



Unrepresented Nations and Peoples Organization (UNPO) Individual
Stakeholder Submission to the Office of the High Commissioner for
Human Rights regarding the Universal Periodic Review of Bangladesh
during the 16th Session, April – May 2013

Introduction to the Chittagong Hill Tracts Issue

1. The Chittagong Hill Tracts is a region situated in the Southeast corner of Bangladesh, home to a majority indigenous population. It consists of three districts, with an estimated population of 1.3 million people¹. The indigenous groups, known collectively as Jumma, have significant historical ties to the land, a hilly region where they have produced and raised their children for centuries. Over the years, however, government intervention², social marginalization and the increasing number of Bengali settlements have given rise to a series of disagreements between the government and the native population. The clashes reached new heights as the Jummas began to experience waves of torture, rape and even murder, while many of their villages were burned down.

2. In 1997, A 'Peace Accord' was signed between the Bangladeshi Government and the Parbatya Chattagram Jana Sanghati Samiti (United People's Party of the Chittagong Hill Tracts). The peace agreement introduced a policy of appeasement in an attempt to bring the hostilities to an end. Nevertheless, 15 years into the accord, and land disputes are still a reality in the region. Military camps, which the government agreed to dismantle, are still operating³, and their presence only seems to aggravate the situation, as they are thought to facilitate and finance the migration of the new settlers.

3. Because the Bangladesh Constitution does not recognize the indigenous people's inheritance rights over their land, the arrival of the Bengalis has led to clashes, as several Jummas are known to have faced loss of land and overall control of their property. The government's failure to address these issues, implement the agreement it established with the people, and provide them adequate protection has thus been the main cause behind their struggle for reconciliation.

Main Issues of Concern

A. Economic and Social Rights

4. The practice of land grabbing taking place in the Chittagong Hill Tracts is alarming. Several Bengali community settlers admitted to being promised land, ratios, and monthly allowances by the government. The policy thus encouraged many of them to move to the Chittagong Hill Tracts, as a means of escaping resource scarcity or land deprivation in their own regions. Their arrival, however, proved critical to the deterioration of the relationship with the native people, which is known to have been quite amicable in the past. Because the land available already belonged, either legally or traditionally, to the Jumma people many were forcefully evicted from their homes, generating conflict and causing social imbalance. The Bangladesh

¹ Quarterly human rights reports - Global Human Rights Defence, *Minorities in Bangladesh*, 2011, p. 6.

² In the beginning of the 1960's, the government began works on the Kaptai Dam, an embankment dam built to generate hydroelectric power across the Karnaphuli River, in the Chittagong Hill Tract. Over 100.000 people were displaced and only a few of them received adequate compensation.

³ The Peace Accord provided that the Bangladesh government would remove all temporary army camps, but failed to establish a deadline for action.

government thus not only financed the relocation of several of the new settlers, but also turned a blind eye on the challenging situation that followed, not providing the Jumma people the required protection against some of the newcomers.

5. No adequate policies have been designed to safeguard the rights of the minorities in CHT and protect them from losing their land. There has been complete disregard for Jumma traditional land rights, which are the predominant system among the native people to this day. Reports from a recent study by Kapaeng Foundation have shown that in 2011, at least 111 Jumma houses were burned down, and many more were looted and ransacked as a result of communal conflicts. Over 7,000 acres of land that once belonged to the Jummas were also seized by Bengali settlers⁴.

6. While the aforementioned measure violates the commitments prescribed by the Peace Accord, it also demonstrates the government's failure to guarantee the rights of the minority communities. With regard to social and economic human rights, the obligation which the State is bound to respect requires the government to refrain from interfering in the private sphere should that affect the realization of their social and economic rights. This essentially means that the State must not engage in forced evictions or allow them to happen under their jurisdiction, since this may deprive individuals from their right to adequate housing. If they should take place, the procedures must be carried out lawfully, in exceptional circumstances, and arrange for adequate compensation for the families.

7. It should also be noted that despite not being recognized as an international human right *per se*, the right to land is indeed a critical element to the enjoyment of other human rights, especially in the context of developing countries. Land rights are bound up with the right to adequate housing, food, work, education, social security, etc. The practice of land grabbing has a profound impact on the latter. It is thus imperative that the government assures a safe and stable environment for the Jumma people, so as to protect their human rights and related social safeguards.

