

International Covenant  
on Civil and Political Rights  
Alternative Report Submission:  
**Violations of Indigenous Peoples'  
Rights in Bangladesh**

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# **International Covenant on Civil and Political Rights Alternative Report Submission: Violations of Indigenous Peoples' Rights in Bangladesh**

## **I. Reporting Organization**

Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC since 2005. 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](http://www.cs.org).

## **II. Introduction and Issue Summary**

*"Historically, Indigenous Peoples of Bangladesh have been at the forefront of various struggles against feudalism and colonialism, and many members of these communities also took active part in the 1971 Liberation War of the country. However, despite such contributions, Indigenous peoples in Bangladesh are one of the most deprived, neglected and discriminated groups in all sectors."*<sup>1</sup>

There are over 54 Indigenous Peoples in Bangladesh who live in various regions across the country and speak at least 35 languages.<sup>2</sup> The Chittagong Hill Tracts is a hilly region containing 11 Indigenous Peoples (the Chakma, Marma, Tripura, Tanchangya, Mro, Lushai, Khumi, Chak, Khiyang, Bawm, and Pangkhua) who collectively consider 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.<sup>3</sup>

According to the 2011 Census there were 1,587,141 Indigenous people in Bangladesh, which is 1.8% of the total population.<sup>4</sup> However, estimates originating from within the Indigenous community approximate that the total Indigenous population is between 2 million<sup>5</sup> and 5 million.<sup>6</sup> 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.

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<sup>1</sup> Dhamai, Binota Moy. "An Overview of Indigenous Peoples in Bangladesh." *Survival Under Threat: Human Rights Situation of Indigenous Peoples in Bangladesh*. Ed. Mong Shanoo Chowdhury. Chaing Mai, Thailand: Asian Indigenous Peoples Pact and Kapaeeng Foundation, 2014. 10-26. Print.

<sup>2</sup> 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.

<sup>3</sup> Dhamai, Binota Moy. "An Overview of Indigenous Peoples in Bangladesh."

<sup>4</sup> Dhamai, Binota Moy. "An Overview of Indigenous Peoples in Bangladesh."

<sup>5</sup> Ibid.

<sup>6</sup> Dhamai, Binota Moy. "Bangladesh." 314.

In 2007, Bangladesh abstained from voting for or against the UN Declaration on the Rights of Indigenous Peoples.

### **III. Discrimination against Indigenous Peoples**

#### **A. Lack of constitutional recognition (Articles 1, 2, 16, 27, General Comment 23)**

Perhaps the most fundamental barrier to full enjoyment of their civil and political rights that Indigenous Peoples in Bangladesh face is the 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 other variations of this language. However, it does not recognize Indigenous Peoples as “Indigenous.” According to the government of Bangladesh, all people born in Bangladesh are Bengali.<sup>7</sup> Since all other rights in the Constitution are granted on the basis of citizenship, this lack of recognition is a major obstacle to the government of Bangladesh recognizing its obligation toward Indigenous communities.

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.<sup>8</sup>

This lack of recognition often means that specific pieces of legislation designed to protect certain groups of people against certain abuses fail to mention Indigenous Peoples and therefore fail to adequately protect them. The Bangladesh Children’s Act of 2013 does not mention Indigenous children, who are especially vulnerable in regards to education, forced labor, physical and sexual violence, abduction, and trafficking.

Other domestic laws aiming to protect women and children include the Dowry Prohibition Act (1980), Women and Children Repression Act (2000), Acid Control Act (2002), Domestic Violence Prevention and Protection Act (2010), Cruelty to Women and Children Act (2012), Pornography Control Act (2012), Prevention and Suppression of Human Trafficking Act (2012), and Child Marriage Restraint Act (2014).<sup>9</sup> However, none of these acts specifically mention nor address the specific needs of Indigenous women or children. Therefore, their implementation in Indigenous communities is inconsistent and insufficient.

#### **B. Physical and sexual violence against Indigenous women (Articles 3, 6, 9)**

Physical and sexual violence, in direct violation of the right to life and security of person enshrined in the Covenant on Civil and Political Rights, is directed disproportionately toward Indigenous people in Bangladesh, in particular against Indigenous women and children.

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<sup>7</sup> 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>>

<sup>8</sup> Dhamai, Binota Moy. “An Overview of Indigenous Peoples in Bangladesh.”

<sup>9</sup> *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.

In 2013 there were 48 reported cases of violence and/or rape against Indigenous women and children. In 2014 there were 75 reported cases.<sup>10</sup> 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.<sup>11</sup> There is a culture of impunity for perpetrators, particularly because most perpetrators are non-Indigenous and are often Bengali settlers.<sup>12</sup> Due to barriers of access, language, and culture, the reported numbers are certainly lower than real numbers.

