

HUMAN RIGHTS REPORT 2016

on Indigenous Peoples in Bangladesh



Human Rights Report 2016 on Indigenous Peoples in Bangladesh

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Human Rights Report 2016 on Indigenous Peoples in Bangladesh

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ACRONYMS

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| ADP | Annual Development Programme |
| AIPP | Asia Indigenous Peoples Pact |
| BCS | Bangladesh Civil Services |
| BGB | Border Guard Bangladesh |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CBD | Convention on Biological Diversity |
| ICCPR | International Covenant on Civil and Political Rights |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CESCR | Covenant on Economic, Social and Cultural Rights |
| CERD | Convention on the Elimination of All Forms of Racial Discrimination |
| CHT | Chittagong Hill Tracts |
| CHTDB | Chittagong Hill Tracts Development Board |
| CHTRC | Chittagong Hill Tracts Regional Council |
| CRC | Convention on the Rights of the Child |
| DC | Deputy Commissioner |
| GoB | Government of Bangladesh |
| HDC | Hill District Council |
| IDPs | Internally Displaced Persons |
| ILO | International Labour Organisation |
| IPO | Indigenous Peoples Organisation |
| IPs | Indigenous Peoples |
| JAP | Jatiya Adivasi Parishad |
| MoCHTA | Ministry of Chittagong Hill Tracts Affairs |
| MP | Member of Parliament |

| | |
|--------|--|
| NHRC | National Human Rights Commission |
| OC | Officer-in-Charge |
| PCJSS | Parbatya Chattagram Jana Samhati Samiti |
| PRSP | Poverty Reduction Strategy Paper |
| SAD | Special Affairs Division |
| SP | Superintendent of Police |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| UNDRIP | United Nations Declaration on the Rights of Indigenous Peoples |
| UNO | Upazila Nirbahi Officer |
| UNPFII | United Nations Permanent Forum on Indigenous Issues |
| VAIW | Violence Against Indigenous Women |

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Editorial

As usual, the yearly human rights reports for 2016 by Kapaeeng Foundation is out. It is an annual accounts of violation of human rights against indigenous peoples who live in various parts of the country. Such a documentation of rights violation is necessary in any society to encourage state's accountability to its citizens in defense of their rights. It is more relevant for a society striving hard to make democracy take a firm toot in its day to day management of affairs, and for cultivation of democratic values among its members. For democracy is a system that guarantees the aspirations of people irrespective of races - rich or poor, big or small. It is only democracy that can effectively promote as well as preserve diversity in its true perspective. And it is universally agreed that the strength of any polity lies more in diversity than in its mono-identity.

Bangladesh emerged as a pluralist nation and democratic polity from the very day of its birth in 1971 promising each and every of its citizen to flourish with its own identity. However, Bangladesh's journey to democratic refinement was not a smooth one. It stumbled spasmodically. The essence of liberation war got maimed severely putting pluralistic character of the country in jeopardy. A mix of nationalistic chauvinism and fundamentalism succeeded in reigning in the country. As a result, people belonging to different ethnicities with smaller populations have to confront a severe identity crisis along with a disruption in the integrity of their respective territories which can only be overcome by allowing democracy to have a full play in framing policies and running the affairs of the state. This process can be advanced further by political parties in the country by incorporating practice of democratic culture in running their respective organizations, by allowing as well the three branches of the state – legislative, executive and judiciary to function independently of each other. The political parties should also exercise utmost care that the agency or agencies that diverted the march of the country from the alleyway of the spirit of liberation to one of creeds subscribed by the Pakistani establishment, do no longer dictate the terms in running the state anymore.

A statesmanship is, therefore, demanded of those who are saddled at the center of state power in the country which is pluralist in structure as people belonging to different ethnic groups have found their home here to live in for centuries. The obligation is more pressing as smaller communities known as indigenous peoples in the country constitute only about 2% of the total population. Without arranging for any democratic accommodation of these peoples within the national societies, the aspirations of these smaller ethnic groups are fated to be melted away while meeting the wishes of the majority community. It is democracy only that provides for a dispensation that arranges safeguards for the national minorities to protect their interests from the majority encroachment. Let us keep on hoping that Bangladesh lives up to the ideologies it drew inspiration from to fight against Pakistani monolithic national identity.