8. In addition to the aforementioned abuses, Jummas have also been reportedly subject to attacks, both by military forces and Bengali settlers⁵, as the increase in tension has led to an escalation of violence. Cases of violent outbreaks in the presence of government security forces have been reported in several districts across the region⁶. Arson attacks in the last two years have left hundreds of indigenous people wounded and homeless. Such ill-treatments, therefore, have had a detrimental effect on the people, causing them to lose faith in the government's alleged willingness to protect them.

B. Civil Rights

9. The military presence in the Chittagong Hill Tracts has had a demoralizing effect on the indigenous population inhabiting the region. The army has been accused of being involved in acts of eviction, destruction of property, torture, and even extrajudicial executions⁷. Physical assault and beatings have long

⁴ Kapaeng Foundation. *Human Rights Report 2011 on Indigenous Peoples in Bangladesh*, January 2012, retrieved from [http://iphndefenders.net/docs/Project-1%20\(Makeup\) Layout%20resize.pdf](http://iphndefenders.net/docs/Project-1%20(Makeup) Layout%20resize.pdf)

⁵ Reports of attacks by both actors have been frequent in the media in the last few years.

⁶ Quarterly human rights reports - Global Human Rights Defence, *Minorities in Bangladesh*, 2011, p. 15.

⁷ Human Rights Watch. *Ignoring Executions and Torture: Impunity for Bangladesh's Security Forces*, May 2009, retrieved from <http://www.hrw.org/node/83143/section/4>

been an issue of concern for the Jumma people. According to GHRD⁸, in August 2011, dozens of students were assaulted and intimidated by police officials in Khargrachi, for their involvement in peaceful demonstrations in the city. These attacks, however, have not been unprecedented, as accounts of harassment against demonstrators and peace activists have already been reported in the past.

10. Human Rights organizations and complainants are among the most vulnerable. Allegations of intimidation, by targeting activists with death threats and warnings, have led many of them to withdraw their cases. Arrests involving defenders suspected of supplying information for human rights reports have also occurred, as was the case with several of the Human Rights Watch Asia partners⁹. The strong evidence against security forces has, however, not yet influenced the home minister to recognize the need for accountability, as investigations and proper prosecutions have yet to be carried out against the alleged perpetrators.

11. The Universal Declaration of Human Rights states, in its Article 20, that “everyone has the right to freedom of peaceful assembly and association”. In its Article 19, it protects freedom of expression. Although it is not a binding international human rights instrument, it has been used as a catalyst for two binding international covenants, to both of which Bangladesh is a signatory: the ICESCR and the ICCPR. The Constitution of Bangladesh also includes the right to freedom of assembly, procession, gathering or demonstration, as well as, and the freedom of speech and expression. The country’s legal system is thus vested with vast pervasive power to guarantee that the rights of demonstrators, and specifically those belonging to minority communities are respected, and yet abuses still happen frequently.

C. Cultural Rights

12. The Bangladesh government has persistently denied the constitutional recognition of the rights of indigenous communities. The existing Bangladesh laws also do not entirely ensure their protection and several activists have ignited a national debate on the issue. The government is reluctant to recognize the native communities as ‘indigenous’, and has openly expressed its opposing interpretation on the matter¹⁰, asserting that ultimately everyone is a ‘citizen’ of the country¹¹. In fact, many Bengalis claim to be the original population of Bangladesh, and have expressed their discontent with the term ‘indigenous’, as it allegedly ignores their own status as the first inhabitants of their country. This interpretation, however, is not only inaccurate but also unjust, as the Jumma people do not wish to be treated differently for acquiring further benefits, but simply to secure what is already traditionally theirs. If the government asserts that no distinction should be made between the indigenous people and Bengalis, as they are all to be considered Bangladesh citizens, this uniformity must consequently be applied in all levels.

⁸ Quarterly human rights reports - Global Human Rights Defence, *Minorities in Bangladesh*, 2011, p. 7.

