesh. However, there is disagreement over how much of the accord has been implemented, which has created distrust between the parties. The government of Bangladesh says that 48 of the 72 provisions of the accord have been implemented while Parbattya Chattagram Jana Samhati Samiti (PCJSS, a political party formed to represent the people and indigenous tribes) claims that the government has only implemented 25 of the 72 provisions.⁴³

As a result of this failure to completely implement the accord, grievous human rights violations continue to occur in the CHT. Bangladeshi security forces have murdered, tortured, raped, imprisoned, and evicted Indigenous People in the CHT. Over 500,000 Bengali settlers have moved into the CHT, taking land from Indigenous Peoples. The area is also heavily militarized, despite the withdrawal of some of the military camps. One-third of the army of Bangladesh is deployed in the CHT alone. The presence of the remaining military camps is felt by all, as is the number of base camps and checkpoints.⁴⁴ In January 2015 the Bangladesh Home Ministry ordered an increase in checkpoints. These were withdrawn in May after pressure from across the country.⁴⁵

Approximately 65,000 Indigenous people have been internally displaced in the region.⁴⁶ This is due largely to the influx of Bengali settlers. In 2015, at least 74 Indigenous individuals were arrested.⁴⁷ Extrajudicial killings are a concern as well. In August 2014 Timir Baran Chakma - an Indigenous activist from the CHT - was killed while allegedly in military custody. His death remains vastly underpublicized.⁴⁸ In 2015, 13 Indigenous people in both the CHT and the plains were killed. 101 Indigenous people from the CHT were tortured and physically assaulted. 44 women and girls, aged 4 to 50, were sexually assaulted that same year. These numbers alone are staggering and they are assuredly under-reported due to stigma and fear of reprisals.⁴⁹ In October

⁴⁰ “10 Years After Phulbari Massacre, Open Pit Coal Mine in Bangladesh Remains Stalled.” *News & Articles*. Cultural Survival, 20 Dec. 2016. Web. 08 Feb. 2017.

⁴¹ Solly, Richard. “GCM Resources at Phulbari: Perseverance or Perversity?” *London Mining Network*. N.p. 20 Dec. 2016. Web. 10 Feb. 2017.

⁴² *Chittagong Hill Tracts Peace Accord*. government of Bangladesh and Parbattya Chattagram Jana Samhati Samiti. 1997.

⁴³ Dhamai, Binota Moy. “Bangladesh.” 316.

⁴⁴ “This Is Our Home: Human Rights in the Chittagong Hill Tracts.” *Cultural Survival Quarterly Magazine*, Cultural Survival, Sept. 2014. Web. 10 Feb. 2017.

⁴⁵ Bleckner, Julia. “Bangladesh’s Persecuted Indigenous People.” *Human Rights Watch*. Inter Press Service, 18 May 2015. Web. 10 Feb. 2017.

⁴⁶ “This Is Our Home: Human Rights in the Chittagong Hill Tracts.” *Cultural Survival Quarterly Magazine*. Cultural Survival, Sept. 2014. Web. 10 Feb. 2017.

⁴⁷ “Kapaeng Foundation Launches ‘Human Rights Report 2015 on Indigenous Peoples in Bangladesh.’” *Kapaeng Foundation RSS*. Kapaeng Foundation, 23 Mar. 2016. Web. 10 Feb. 2017.

⁴⁸ Bleckner, Julia. “Bangladesh’s Persecuted Indigenous People.” *Human Rights Watch*. Inter Press Service, 18 May 2015. Web. 10 Feb. 2017.

⁴⁹ “Kapaeng Foundation Launches ‘Human Rights Report 2015 on Indigenous Peoples in Bangladesh.’” *Kapaeng Foundation RSS*. Kapaeng Foundation, 23 Mar. 2016. Web. 10 Feb. 2017.