Acknowledgement

At First my sincere appreciation goes to Kapaeeng's organizational networks and other focal persons working across the country for helping to collect and accumulate information on incidents of human rights violation throughout the year for documentation. I am really pleased that coordinated and combined efforts of all relevant networks and persons engaged in this major project made the publication of human rights report 2016 to succeed finally. The organizational networks include Indigenous Peoples Human Rights Defenders Network, Bangladesh Indigenous Women's Network and Bangladesh Indigenous Youths Network, Coalition of Indigenous Peoples Organizations on UPR etc.

Besides, Kapaeeng Foundation secretariat have been monitoring the media reports regularly throughout the year. In many cases, fact finding missions were commissioned directly or Kapaeeng facilitated collection of authentic information for systematic documentation. I am extremely thankful to them for their active role and engagement. In addition, I would like to extend my special thanks to the documentation team, specially John Tripura and Manjuni Chakma in the Kapaeeng Foundation for their untiring efforts.

My heartfelt acknowledgments also go to Indigenous Peoples Organisations (IPOs) working in Bangladesh at the grass root level in the country for their support and cooperation at different stages of this publication. Thanks also goes to all media houses, journalists, online news services at the national and local levels, civil society organizations and individuals whose document, literature have been consulted while producing this publication.

I also would like to take this opportunity to extend my sincere thanks to the editors and contributors' teams whose tireless efforts in compiling up-to-date information, verification and analysis of incidents relating to violation of human rights of indigenous peoples have made this publication possible. In particular, I would like to thank editors - Prof. Mong Shano Chowdhury and Pallab Chakma - for their great contribution in editing this human rights report.

Finally I would like to express sincere gratitude to Oxfam and all others who directly and indirectly provided their continued support as in the previous years to successfully handle strenuous tasks of data collection, research and publication of the human rights report for 2016.

Rabindranath Soren
Chairperson
Kapaeeng Foundation

Executive Summary

Indigenous peoples belonging to more than 54 different ethnic groups are known, as per available historical records, to be living across Bangladesh for centuries. 2011 census puts the indigenous population of Bangladesh at around 1,587,000 accounting for 1.08% of the total population of Bangladesh. However, indigenous peoples in the plains strongly dispute the 2011 census report on the figure of their indigenous population and claim that their population in the plains alone is estimated at about 2.0 million. Disaggregated official data being unavailable, the demographic distribution of different ethnic indigenous population groups remained uncertain.

However, they were denied of their recognition as indigenous peoples when 15th amendment to the constitution passed on 30 June 2011 described them as “tribes, minor races, ethnic sects and communities” [Article 23(A)]. Instead they were labelled as “Banglaees” ignoring the distinct identities of indigenous peoples [Article 6(2)]. Bangladesh ratified ILO Convention 107 in 1972, but yet to bring about any positive change in the lives of indigenous peoples. The pledges of the government made in the 7th Five Year Plan to ensure legal protection to indigenous peoples by 1) implementing the UN Declaration on the Rights of Indigenous Peoples 2007 and ratifying the ILO Convention No. 169, 2) formulating a land policy to deal with land disputes involving ethnic communities and finally 3) ensuring the participation of local governments in the management of natural resources” are yet to be materialized.

The Foreign Donation (Voluntary Activities) Regulation Act, passed in October 2016, and the proposed amendments to the Press Council Act are considered by many as instruments to control NGOs freedom of expression and association and for gauging newspapers respectively. On the other hand, a government directive in 2015 requiring individuals of national & foreign organizations to ensure presence of local administration, army/BGB in any events they wish to organize in the CHT, in fact, placed severe restrictions on them.

In the year under review, the indigenous peoples continued to be dispossessed of their lands, the mainstay of their subsistence, as land grabbers’ drive for robbing indigenous peoples’ land using forged land documents, intimidation, gaps in country’s legal system and patronage from the establishment persisted. Legal battle proved futile as there is almost no evidence of restitution of land won in the law court.

Bangladesh claims to have achieved the status of a lower-middle income earning country. However, there is no reflection of this achievement on the lives of indigenous peoples, who still await to be lifted out of the cycle of deprivation of rights and marginalization of opportunities. The continuation of the existence of indigenous peoples with their distinctive identities in this country is still threatened. When spaces for accountability, rule of law, democracy and

transparency in the country are narrowed down, the miseries of indigenous peoples are destined to be aggravated. However, it is reassuring is that the civil society and media of the country are getting vocal about indigenous peoples' rights as well as the implementation of the CHT Accord. Despite the presence of a prejudiced section among the mainstream population against indigenous peoples' aspirations, a number of support-networks among them have started coming up, though their activities are yet to gain necessary momentum.

