



Asian Indigenous & Tribal Peoples Network

(AITPN has Special Consultative Status with the United Nations Economic and Social Council)

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Embargoed for: 1 September 2008

Bangladesh:

“We want the lands, not the indigenous peoples”¹

[Contribution under the Universal Periodic Review of the Human Rights Council]

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¹ . This report has been endorsed by Kebager te Ked-Inged (Philippines), Centre for Peace and Development (India), Asian Centre for Human Rights (India), Centre for Indigenous Peoples Research and Development (Bangladesh), Hill Watch Human Rights Forum (Bangladesh), Tribal Welfare Association (Bangladesh), Hill Women Federation (Bangladesh) and Mr Edtami P Mansayagan, Former Commissioner, National Commission for Indigenous Peoples, Philippines.

1. Executive summary

Officially, there are about 2 million indigenous peoples in Bangladesh² though indigenous peoples claim that their total number is 2.5 millions.³ Whether in mainland and the Chittagong Hill Tracts (CHTs), the government irrespective of the political colour follows the dictum: “**we want the lands but not the indigenous peoples**”.

This policy of land grabbing – for so-called public purpose or private purpose - threatens the identity and survival of indigenous peoples. There is no rule of law. The law enforcement personnel are biased. Majority Bengali Muslims rule the roost as indigenous peoples are discriminated because of their religion and ethnicity.⁴

2. Situation of indigenous peoples on the ground

Policy of exclusion:

There is no constitutional recognition of indigenous peoples in Bangladesh. There is reference to “backward segments of the population” without identifying as to who are these “backward segments of the population”.

The Constitution of Bangladesh further guarantees equality before the law for all its citizens. It categorically states that “*the State shall not discriminate against any citizen on grounds of only of religion, race, caste, sex or place of birth*” (Articles 27 & 28). However, the government has failed to make any provision for political, social and economic development of indigenous peoples. This exclusion and refusal to provide specific constitutional safeguards have made indigenous peoples extremely vulnerable.

In fact, in plain land Bangladesh, indigenous peoples do not have representations in the Parliament, Upazila Parishad (Sub-district Council) and in the Union Parishad, the lowest representative body.⁵

I. Situation of human rights of indigenous peoples in plain land Bangladesh

a. Land grabbing and human rights violations

As stated, grabbing the lands of indigenous peoples and minorities is the State policy in Bangladesh. The government itself grabs the lands and also remains mute witness to land grabbing by the mainstream Bengali populations who use different methods, including forging documents and forcibly ousting indigenous peoples from their lands.

². Bangladesh Government’s draft Poverty Reduction Strategy Paper: Moving Ahead; Tribal Communities p. 185 (2009 –2011)

³. Tribal Welfare Association’s submission under this report

⁴. The Indigenous World – 2008, International Work Group for Indigenous Affairs, Denmark

⁵. Tribal Welfare Association’s submission for this report

According to a survey conducted by the Jatiya Adivasi Parishad (National Indigenous Peoples Council) which was released in Dhaka on 10 May 2008, around 1,983 indigenous families in 10 North-western districts of Bangladesh have lost 1,748 acres of their ancestral land. Of the 1,983 indigenous families, 521 lost their land through forged documents whereas the forest department acquired over 1,185 acres of land belonging to 466 indigenous families in the name of social forestry. In Dinajpur district alone, the forest department acquired around 1,182 acres of land from 411 indigenous families.⁶

In North Bengal district of Naogaon, 15 Santal villagers were injured and their houses burnt after more than two hundred mainstream Bengalis attacked the indigenous neighbourhoods in an effort to evict them from their land on 5 November 2007.⁷ Earlier, on 18 August 2000, Alfred Soren (36), a leader from Santal community, was killed by Mr. Shites Bhattachara alias Godai Babu and Md. Hatem Ali and their goons at Vimpur village under Mahdevpur police station of Naogaon district in a land related case. None of the accused was arrested.⁸

More than 10,000 indigenous Khasis have been living in 65 villages in Moulvibazar district for many years without land registration documents. In July 2007, the administration, led by the Deputy Commissioner of Moulvibazar, organised a meeting with indigenous leaders, headmen and women and assured them that steps would be taken to resolve the land ownership problem.⁹ But no step has yet been taken.