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 Women's Development Policy, do not adequately mention 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."<sup>13</sup>

Indigenous children are disproportionately subjected to abduction and trafficking. As mentioned above, legislation to combat trafficking, which is a large issue in Bangladesh, does not recognize Indigenous children and therefore does not protect them. Indigenous children who have been abducted are often forced to convert to Islam, outright or through deceptive educational programs.<sup>14</sup> This infringes upon these children's right to freedom of religion and enjoyment of their culture, in addition to being victims of trafficking which violates their right to life and security of person.

### **C. Land and resource grabbing (Articles 1, 17, 27, 47)**

The Covenant on Civil and Political Rights enshrines the right to self-determination, including the right to "freely dispose of their natural wealth and resources," the right to protection from unlawful interference with privacy, family, home, and correspondence, and the right for minorities to freely enjoy their culture, use their language, and practice their religion. General Comment 23 expands upon article 27's protection of minority rights. It recognizes that enjoyment of culture often involves a relationship to land and resources. It also calls for "measures to ensure the effective participation of members of minority communities in decisions which affect them." This provision effectively protects Indigenous Peoples' right to be consulted over uses of their traditional lands..

Indigenous Peoples' rights to safety and security in their homes - a right which is also provided for in Bangladesh's Constitution and reaffirmed in *government of Bangladesh and Others v. Hussain Mohammed Ershad*<sup>15</sup>, though not specifically for Indigenous Peoples -- has been continuously infringed upon. 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

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<sup>10</sup> *Human Rights Report 2014 on Indigenous Peoples in Bangladesh.* Kapaeeng Foundation. 2015. 19.

<sup>11</sup> Dhamai, Binota Moy. "Bangladesh" 317.

<sup>12</sup> Ibid.

<sup>13</sup> *National Women Development Policy 2011.* Ministry of Women and Children Affairs. 2011. 23.

<sup>14</sup> Chakma, Bablu and Manik Soren. "Breaking the Silence: Situation of Indigenous Children in Bangladesh." *Survival Under Threat.* 125-126.

<sup>15</sup> Bangladesh Human Rights Committee. *State Report.* Section 190.

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.<sup>16</sup>

Land grabbing, in violation of Indigenous Peoples' civil and political rights and the principle of free, prior, and informed consent, is rampant in Bangladesh. And land grabbing, aside from resulting in the loss of land, leads to an overall lack of resource that impacts a community's ability to enjoy its culture and provide education and healthcare to its citizen.

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.<sup>17</sup>

Currently in the news is the construction of the Rampal power plant in the Sundarbans and the Phulbari coal mine, both of which have incited protests by Indigenous people who were not consulted before these projects 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.<sup>18</sup> The power plant was protested by pro-Sundarban activists at Dhaka University on 26 January 2017 when they staged a half-day shutdown.<sup>19</sup> 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.<sup>20</sup> The police also ordered a bus driver to drive into a crowd of protesters in order to disperse them.<sup>21</sup> 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.<sup>22</sup> Al Gore raised concerns about the plant at the World Economic Forum but the Prime Minister of Bangladesh defended the plant.<sup>23</sup> Despite protests, the government has claimed construction of the power plant will move forward no matter what.<sup>24</sup>

The Phulbari coal mine has been a project 10 years in the making. The project was first proposed in 2006 by Asia Energy, the Bangladesh subsidiary of the British-owned Global Coal

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<sup>16</sup> Dhamai, Binota Moy. "Bangladesh." 318.

<sup>17</sup> Ibid.

<sup>18</sup> Associated Press. "Police in Bangladesh Clash with Protesters over Power Plant." *The Washington Post*. WP Company, 26 Jan. 2017. Web. 08 Feb. 2017.

<sup>19</sup> Star Online Report. "Teargas Shells Rain on Sundarbans Hartal Supporters." *The Daily Star*. N.p., 26 Jan. 2017. Web. 08 Feb. 2017.

<sup>20</sup> Ibid.

<sup>21</sup> Mithun, Morshed Jahan. "Police Order Bus to Plough Through Rampal Protest March in Mirpur." *The Dhaka Tribune*. 27 Jan. 2017. Web. 10 Feb. 2017.

<sup>22</sup> Durjoy, Nure Alam. "National Committee Announces Fresh Protest Programmes." *The Dhaka Tribune*. 27 Jan. 2017. Web. 10 Feb. 2017.

<sup>23</sup> Sangstha, Sangbad. "PM Defends Rampal Plant." *New Age*. The Outspoken Daily, 20 Jan. 2017. Web. 08 Feb. 2017.

<sup>24</sup> Star Online Report. "Teargas Shells Rain on Sundarbans Hartal Supporters."