Situation of Civil and Political Rights

Indigenous peoples need political access to fight for their rights and to hold their governments accountable. The key to stimulating the struggle for human rights of the indigenous peoples lies in their greater political inclusion. Discrimination is widespread in the behavior of public officials both at the national and local level and in the attitude of political parties. The government's attitude, too, towards indigenous peoples reflects their hegemonic and discriminatory views.

In the last Union Parishad elections held from 11 February 2016 to 4 June 2016 throughout the country, none from among indigenous communities in the plain land could have been elected as chairman, though more than half of indigenous population of the country live there. Unlike in the plain land, chairman candidates from indigenous communities in the CHT won elections in the 83 Union Parishads out of 115 in three hill districts. However, though there is a concentration of indigenous population in the CHT, no single Mayoral candidate from indigenous communities was elected in elections to any of 7 municipalities (pourasavas) in the CHT held in December 2015.

The Supreme Court in one of its rulings restrained law enforcement agencies from making arbitrary arrests on suspicion. However, in spite of the ruling, there is a growing trend of making arbitrary arrests, detention and enforced disappearances in the country and members of law enforcement agencies involved in such crimes enjoy full impunity. In 2016, criminalization of activities of Indigenous Peoples' Human Rights Defenders (IPH RDs) and IPOs by state and non-state actors continues both in the CHT and in the plains resulting in arbitrary arrests, detention and intimidation of them. In 2016, fabricated cases were filed against at least 191 IPOs and IPHRDs activists including 42 innocent indigenous villagers in the plain land, while 80 activists including 3 public representatives were arrested and more than 81 persons including 4 from the plain land were detained briefly.

In 2016, at least 23 indigenous fellows (including 6 indigenous women and girls, please see 'Chapter IV: Situation of Women and Girls' Rights') were killed in the CHT and in the plains. Despite the rulings against extrajudicial killings by the Supreme Court of the country, quite a number of indigenous peoples were reported to have been extra-judicially killed in 2016. The most ghastly and atrocious incident was the killing of 3 Santals in Gaibandha by police firing.

At least, 99 members of indigenous communities were physically tortured and harassed, and 297 houses including a Buddhist Temple were searched and ransacked by law enforcement agencies while conducting a search operation. At least 3 communal attacks by fanatics, land grabbers and settlers were carried out against indigenous peoples in which their houses and properties were destroyed and looted. As many as 200 houses belonging to indigenous Santals were set on fire and burnt to ashes by land grabbers in presence of the law enforcing agencies and security forces in Gaibandha district in November, 2016. In a video of this incident that went viral in the electronic and social media, police were seen setting fire to the indigenous Santal houses.

The district administration in the CHT were alleged to be indulged in forbidding assemblies and rallies organized by various IPOs. For instances, Khagrachari district administration and law enforcement agencies prohibited, on a number of occasions, formation of human chains organized by IPOs and Civil Society organizations including a 300 kilometre-long in the three hill districts of the CHT on 9 January 2016 demanding for proper, speedy and fullest implementation of the CHT Accord and formation of an independent Land Commission for indigenous peoples of the plain land. This is also disturbing that despite constitutional guarantee in regards to equal status and equal rights in practicing any religious faiths other than Islam, there were alleged reports of religious persecution on indigenous peoples and other religious minorities continues.

Situation of the Rights of Land and Natural Resources

2016 was to become one of the critical years for the indigenous peoples of Bangladesh, especially the Santals of Gobindagonj in Gaibandha district. The local administration with the help of police and hired goons resorted to an eviction drive on 6 November 2016 at Shahebgonj-Bagda Farm area in Gobindagonj to forcibly evict indigenous Santals and poor Bengali farmers from their ancestral land alleging that the lands belonged to the Bagda Farm. This brutal eviction drive left at least 3 Santal men killed and many others injured. Moreover, about 1200 indigenous families were forced to run for their life as their houses were completely burnt to ashes. The incident of Gobindagonj is a glaring example of the extent of helplessness that indigenous peoples are thrust in.

Notwithstanding the deep frustration overshadowing the hopes of CHT indigenous peoples, a bold move by the government towards implementing the CHT Accord in 2016 was the amendment of contradictory provisions of the CHT Land Dispute Resolution Commission Act 2001. In spite of many other challenges that still stand in the way of implementing the said law for resolution of land disputes, it is, however, hoped that this amendment would help to resolve land disputes in the CHT and facilitate restitution of dispossessed lands to the rightful owners. On the contrary, in 2016, land confiscation, eviction and attack on indigenous people in the

CHT in the name of establishment of tourist spots and BOPs, rubber plantations and land leases to outsiders have alarmingly increased in the CHT. As a whole, the land rights situation remained disconcerting in 2016.

