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**Joint written statement* submitted by France Libertés:
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on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 February 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human rights violations against indigenous peoples in Bangladesh: the case of the Jummas*

It has been 16 years since the Government of Bangladesh signed the Chittagong Hill Tracts (CHT) Accord with the Parbattya Chattagram Jana Sanhati Samity (PCJSS) in 1997 aiming at bringing lasting peace in the CHT by promoting indigenous rights there. However, it has failed to take effective measures to declare a timeline to implement the Accord, to provide constitutional safeguard to the Accord (which faces court challenge now, and a hearing on it is pending with the Appellate Division of the Supreme Court of Bangladesh) and to protect the “Tribal inhabited” character of the CHT as provided in the CHT Accord. The Government is yet to approve the Rules of Business of the CHT Regional Council, the major organ of self-government in the CHT, in order to strengthen and make it functional. Despite mandatory provisions of consultation with the Regional Council, several laws affecting the CHT peoples have been passed without necessary consultations, including the Forest (Amendment) Act, 2000 and the Wildlife (Preservation) Act 2012 and the Small Ethnic Group Cultural Institutes Act, 2010. Land dispute remains unresolved as the proposed amendment to the Land Dispute Resolution Act 2001 is yet to be placed before the Bangladesh Parliament for passage. More than one third of the refugees who returned from India following an understanding between the Government and the Jumma Refugee Welfare Association immediately after the Accord have not got back their rightful lands. More than ninety thousand internally displaced families who were rendered homeless and driven out of their ancestral lands still await returning to their lands and homesteads which are presently under the occupation of settlers.

Violation of human rights and marginalization of the indigenous communities which include rape and sexual assault against women and children, killings, arson, land grabbing, unlawful arrest and torture and discrimination based on ethnicity, religion and gender continues in the CHT. During 2009-2012, as many as 8 communal attacks were carried out against the indigenous communities, 31 indigenous were raped and 10 indigenous women were killed after rape. The failure on the part of the administration to book the offenders and the lack of access to justice and absolute impunity that the perpetrators enjoy continue to be a grave concern in the CHT. It is alarming to note that the Special Rapporteur on the rights of indigenous peoples’ study (E/C.19/2011/6) identified among others– majority of human rights violations committed against indigenous peoples in the CHT are being attributed to the extensive presence of security forces. We are equally apprehensive that “Operation Uttoron” (Operation Uplift) which gives the army sweeping powers over civil affairs has not been revoked so far. Considering military’s influence on civil administration and development activities in the CHT, all temporary military/security camps need to be withdrawn in order to establish normalcy in the CHT. But this has not been done so far.

Bangladesh accepted and committed the implementation of the recommendation No. 17 during the first cycle/session of the Universal Periodic Review (A/HRC/11/18/Add.1) which stated “the Government does not condone any discrimination against anybody on the basis of race, color, sex, religion or any other statusThe present Government is particularly mindful of the welfare of religious minorities. Allegations of any discrimination are being dealt with seriously.” On the ground we found that the 15th amendment to the constitution of Bangladesh effected in 2011 failed to recognize the ethnic, cultural and linguistic minorities as indigenous peoples. Moreover, the constitution

* International Jumma Voice, an NGO without consultative status, also shares the views expressed in this statement.

declares that all residents of Bangladesh are Bengalis (article 6.2). It is also unfortunate that the Government, in an inter-ministerial meeting held on 21st July 2011, where representatives from the Prime Minister's Office, decided to erase the term "indigenous" from all official documents. It is also unfortunate to learn that the Ministry of Local Government and Rural Development issued on 11 March 2012 a circular on "World's Indigenous Peoples Day" directing officials at the district and sub-district level to discourage the observance of the World Indigenous Day program. Police obstructed rallies in Khagrachari and Bandarban districts.