Killings of defenders to silence indigenous peoples’ protests at Madhupur:

In the name of establishing Eco-Park, the successive governments of Bangladesh sought to destroy the forest and displace about 25,000 indigenous Garo and Koch peoples in the Modhupur forest area under Tangail district. Many of the indigenous peoples who protested against the Eco-park have been killed by the security forces.

On 18 March 2007, Mr Cholesh Ritchil who was arrested and tortured to death by the security forces stationed at Khakraid under Modhupur Police Station in Tangail district. Three other indigenous peoples - Protap Jambil, Tuhin Hadima, and Piren Simsang were arrested and tortured before being released. The government set up an inquiry headed by Special Court Judge Rofiuddin Ahmed. In its letter of 11 October 2007, the government of Bangladesh informed UN Special Rapporteur on the Rights of Indigenous Peoples that *“Four persons belonging to Armed Forces were assessed punishments, which included removal from service and exclusion from promotion. Finally, a number of other individuals, including public officials, doctors and forest officials, had also been subject to criminal proceedings.”*¹⁰ However, the government of Bangladesh failed to disclose

⁶. Bangladesh Chapter, South Asia Human Rights Index 2008, Asian Centre for Human Rights, August 2008

⁷. Ibid

⁸. Tribal Welfare Association’s submission for this report

⁹. The Indigenous World – 2008, International Work Group for Indigenous Affairs, Denmark

¹⁰. A/HRC/6/15/Add.1

the names of these officials. Under the circumstances, the assertion does not appear credible.

Earlier, on 3 January 2004, Mr Piren Snal (26, son of Negen Simsang from Joynagacha village) was shot dead by the police and forest guards while participating in a peaceful protest rally against the creation of Eco-Park at Modhupur. A case was filed on 6 January 2004 at Modhupur Police Station (GR-24 (2) 04). Until today, no action was taken.¹¹

The forest department officials of Madhupur have found disingenuous way for harassing indigenous peoples. They illegally sell the timbers and files false cases against the indigenous peoples to cover their illegal acts. Over 7,000 cases have been filed against 10,000 poor people of Modhupur.¹² Of these, at least 70% cases were reportedly against the indigenous peoples. In 2003- 2004 during the protest against the Eco-park project, Forest Department and police filed 28 false cases in the Courts against 95 innocent indigenous peoples.¹³

b. Mis-use of funds meant for indigenous peoples

Every year, the government of Bangladesh (Special Affairs Division – Prime Minister’ Secretariat) provides lump sum funds of Bangladeshi Taka 50 to 70 millions for economic benefits and poverty reduction of indigenous peoples in plain lands. However, indigenous peoples have been consistently excluded from participation in planning processes and denied access to decision making. The funds are being controlled by government officials and often used for political purposes of the sitting government.¹⁴

II. Situation of human rights of the indigenous Jumma peoples in the CHTs

The Chittagong Hill Tracts Accord of 1997 is in tatters and it has failed to ensure the rights of indigenous peoples. Apart from the surrender of the erstwhile Shanti Bahini, the government failed to implement key provisions of the Accord: demilitarisation of CHTs, returning back the lands to the original indigenous owners and rehabilitation of returnee Jumma refugees. Neither the CHT Land Commission nor the Task Force for Implementation of the CHTs, nor the Task Force on Internally Displaced Persons have been functioning.¹⁵

The only success has been the establishment of the CHTs Regional Council in which some former Shanti Bahini leaders were appointed as members. However, the government has even failed to hold elections in the CHTs Regional Council since its establishment in 1998 and the CHTs Hill District Councils since 1989. The present Care-

¹¹. Tribal Welfare Association’s submission for this report

¹². The Daily Sangbad, Dhaka, 20 October 2007

¹³. Tribal Welfare Association’s submission for this report

¹⁴. Albert Mankin, A Study on Government Development Programmes for Indigenous Peoples of the Plain, 2006

¹⁵. SAJEK: BURNT TO ASHES – Emblematic of Bangladesh’s policy towards indigenous Jumma peoples, Asian Indigenous and Tribal Peoples Network, 14 June 2008

taker government has no commitment for democracy in the CHTs. In August 2008, it held local elections as precursor to the parliamentary elections but no elections were held in the CHTs Regional Council or the District Councils.