In this year, at least 6 indigenous people were killed, including 5 from the plain land and one from the CHT, and 84 persons were injured in land related incidents in the country. Livelihoods of at least 31699 families of which 606 families were from the CHT and 31093 families from the plains came under threat following persistent land grabbing belonging to indigenous peoples. Besides, 1208 houses of indigenous peoples were burnt to ashes in the plain land.

Moreover, over 15429.98 acres of lands belonging to indigenous peoples were reported to have been brought under the process of acquisition, mostly for the establishment of special economic zone, special tourist zone and reserve forests. Land grabbing in the plains led to the eviction of 1216 families from their homesteads and 1035 families were being threatened with eviction both in the CHT and in the plain land. Moreover, this year, at least 17 houses belonging to indigenous peoples were destroyed and looted while 37 women were molested by land grabbers in the land related incidents both in the CHT and in the plains. Unfortunately, most of the wrongdoers remained unpunished.

Compared to 2015, the number of houses burnt, persons assaulted and injured, families evicted, women molested and the number of persons killed increased noticeably in 2016. The number of families threatened with eviction remained almost the same compared to the previous year. But the premeditated brutalities committed in Gobindagonj in November, at the end of the year, had outdid the magnitude of fatalities in the plains triggered during the previous year.

Situation of the Rights of Indigenous Women and Girls

As many as 53 cases of violence against indigenous women were reported from January 2016 to December 2016 in which a total of 58 indigenous women and girls were assaulted sexually and physically. 25 of these cases took place in the plain lands in which 28 indigenous women and girls were victims of physical and sexual violence in contrast to 28 such cases in the CHT, while 30 women and girls were victim in CHT.

As of December 2016, rape attempts were made on at least 10 indigenous women and girls. Besides, 8 indigenous women were physically assaulted, 17 women were raped, six were killed/ killed after rape, nine women were gang raped. Furthermore, 2 cases on sexual harassment and 5 kidnapping cases were reported. Among the 85 offenders, 72 were from the mainstream Bengali community and 2 happened to be a member of law enforcement agency, while 11 malefactors were from the indigenous background. The age of the victims were reported to be ranging from 3 to 35 years.

The figures of human rights violations against indigenous women and girls as reported in 2016 dropped slightly in relation to what happened in 2015. For instance, in 2015 the total number of cases on human rights violations against indigenous women from January December was 69 while the number stood at 85. In the next previous year during the same time period, a total of 53 incidents have occurred in which 58 indigenous women and girls fell victims of physical and sexual violence. The causes for such a fall in incidents of violence against the female members of indigenous communities may be traced either to the development of some positivity, especially on human rights issues of indigenous people, in the attitude of a section of the mainstream population or may be the beginning of change in the outlooks and perspectives of mainstream people towards indigenous women.

Odhikar reported that there were 1028 women victims of which 757 were raped and 271 were sexual harassed in 2016. If compared in terms of percentage by assuming all the 1028 victims as Bengali women and girls, we find that 5.7% of the victims/survivors in 2016 were from indigenous communities, who are merely 1.8% of country's total population, while the remaining 94.2% victims were from the Bengali community, who are the majority in the country with 98.2% of the total population. This statistical data makes it clear that the propensity of sexual crime and physical violence against indigenous women is higher than that faced by mainstream Bengali women. Such incidents occur massively due to ethnic and cultural differences.

A glance at the numbers and incidents of human rights violations against indigenous women and girls makes it clear that similar to the previous years, indigenous women in the plains were at a higher risk of being targets of violence in 2016 compared to indigenous women in the CHT. There are also other forms of violence (such as emotional violence, cybercrimes against indigenous women and girls, domestic violence etc.) which remain unreported or if not, less reported. In addition, the mortality rate among indigenous women is high due to poor existing maternal health services or absence/lack of proficient gynecologists indicating inadequate health care services and lack of health professionals to address the concern.