Land rights seem to be the gravest of issues that causes gross human rights violations in the CHT. Still indigenous peoples in the CHT continue to be dispossessed of their lands increasingly by Bengali settlers and migrants, and on account of setting up of military and paramilitary camps, training centers, for creation of new reserved forests in addition to old ones, tourism, game sanctuaries and eco-parks. The politically motivated population transfer of Bengali settlers in the already land-pressed CHT has not only led to widespread land alienation among the indigenous peoples, but it also triggers communal violence, rape, killing and other abuses of human rights. These result in disrupting indigenous livelihood, herding, grazing, forest gathering etc. and indigenous peoples' rights to food gets violated when denied access to land, territories and natural resources.

The constitution of Bangladesh declares 'Islam' as the state religion (Article 2A), but it also provides equal status and equal rights to others in practicing their respective religions. Notwithstanding, religious persecution on indigenous peoples continues as was evident from the destruction of Buddhist temples with the intent to occupy the temple's lands. Buddhist monks were harassed, statues of Buddha were knocked down, and construction and repair of temples were prevented at Teknaf sub-district in Cox's Bazaar district. On 29th July 2011, a religious house locally known as 'Cherangghar' in Alikadam sub-district under Bandarban Hill District was pulled down by the Forest Department; on 28th January 2012, a Buddhist meditation centre was destroyed by Bengali settlers in Harinachara Beel under Bilaichari sub-district in Rangamati Hill District. In other instances of vandalism in Cox's Bazaar district, 19 temples and 40 dwelling houses of Buddhist community were set to fire and more than 200 houses looted and damaged on 29-30 September 2012. A piece of land could not be settled in the name of Furamon International Meditation Centre in the Sapchhari union under Rangamati Hill District in face of opposition from the army despite assurances from the State Minister of the CHT Ministry.

Despite the fact that CHT was declared as the "Tribal Inhabited Area" in the CHT Accord and in the CHT Acts such as the three Hill District Council Acts 1989 (amended up to 1998) and the Chittagong Hill Tracts Regional Act 1998, the government has so far failed to develop any legal mechanism to protect and maintain the tribal status of the region. On the contrary, increasing and continuous violation of the CHT Acts has resulted in the proliferation of the Bengali settlers' population in CHT in an alarming proportion. The percentage of Bengali population in the CHT now stands at more 49% as against 26% in 1974. The increase in the settler's population in the CHT is a serious threat to the ethnic and territorial integrity of the region.

Last but not least, the Bangladeshi Government ratified ILO Convention No. 107 on Indigenous and Tribal Populations but is yet to ratify its revised version ILO Convention No. 169, though in 6th Five year Plan (2011-2015), the Government expresses its desire to consider ratifying it. Despite the fact that Bangladesh ratified the ILO Convention No. 107 that deals with land, land rights, administration etc and which are vital for the welfare of the indigenous peoples in Bangladesh is disappointing.

Under the circumstances, we would like to draw the attention of the Human Rights Council to urge the Government of Bangladesh to respect the following recommendations for immediate execution to resolve the CHT crisis:

- Declaration of a road map with a time frame and specified individuals and agencies' responsibilities for the full, faithful and speedy implementation of the CHT Accord of 1997;
- To protect the characteristics of the Chittagong Hill Tracts as the "Tribal inhabited area";
- Withdrawal of all temporary military camps from the CHT and bring an end to "Operation Uttoron";
- Amending the Land Dispute Resolution Act 2001 in accordance with the provisions of the CHT Accord 1997 to facilitate the expedient settlement of land disputes by the Land Commission;
- Reinstating the Indian returnee refugees and the internally displaced families to their rightful lands;
- Recognition of ethnic, cultural and religious minorities in Bangladesh as indigenous peoples in the national constitution;
- To respect individual and collective rights including the culture and tradition of the Jummas;
- Approval of the Rule of Business of the CHT Regional Council immediately to make it effective and functional;
- Impartial, independent and transparent enquiries need to be carried out to all abuses against human rights violation, justice system needs to be activated to bring the perpetrators through the process of law to bring an end to the culture of impunity;
- To allow the Special Rapporteur on the rights of the indigenous peoples to visit Bangladesh to investigate the allegations of gross human rights violations in the Chittagong Hill Tracts.