Implantation of half a million illegal plain settlers by the military rulers between 1979 and 1983 had the most negative and irreversible impact on indigenous peoples of the CHTs. The implantation of the illegal Muslim settlers continues unabated irrespective of whether there is a democratic or autocratic government in Dhaka. The Bangladesh army personnel directly implement the programme for implantation of illegal plain settlers in the CHTs. Even today, thousands of illegal settlers are being settled and are provided free rations by the Bangladesh army. When indigenous peoples refuse to vacate the lands, the illegal plain settlers organize riots as was seen in Sajek in April 2008.

a. Sajek attack: The emblematic case of Bangladesh policy in the CHTs

On 20 April 2008, hundreds of illegal plain settlers attacked seven indigenous Jumma villages of Nursery Para, Baibachara, Purba Para, Nangal Mura, Retkaba, Simana para and Gangaram Mukh under Sajek Union under Baghaichari upazila (sub-district) in Rangamati district in CHTs from 9.30 pm to 1.30 am.

According to the reports of four journalists from Khagrachari who visited the area on 21 April 2008 with local government officials, at least 500 houses in the 4 kilometer stretch from Baghaihat to Gangaram were burnt down. Several indigenous Jummas were wounded and an unknown number of women were raped by the perpetrators.

On 23 April 2008, the commander of Baghaihat army zone, Lt. Col. Sajid Md. Imtiaz reportedly took a group of Bengali settlers at Bana Vihar area lying between Dane Baibachara village and Retkaba village and ordered them to construct houses on burned land of the Jummas. On 24 April 2008, Mr Imtiaz held a meeting at his headquarters at Baghaihat in which representatives from both the indigenous peoples and the illegal settlers were invited. At the meeting Mr Imtiaz warned the Jummas that “*if anything happens to the Bengalis in the future, I will kill all of you in brushfire. You have no need to live in this country*”¹⁶

On 28 April 2008, the army arrested four innocent Jummas identified as as Sushil Chakma (26, son of Asomi Chandra Chakma), Ratna Bikash Chakma (22, son of Gunodhar Chakma), Sangram Chakma (22, son of Ashok Kumar Chakma) and Rabindra Chakma (23, son of Shashi Mohan Chakma). However, no illegal plain settler was arrested.

The report of AITPN “Sajek: Burnt to Ashes: Emblematic of Bangladesh's policy towards indigenous Jumma peoples” of 14 June 2008 is attached.

¹⁶. Sajek settler attack: victims holds press conference in Dhaka, chtnews.com, News No. 70/2008, April 27, 2008

The attacks in Sajek continue unabated.

b. Patterns of grabbing the lands of indigenous Jumma peoples

Land grabbing is systematic in the CHTs. It is the single biggest challenge being faced by the Jumma peoples today. The army has renewed its efforts to settle Muslim plain settlers since the imposition of the State of Emergency.

During March – November 2007, a total of 399.22 acres of land belonging to 133 Jummas and a primary school in 14 villages under four Unions of Maischari, Kiang-ghat, Kamalchari and Khagrachari Sadar No.1 under Khagrachari district have been forcibly grabbed by illegal plain settlers.¹⁷

In March 2007, the Ruma army cantonment in Bandarban acquired about 7,570 acres of ancestral land of indigenous peoples for expansion of the Ruma garrison and ordered more than 4,000 indigenous families mostly belonging to Mro community to leave the area. Mro leaders had not been consulted before acquiring the land. According to the Movement for Protection of Land Rights and Forest, a land rights organisation based in Rangamati, 40,077 acres of land had been given in lease to the illegal Bengali settlers, 94,066 acres of land were acquired for so-called afforestation projects and 75,686 acres were acquired for establishment of military bases in Bandarban district.¹⁸