⁹ Asian Human Rights Commission. *A call for urgent intervention for the protection of Human Rights Defenders in Bangladesh*, July 2012, retrieved from: <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-141-2012>

¹⁰ Indigenous Portal. *Bangladesh: Call for constitutional recognition of the indigenous people*, retrieved from: <http://www.indigenousportal.com/Politics/Bangladesh-Call-for-constitutional-recognition-of-indigenous-people.html>

¹¹ The Fifteenth Constitution (Amendment) Bill was enacted in June 2011. The amendment did not address the issues brought up by the indigenous minorities and did not grant them the recognition of their status. It did, however, establish a common denomination for the people as “Bangalees” and for the citizens of Bangladesh as “Bangladeshis”, which the indigenous peoples completely rejected.

13. Following the same line of reasoning used by the Bangladesh government, if everyone is to be treated as citizens, Jumma's legal rights must be respected equally, as well as their traditions, language, and culture. As Bengalis are allowed to enjoy the respect of their cultural and civil rights, the same should apply to the native people of the Chittagong Hill Tracts. The government thus contradicts itself, as there seems to be no justification for such abuses to still occur in the region. The Jummas have inhabited the hilly lands for time immemorial and their only wish is to see the respect for the constitutional rights they are entitled to.

14. While these abuses are still frequent and the existing laws have not hitherto followed the shift in expectations, the enactment of an Indigenous Peoples Act may come as the most prominent way to assure the exercise of their rights. The Jummas have their own cultural identity, and their inability to perceive their own customs and languages undermines their fundamental freedom. Talks have been held regarding the proposition to pass a "Bangladesh Indigenous People's Rights Act"¹², but so far no concrete measures have been taken to secure its enactment.

D. Violence Against Women

15. The situation of women in Bangladesh is alarming. The country holds different personal law systems for Muslims, Hindus and Christians and none are reported to provide women with economic equality during marriage and after¹³. Among the most vulnerable groups are the Pahari women, inhabitants of the Chittagong Hill Tracts. These women are a minority in a male-dominated community, Muslim-dominated country and Bengali-dominated society. Many of them have thus been victims of exploitation and violence and due to their marginalized nature, have become further isolated from the main women's right movements in the country.

16. Kidnapping, murder, and sexual violation against minority girls in the CHT have also increased at an alarming rate. In the last two years, the number of cases more than tripled when compared to earlier data from the three previous years¹⁴. Most of the recent cases have been linked to either military officials or Bengali settlers, who make use of violence in order to intimidate women and appropriate their land. According to the Kapaeeng Foundation¹⁵ only a few of those cases have been brought to justice, and hardly any of the accused received exemplary punishment for their crimes.

¹² Kapaeeng Foundation, Idem.

¹³ Human Rights Watch. *Bangladesh: Discriminatory Family Laws Fuel Female Poverty*, September 2012, retrieved from: <http://www.hrw.org/news/2012/09/16/bangladesh-discriminatory-family-laws-fuel-female-poverty>.

¹⁴ Kapaeeng Foundation, *Communication to the Commission on the Status of Women On Indigenous Women of Bangladesh*, July 2012, retrieved from: <http://iphndefenders.net/docs/Bangladesh-IP%20Report%20for%20Submission%20to%20CSW-Final.pdf>

¹⁵ Idem.

Recommendations

The Unrepresented Nations and Peoples Organization strongly urges the Bangladesh authorities to consider the following recommendations:

Implement the 1997 Chittagong Hill Tracts Peace Accord,

Adopt constructive policies to guarantee indigenous peoples their traditional land rights, offering them protection against the practice of land grabbing and the destruction of their property,

Respect the civil rights of the native communities in CHT, withdrawing the Bangladesh army from the region and prosecuting military officials accused of committing crimes against the local people,

Respect the freedom of expression, speech, and peaceful assembly of the Jumma people, especially that of human rights defenders,

Take further measures to bring to justice the perpetrators of forced evictions, attacks, murder, and rape against indigenous communities in the CHT,

Formally endorse and ratify the United Nations Declaration on the Rights of Indigenous Peoples,

Recognize the Jummas as indigenous peoples, as well as the rights of indigenous communities throughout the country, granting them equal opportunities, right to land and decision-making authority,

Improve the living conditions of indigenous women and take effective measures to increase their participation in society,

Investigate and prosecute the severe cases of violence committed against indigenous women.