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 10% of the coal extracted from the mine is designated for domestic use in Bangladesh - the rest has been designated for export.<sup>25</sup>

The coal mine, if completed, would displace an estimated 130,000 people in Phulbari.<sup>26</sup> 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.<sup>27</sup> 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.<sup>28</sup> Displacement is especially dire for Indigenous communities, who fear losing their culture and cultural heritage if their communities are separated and scattered.<sup>29</sup> 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 -- all of which is in violation of the ICCPR. Bangladesh's Rapid Action Battalion, which has been accused of numerous human rights violations, has been present at least two demonstrations to quell protesters.<sup>30</sup> 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 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 restarted.<sup>31</sup> 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

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<sup>25</sup> 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.

<sup>26</sup> "10 Years After Phulbari Massacre, Open Pit Coal Mine in Bangladesh Remains Stalled." *News & Articles*. Cultural Survival, 20 Dec. 2016. Web. 08 Feb. 2017.

<sup>27</sup> 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.

<sup>28</sup> Chakma, Goutam Kumar. "Land Rights and Land Alienation of Indigenous Peoples." *Survival Under Threat*. 70.

<sup>29</sup> 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.

<sup>30</sup> Ibid.

<sup>31</sup> "10 Years After Phulbari Massacre, Open Pit Coal Mine in Bangladesh Remains Stalled." *News & Articles*. Cultural Survival, 20 Dec. 2016. Web. 08 Feb. 2017.

remained optimistic that the project would go forward in the future, despite vehement opposition on the ground and during the meeting.<sup>32</sup>

#### **D. 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.<sup>33</sup>

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 claims that the government has only implemented 25 of the 72 provisions.<sup>34</sup>

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.<sup>35</sup> In January 2015 the Bangladesh Home Ministry ordered an increase in checkpoints. These were withdrawn in May after pressure from across the country.<sup>36</sup>

Approximately 65,000 Indigenous people have been internally displaced in the region.<sup>37</sup> This is due largely to the influx of Bengali settlers. In 2015, at least 74 Indigenous individuals were arrested.<sup>38</sup> 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.

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<sup>32</sup> Solly, Richard. “GCM Resources at Phulbari: Perseverance or Perversity?” *London Mining Network*. N.p. 20 Dec. 2016. Web. 10 Feb. 2017.

<sup>33</sup> *Chittagong Hill Tracts Peace Accord*. government of Bangladesh and Parbattya Chattagram Jana Samhati Samiti. 1997.

<sup>34</sup> Dhamai, Binota Moy. “Bangladesh.” 316.

<sup>35</sup> “This Is Our Home: Human Rights in the Chittagong Hill Tracts.” *Cultural Survival Quarterly Magazine*, Cultural Survival, Sept. 2014. Web. 10 Feb. 2017.

<sup>36</sup> Bleckner, Julia. “Bangladesh’s Persecuted Indigenous People.” *Human Rights Watch*. Inter Press Service, 18 May 2015. Web. 10 Feb. 2017.

<sup>37</sup> “This Is Our Home: Human Rights in the Chittagong Hill Tracts.” *Cultural Survival Quarterly Magazine*. Cultural Survival, Sept. 2014. Web. 10 Feb. 2017.

<sup>38</sup> “Kapaeng Foundation Launches ‘Human Rights Report 2015 on Indigenous Peoples in Bangladesh.’” *Kapaeng Foundation RSS*. Kapaeng Foundation, 23 Mar. 2016. Web. 10 Feb. 2017.

His death remains vastly underpublicized.<sup>39</sup> 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.<sup>40</sup> In October 2016, a 14-year-old Indigenous girl was gang-raped by two men who threatened her and her family if they reported the crime.<sup>41</sup> In December 2016, a fifth grade girl was raped by a 32-year-old man.<sup>42</sup>

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.<sup>43</sup>

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.<sup>44</sup> 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.<sup>45</sup>

Indigenous Peoples do not enjoy the same freedom to practice religion as Bengali Muslims. Beyond issues of popular acceptance and funding, violence plagues their religious institutions as well. 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.<sup>46</sup>

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

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<sup>39</sup> Bleckner, Julia. "Bangladesh's Persecuted Indigenous People." *Human Rights Watch*. Inter Press Service, 18 May 2015. Web. 10 Feb. 2017.

<sup>40</sup> "Kapaeeng Foundation Launches 'Human Rights Report 2015 on Indigenous Peoples in Bangladesh.'" *Kapaeeng Foundation RSS*. Kapaeeng Foundation, 23 Mar. 2016. Web. 10 Feb. 2017.