On 8 March 2007, an army camp was set up on the land of an indigenous jumma identified as Prithwiraj Chakma at Dantkupyra village under Khagrachari district to provide security to the plain settler families. In June 2007, the Bangladesh military reportedly settled at least 200 families of illegal settlers at Dantkupyra village after forcibly evicting 12 indigenous families from their ancestral lands.¹⁹

In August 2007, illegal settlers forcibly captured 59 acres of land belonging to 17 Jumma peoples in Kobakhali Mouza under Dighinala Police Station in Khagrachari district. In an operation from 1 to 15 August 2007, large groups of illegal settlers led by former Union Parishad member Md. Abu Taleb of Hashinchonpur village and former Union Parishad member Md Kader of Kobakhali Bazaar took control of the hilly lands of the indigenous Chakma peoples with the direct assistance of the army personnel, para-military forces and the local Village Defence Party members. The army reportedly planned to settle 200 plain settler families in Kobakhali Mouza.²⁰

¹⁷. Bangladesh Chapter, South Asia Human Rights Index 2008, Asian Centre for Human Rights, August 2008

¹⁸. Bangladesh: Indigenous peoples living on the edges of riots, Asian Centre for Human Rights, 29 August 2007, <http://www.achrweb.org/Review/2007/182-07.htm>

¹⁹. Ibid

²⁰. Ibid

c. Violations of the right to life

The continued presence and expansion of the military bases contributes to the ongoing human rights abuses including extrajudicial killings in the CHTs. Many have been tortured to death in military custody after arrest. Some of the indigenous peoples who were tortured to death in the custody of the security forces included:

- Niranjon Chakma (40, son of Lalit Kumar Chakma of village Nareychari under Kangarachari Union of Belaichari Thana in Rangamati district) who was tortured to death in military custody in Digholchari zone on 7 July 2008;
- Suresh Mohan Chakma (son of Phedera Chakma of Choichari village in Rangamati district) who died due to alleged torture in the custody of the army on 7 March 2007;²¹
- Rasel Chakma (son of Paritosh Chakma of Dewan Para village under Naniarchar sub-district in Rangamati district) on 5 August 2007;²² and
- Shanti Bikash Chakma alias Shanto (24), a member of United Peoples Democratic Front (UPDF), a Jumma political party, who died in military custody in Naniachar in Rangamati district after he was arrested along with another UPDF member Inton Chakma (25) on 5 August 2007 from Bakchari Dor village.

d. Arbitrary arrest, detention and torture

Arbitrary arrest, detention and torture are common in the CHTs. Many were arrested on false charges and held in detention for prolonged period. Those arrested were often subjected to torture.

On 11 July 2007, at least seven Jumma villagers including minors were tortured by army personnel from Bannyachola sub-zone (24 Field Artillery) at Bannyachola village in Khagrachari district. The victims were identified as Suryasen Karbari; Bindu Chakma (32, son of Chikkonno Chakma); Sadhan Kumar Chakma (35); Gangkullya Chakma (16, son of Lakshmi Kumar Chakma of Bannyachola village); Dipayon Chakma (6, son of Anjana Bap of Kamalchari village); Aljya Chakma (10, son of Mongol Dhan Chakma of Kamal Chari village); and Bhubon Chakma (14, son of Lakshannya Chakma of Morachengi village).²³

On 23 November 2007, Ram Kamal Chakma (son of Summey Chakma) of Hullyang para village in Khagrachari district was arrested by the army personnel from Mahalchari zone without any reason. He was returning from Mahalchari bazaar (market) when Major Gaffar, second-in-command of Mahalchari army zone (24 Bengal), detained

²¹. ACHR Review No. 182/07: “Bangladesh: Indigenous peoples living on the edges of riots”, Asian Centre for Human Rights, 29 August 2007

²². Ibid

²³. Innocent Jummas tortured in Lakshmichari, Hill Watch Human Rights Forum, NEWS No. 26/2007, 4 August 2007

him and took him to the army camp. He was tortured in the army camp before being released.²⁴

3. Religious persecution in the CHTs

Religious persecution has also increased since the imposition of emergency in the CHTs. Buddhist monks were often harassed, assaulted and Buddhist temples were looted and destroyed.