2016, a 14-year-old Indigenous girl was gang-raped by two men who threatened her and her family if they reported the crime.⁵⁰ In December 2016, a fifth grade girl was raped by a 32-year-old man.⁵¹

Land issues and seizure of property are as much an issue in the CHT as in other regions in Bangladesh, and these are very contemporary issues. On 13 January 2016, Bengali settlers attacked the village of Sarkari Dheva. They burned down 7 houses and ransacked 8 others.⁵²

Lipika Pelham, one of the few journalists to be allowed into the CHT, reported on post-accord human rights violations for the BBC. She described the climate of the CHT - heavily militarized and with a stark absence of visible Indigenous culture, due to the influx of Bengali settlers and the forced assimilation of the region. The government threatens Indigenous Peoples with the use of force and violence to coerce them into leaving their land. One man reported being tortured with electric shocks by the police. Pelham shares the story of a young girl whose father and mother were killed and whose infant brother was injured by Bengali settlers. She also shared the story of a teenage girl raped by Bengali settlers on the way back from her Buddhist temple. Twenty-two young children were recently taken from their homes and forcibly converted to Islam. Most, but not all, of these children were eventually returned.⁵³ This story of forced religious conversion has been corroborated elsewhere - over the past seven years 72 children have been taken from their families under the guise of a better life, and then forcibly converted to Islam against their will and the will of their parents.⁵⁴

Indigenous Peoples do not enjoy the same freedom to practice religion as Bengali Muslims. In May 2016, a 75-year-old Buddhist monk was found hacked to death in his temple. This was a more recent atrocity in a string of similar acts of violence claimed by Islamic extremists in Bangladesh.⁵⁵

The right to freedom of association and assembly, often with the intention of bettering their condition, is denied to Indigenous Peoples in the CHT as well. In July 2016, activists from the Hill Students' Council who were calling for the release of Mithun Chakma (a UPDF organizer) were attacked by Bengali settlers. Five of them were injured.⁵⁶

Refugees of the CHT, a group expressly addressed in the CHT Accord, are neglected to this day. Over 50,000 refugees who returned to the CHT after fleeing to India have not been given their rationing benefits or their land, even after 18 years. These refugees returned after the peace accord was signed, but since then they have lived in extreme poverty.⁵⁷ The civil and political rights of Indigenous Peoples are being violated on a daily basis.

E. Other Issues

The Constitution of Bangladesh mandates affirmative actions as are necessary to uphold the cultural, linguistic and other related rights of the minority communities. However, public schools in Bangladesh do not teach in Indigenous languages, even when there are substantial populations of Indigenous students. Partly as a result of this language barrier, the dropout rate among Indigenous students is 60-70%, which is higher than the average for non-Indigenous students. Schools are underfunded, and sometimes land-grabbing leads to the removal of schools in

⁵⁰ Bandarban Correspondent. "Indigenous teenage girl gang-raped." *The Daily Star*. N.p. 20 Oct. 2016. Web. 14 Feb. 2017.

⁵¹ Das, S. Bashu. "Fifth grader raped in Bandarban." *Dhaka Tribune*. N.p. 18 Dec. 2016. Web. 14 Feb. 2017.

⁵² "Jumma houses burnt, looted in Fatikchari." CHT News, 14 Jan. 2016. Web. 13 Feb. 2017.

⁵³ Pelham, Lipika. "Assignment: Bangladesh's Hidden Shame." *BBC World Service*. BBC, n.d. Web. 13 Feb. 2017.

⁵⁴ "Chittagong Hill Tracts: Forced Religious Conversion and Human Trafficking Threaten Indigenous People." Underrepresented Nations and Peoples Organization. *UNPO*, n.p. 4 Jan. 2017. Web. 14 Feb. 2017.

⁵⁵ Manik, Julfikar Ali, and Nida Najar. "Buddhist Monk is Slaughtered at Temple in Bangladesh." *The New York Times*, The New York Times. 14 May 2016. Web. 14 Feb. 2017.

⁵⁶ CHT News. "Settlers Attack PCP Activists in Khagrachari." *CHTNews.com*. N, p. 22 July 2016. Web. 14 Feb. 2017.

⁵⁷ "Returnee Refugees of CHT Yet To Be Rehabilitated." *The Financial Express - Online Version*. N, p. 11 Feb. 2016. Web. 14 Feb. 2017.

certain regions.⁵⁸ Forced language assimilation is a broader problem in Bangladesh. Bengali, the official language of Bangladesh, is forced on communities, which obstructs the full enjoyment of their culture.⁵⁹

Indigenous Peoples are underrepresented in politics. Political representation is key to guaranteeing civil and political rights in all realms. However, there are disparities in the allocation of Parliamentary seats. For example, a percentage of Parliamentary seats are reserved for Bengali women, but no such seats are reserved for Indigenous women.⁶⁰