<sup>41</sup> Bandarban Correspondent. "Indigenous teenage girl gang-raped." *The Daily Star*. N.p. 20 Oct. 2016. Web. 14 Feb. 2017.

<sup>42</sup> Das, S. Bashu. "Fifth grader raped in Bandarban." *Dhaka Tribune*. N.p. 18 Dec. 2016. Web. 14 Feb. 2017.

<sup>43</sup> "Jumma houses burnt, looted in Fatikhari." *CHT News*, 14 Jan. 2016. Web. 13 Feb. 2017.

<sup>44</sup> Pelham, Lipika. "Assignment: Bangladesh's Hidden Shame." *BBC World Service*. BBC, n.d. Web. 13 Feb. 2017.

<sup>45</sup> "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.

<sup>46</sup> 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.



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.<sup>47</sup>

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.<sup>48</sup> The civil and political rights of Indigenous Peoples are being violated on a daily basis.

### **E. Other Issues (Articles 1, 2, 3, 6, 8, 10, 17, 18, 19, 22, 24, 25, 27)**

While the issues described above are perhaps the most salient ones facing Indigenous Peoples in Bangladesh today, they face a myriad of other obstacles to the full enjoyment of their culture and of their civil and political rights.

“The Constitution of Bangladesh mandates affirmative actions as are necessary to uphold the cultural, linguistic and other related rights of the minority communities. In this regard, the Constitution provides that measures to conserve the cultural traditions and heritage of the people and to foster and improve the national language, literature, and the arts are to be taken so that all sections of the people have the opportunity to participate in the enrichment of their national culture.”<sup>49</sup> 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 communities 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 certain regions.<sup>50</sup> 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.<sup>51</sup>

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.<sup>52</sup>

“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

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<sup>47</sup> CHT News. “Settlers Attack PCP Activists in Khagrachari.” *CHTNews.com*. N, p. 22 July 2016. Web. 14 Feb. 2017.

<sup>48</sup> “Returnee Refugees of CHT Yet To Be Rehabilitated.” *The Financial Express - Online Version*. N, p. 11 Feb. 2016. Web. 14 Feb. 2017.

<sup>49</sup> Bangladesh Human Rights Committee. *State Report*. Section 270.

<sup>50</sup> Chakma, Anurug and Pallab Chakma. “Present Status of Social, Economic and Cultural Rights of Indigenous Peoples.” *Survival Under Threat*. 86.

<sup>51</sup> Chatterjee, Garga. “Linguistic imperialism is alive and kicking in the subcontinent.” *The Morung Express*. 24 Feb. 2016. Web. 13 Feb. 2017.

<sup>52</sup> *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.

such special trainings are undertaken by the government for Indigenous women.”<sup>53</sup> This is one example of the disadvantages Indigenous people face in the workplace. Indigenous children are particularly vulnerable. They are employed very young, in beauty parlors, domestic and industrial realms. 20% of the nearly 15,000 Indigenous workers in the Savar Export Processing Zone are children.<sup>54</sup>

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.<sup>55</sup>

#### **IV. Bangladesh State Report**

The Bangladesh State Report references many issues relevant to Indigenous Peoples but the report rarely mentions Indigenous Peoples directly. These issues include: human trafficking, freedom of movement, equality in the eyes of the law, protection of home and correspondence, freedom of thought, conscience and religious, registration of children, and anti-discrimination laws.

Indigenous Peoples are never explicitly referred to because the government does not recognize Indigenous Peoples as “Indigenous.” The state report makes mention of “minority groups” in reference to freedom of religion (though it specifically refers to Hindus, Buddhists, and Christians), minority rights granted under Article 27, and the Chittagong Hill Tracts Accord.

#### **V. Legal Framework**

*ICCPR Articles 1(1) & (2), 2(1), 3, 6(1), 9(1), 14 (1), 16, 17(1) & (2), 27, 47*

#### **The CCPR General Comment 23**

General Comment 23 is a comment by the Committee on Article 27, the rights of minorities, quoted above. This General Comment recognizes that enjoyment of culture “may consist in a way of life which is closely associated with territory and its use of resources.” It recognizes Indigenous communities specifically in regard to this. The General Comment also recognizes the principles of free, prior, and informed consent in saying that “the enjoyment of those rights may require positive legal measures of protection and *measures to ensure the effective participation of members of minority communities in decisions which may affect them.*”

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<sup>53</sup> Ibid.

<sup>54</sup> *Convention on the Rights of the Child Shadow Report Submission: Indigenous Children’s Rights Violations in Bangladesh*. Cultural Survival. 2015.

<sup>55</sup> *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](http://www.prothom-alo.com).

## **VI. 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?

## **VII. 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.
3. Take steps to implement the Outcome Document of the World Conference on Indigenous Peoples, 2014.
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.
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.