On 12 September 2007, Md. Abdul Matin, the Sub-District Executive Officer of Mahalchari in Khagrachari district issued a public notice prohibiting “*construction of new Mosque, Hindu temple and Buddhist temple*” in Mahalchari sub-division without prior permission of the authorities concerned. The order was not targeted against the Muslims or Hindus but against indigenous Buddhists.²⁵

On 14 January 2008, the Bangladesh Police arrested Reverend Arya Jyoti Bhikkhu, Head Priest of Sarnath Aranyo Kuthir, after a settler, Abdul Majid, filed a First Information Report (No. 1 of dated 11/1/2008) under sections 143, 447, 379, 427, 506 and 109 of the Bangladesh Penal Code.

On 17 July 2007, a group of army personnel from Shuknachari army camp raided a Buddhist meditation centre “Bhujuli Bhavana Kendra” situated on remote Bhujulichuk hill-top in Lakshmichari sub district in Khagrachari district. They arrested two Buddhist *sramans* (novices) identified as Shashan Ujjal Sraman (22) and Nykishtic Sraman (26). The army later released them after noting down their personal information and photographing them.²⁶

4. Status of indigenous women and children

Indigenous women and children particularly face serious violations including killing and rape by the mainstream Bengalis. Rape is being used as a weapon to terrorise and humiliate the indigenous peoples.

Many women and minor girls have been killed after rape. Some instances included:

On 19 January 2008, Ms Orchoto Chakma (14, daughter of Birendra Chakma) was subjected to sexual assault by a settler Sukkur Ali in Hatchinchonpur village under

²⁴. Innocent villager beaten by army in Mahalchari, Hill Watch Human Rights Forum, NEWS No. 54/2007, 3 December 2007

²⁵. “Bangladesh: Evictions and land grabbing in the CHTs”, Indigenous Rights Quarterly, Vol. I, No. 3 (July – September 2007) of Asian Indigenous and Tribal Peoples Network

²⁶. Two Buddhist novices detained, released later, Hill Watch Human Rights Forum, News No. 24/2007, 23 July 2007

Dighinala Upazila of Khagrachari district when she went to a nearby grazing field to fetch her cows.

On 8 January 2008, a nine-year old Jumma girl, Chameli Tripura, was raped and killed in Ramgarh.

On 4 December 2007, 10-year old girl Ruikrashu Aung Marma was raped in Manikchari.

On 12 May 2007, Miss Bernita Chambugong (6, daughter of Bernard Jetra), a indigenous Garo girl, of village Kamaria at Muktagacha under Mymensingh district was raped by Md. Muffakar Islam (18). The rapist was not arrested.²⁷

On 28 March 2007, an Adivasi handicapped child (11, daughter of Chaikhoay Marma) was raped in Panchori in Khagrachari district. The police arrested Abdul Motaleb in connection with the rape.²⁸

On 5 January 2007, police recovered the dead body of a 23-year-old Adivasi woman in Gabtoli area in Dhaka with her hands and legs tied up with rope. Police stated that she was abducted, raped and then killed.²⁹

On 15 April 2006, Miss Sima Rema (8), a Garo girl of village Nalikali under Muktagacha police station in Mymensingh district was allegedly raped Md Usuf Ali. There was no progress in the case.³⁰

The security personnel were equally responsible for rape of indigenous children.

On 19 July 2008, Ms Jika Rani Tonchongya (15, daughter of Dharon Moni Tonchongya of Magainpara village under Ghilachari Union No. 3) was subjected to a rape attempt by a Warrant Officer in Rajstali zone, Rangamati.