Indigenous peoples also face disadvantages in the workplace. A 2016 submission to the CEDAW for Bangladesh notes, “Despite the government’s pledge by ratifying ILO Convention No. 107 to provide special training facilities for Indigenous workers including Indigenous women, whenever programmes of vocational training of general application do not meet their special needs, no such special trainings are undertaken by the government for Indigenous women.”⁶¹ Indigenous children are frequently exploited as child laborers in the workforce. They are employed very young, in beauty parlors, domestic and industrial realms. For example, 20% of the nearly 15,000 Indigenous workers in the Savar Export Processing Zone are children.⁶²

Lastly, access to healthcare is often obstructed for Indigenous Peoples. Land grabbing depletes local resources, limiting access to necessities like healthcare. In addition, funds allocated for the healthcare of Indigenous Peoples have been misappropriated, according to Prothom Alo, a newspaper in Bangladesh. Over the past five years, only 13% of the allocated funds controlled by the Essential Service Delivery Programme have actually been used, and none of it was spent on Indigenous Peoples outside of the CHT.⁶³

V. Questions

1. What steps are the government of Bangladesh taking to extend equal protection under the law to Indigenous women and children who are vulnerable to physical and sexual assault?
2. What is the barrier to recognizing Indigenous Peoples as “Indigenous” and are steps being taken to rectify this?
3. What steps are being taken to fully implement the Chittagong Hill Tracts Accord?

VI. Recommendations

Cultural Survival urges the government of Bangladesh to:

1. Recognize Indigenous Peoples as “Indigenous” or *Adivasi* in the Constitution.
2. Ratify ILO Convention 169 and endorse the UN Declaration on the Rights of Indigenous Peoples.
3. Take steps to implement the Outcome Document of the World Conference on Indigenous Peoples.
4. Take steps to implement the provisions of ILO 107.
5. Repeal the directives in memorandum 44.00.0000.079.11.001.13-15 which infringe upon Indigenous Peoples’ right to freedom of movement, expression, and association.

⁵⁸ Chakma, Anurug and Pallab Chakma. “Present Status of Social, Economic and Cultural Rights of Indigenous Peoples.” *Survival Under Threat*. 86.

⁵⁹ Chatterjee, Garga. “Linguistic imperialism is alive and kicking in the subcontinent.” *The Morung Express*. 24 Feb. 2016. Web. 13 Feb. 2017.

⁶⁰ *Bangladesh: A Joint Submission to the United Nations Committee on the Elimination of Discrimination Against Women*. Kapaeeng Foundation, Bangladesh Indigenous Women’s Network, Bangladesh Indigenous Peoples Forum, Adivasi Nari Parishad, Achik Michik Society. 2016.

⁶¹ *Ibid*.

⁶² *Convention on the Rights of the Child Shadow Report Submission: Indigenous Children’s Rights Violations in Bangladesh*. Cultural Survival. 2015.

⁶³ *Bangladesh: A Joint Submission to the United Nations Committee on the Elimination of Discrimination Against Women*. Kapaeeng Foundation, Bangladesh Indigenous Women’s Network, Bangladesh Indigenous Peoples Forum, Adivasi Nari Parishad, Achik Michik Society. 2016. And www.prothom-alo.com.

6. Recognize Indigenous Peoples in relevant legislation such as the Bangladesh Children's Act (2013), National Women's Development Policy (2011), and the Prevention and Suppression of Human Trafficking Act (2012).
7. End the culture of impunity for perpetrators of sexual assault and protect Indigenous women and girls.
8. Legislate against forcible religious conversion, especially toward children.
9. Recognize Indigenous land ownership and protect against land grabbing.
10. Abide by the principle of free, prior and informed consent in regards to development on Indigenous land, especially regarding the Rampal power plant and the Phulbari coal mine.
11. Fully implement the provisions of the Chittagong Hill Tracts Accord (1997).
12. Provide native-language textbooks and instruction beginning at the pre-primary and primary level.
13. Reserve a percentage of Parliamentary seats for Indigenous Peoples, including women.
14. Enforce anti-child labor legislation for Indigenous children.
15. Provide adequate healthcare to Indigenous communities and allocate previously-appropriated funds.
16. Realize the 2030 Agenda for Sustainable Development, with a specific commitment to not leave anyone behind, particularly vulnerable groups like Indigenous Peoples.
17. Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit Bangladesh.