On 6 November 2007, an Assistant Sub-Inspector Samir Uddin was arrested on charge of raping a tribal schoolgirl (14 years) at Lama in Bandarban district on the night of 3 November 2007.³¹

5. Status of Internally Displaced Persons

The internally displaced persons (IDPs) mainly concentrated in the CHTs. The present number of the Jumma IDPs is not known but in 2000, the Task Force on the IDPs

²⁷. Tribal Welfare Association's submission for this report

²⁸. An Adibashi (aboriginal) handicapped child raped in Panchori of Khagrachari district, The Daily Prothom Alo, 1 April 2007

²⁹. Dead body of an Adivasi (indigenous) girl recovered from city's Gabtoli area, The Daily Janokontho, 6 January 2007

³⁰. Tribal Welfare Association's submission for this report

³¹. Cop held for raping tribal schoolgirl, The Daily Star, 7 November 2007

prepared a list of 1,28,364 IDP families, including 90,208 indigenous and 38,156 non-tribal families. In addition, there were some 10,000 tribal IDP families who were left out by the Task Force and even the refugees who had become internally displaced after repatriation from India were not included in the Task Force’s IDP list. On the other hand, by including the non-tribal IDPs, the government sought to legitimize the settlement of the Muslims from the plains in the CHTs under the State-sponsored ethnic cleansing programme.³²

While the Jumma IDPs were not provided any rehabilitation or food aid, educational facilities, health care services, sanitation and safe drinking water etc, the illegal settler families have been provided free rations and other facilities by the government since 1978.

6. Repression of indigenous human rights defenders

While human rights activists in general remain under surveillance, human rights defenders from indigenous and minority communities or those working with indigenous and minority communities were specifically targeted with impunity. Indigenous rights defenders have been disproportionate victims.

In 2007, the Special Representative of the Secretary General on the situation of human rights defenders interventions with regard to 7 human rights defenders: Mr Shahidul Islam, Mr Aminul Islam, Mr Abdul Kashem Palash, Mr Nasruddin Elan, Mr Tasneem Khalil and Mr Jahangir Alam Akash.³³

In comparison, the Special Representative made interventions with regard to 9 indigenous rights defenders: Mr Ronglai Mro, Mr. Bikram Marma, Mr. Sumit Chakma, Mr. Saimong Marma, Mr. Satyabir Dewan, Mr. Balabhadra Chakma, Mr. Manubha Ranjan Chakma, Mr Santoshito Chakma and Mr. Milton Chakma.³⁴

This shows how indigenous representatives are targeted. In the CHTs, at least 50 Jumma activists were arrested, including 20 members of Parbattya Chattagram Jana Samhati Samiti (CHT United Peoples Party) and 10 members of UPDF as of August 2007.³⁵

³². Bangladesh Chapter, South Asia Human Rights Index 2008, Asian Centre for Human Rights, August 2008

³³ . A/HRC/7/28/Add.1 of 3 March 2008

³⁴ . A/HRC/7/28/Add.1 of 3 March 2008

³⁵. ACHR Review No. 182/07: “Bangladesh: Indigenous peoples living on the edges of riots”, Asian Centre for Human Rights, 29 August 2007

7. Bangladesh's obligations and commitments

i. National level obligations

The government of Bangladesh should take the following measures to:

- implement the CHTs Peace Accord of 1997 in letter and spirit and stop implantation of plain settlers in the lands of indigenous peoples land in the CHTs;
- hold elections in the CHTs Regional Council and Hill District Councils;
- stop land grabbing in the CHTs and return the grabbed lands to their rightful Jumma owners;
- withdraw the military forces from the CHTs;
- ensure religious freedoms and withdraw all the restrictive orders imposed in the CHTs;
- ensure that the human rights activists especially from the indigenous and minority communities or those working with indigenous and minority communities were not subjected to harassment.

ii. International obligations

The government of Bangladesh should ratify the ILO Convention 169 on Indigenous Peoples.

8. Enhancement of State's capacity

AITPN recommends that the following areas should be considered for technical cooperation such as establishment of National Commission for the Rights of Indigenous Peoples.

9. Cooperation with HRC, Treaty Bodies and OHCHR

The government of Bangladesh has also failed to take effective legal, executive and administrative measures to implement the human rights treaties at national level.

Therefore, it has refused to extend Open invitations to the Special Procedures.

Further, the government of Bangladesh has little to report and therefore, failed to submit periodic reports under the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment since 1999; under International Covenant on Economic, Social and Cultural Rights since 2000; under the International Covenant on Civil and Political Rights since 2001; and under International Convention on the Elimination of All Forms of Racial Discrimination since 2002.