State of Child, Youth and Education Rights

While the human rights situation of indigenous peoples in general is in a dreadful state, a closer look into the state of human rights of indigenous children and youths in the country also doesn't reveal a satisfactory picture. The issues of indigenous children often take the backseat and not much of it is discussed about. There is the lack of segregated data and information on indigenous children issues. Accordingly, it is problematic to analyse the human rights situation of indigenous children in the country. However, from a routine observation it becomes clear that indigenous children in Bangladesh are doubly discriminated — firstly, because they are indigenous and secondly, because they are children. Their human rights enshrined in the Convention on the Rights of the Child (CRC), to which Bangladesh is a signatory, are routinely

violated. Article 30 of the CRC directs the States to take measures so that any indigenous child “shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.” While the rights to culture, religion and language enshrined in this article are deemed imperative, indigenous children are often seen to be denied of and discriminated against on the ground of these issues.

Similar to that of children, indigenous youth too face age-group-specific human rights issues because of their identity firstly as indigenous and secondly as youth. Indigenous youths, being always in the forefront of handling issues affecting indigenous communities as a whole, often confront a situation that tend to curb their rights seriously. Especially, when it comes to violations of human rights faced by indigenous peoples, youths tend to be the prime victims. As was shown in other chapters of the report, indigenous youths, including girls (covered with special attention in Chapter IV), is one of the groups among indigenous peoples that faced discrimination and rights violations most in 2016.

Amid mixed developments in different areas of rights of indigenous children and youths, their right to education remained in the focus throughout the year. Government repeatedly expressed its commitment to bring changes in this regard. Government representatives on many occasions uttered about introducing mother tongue based pre-primary education in five indigenous languages and undertaking of other related initiatives as well. Thus, although such positive developments were observed throughout the year, some initiatives put into action by the government violated the educational rights of children and youths instead and suffered as well from serious limitations.

CHT Accord of 1997: Present State and Challenges of Its Implementation

After holding decade-long dialogues with the successive governments from 1985 to 1997, the CHT Accord was signed on 2 December 1997 with an aim to resolve CHT crisis through political and peaceful means. But substantial progress is yet to be achieved due to non-implementation of the main issues of the Accord.

The Government implemented some provisions of the Accord, such as, enactment of CHT Regional Council Act 1998, amendment of three Hill District Council Acts in 1998 and enactment of CHT Land Dispute Resolution Commission Act 2001 which was amended in 2016 as per 13-point recommendations; formation of interim CHTRC and Ministry of CHT Affairs; repatriation of Jumma refugees from Indian state of Tripura; withdrawal of around 100 temporary camps (where the government claims withdrawal of around 200 camps); formation of CHT Accord Implementation Committee, CHT Land Dispute Resolution Commission and Task Force on Rehabilitation of Returnee Refugees and IDPs, etc.

However, no effective initiative for implementation of the main issues of the Accord has been taken even after 19 years. The main issues remain unimplemented are legal and effective safeguard measures to preserve tribal-inhabited features of the region, devolution of powers and functions to the CHTRC and three HDCs, holding elections of the CHTRC and three HDCs formulating Electoral Roll Rules and Election Rules and preparing voter list with permanent residents of three hill districts of CHT, withdrawal of all temporary camps and de facto military rule 'Operation Uttoron' (Operation Upliftment) from CHT, with a time limit to be announced immediately, rehabilitation of Internally Jumma Displaced Families and Returnee (India-Returned) Jumma Refugees and returning lands and homesteads back to them, amendment of all the other laws applicable to CHT including the Police Act, Police Regulation and CHT Regulation 1900 to make them in conformity with the Accord.

At last, in August 2016 the contradictory clauses of the CHT Land Dispute Resolution Commission Act 2001 have been amended after long delay and negotiation.

Although the CHT Land Commission has started to function, the effective functioning of the Commission in settling land disputes is still questionable due to the constraints as a result of limited initiatives by the government. The office setup is very poor with limited resources including fund, logistic and human resources. After transfer of secretary of the Land Commission from the office of the Commission in November 2016, it has only two staff. Even, the Commission does not have any fund for functioning of day-to-day works. The government is yet to allocate adequate fund, to approve adequate manpower and to set up two sub-office in Rangamati and Bandarban district. The Rules of Business of the Commission is yet to be framed. The CHTRC submitted a draft Rules of Business to the government in December 2016, but no substantial progress has been found in finalising and approving the draft Rules of Business. Without having Rules of Business, it would be difficult for the Commission to start hearing of the land disputes as well as judicial functions of the Commission.

It is to be mentioned that different decisions are being taken and implemented with regard to matters relating to general administration, law & order, and development by the government authorities, without consulting or informing the CHT Regional Council and Hill District Councils. For instance, in forming and setting up of Guimara upazila, Sajek police station, and Bartholi union, the CHT Regional Council and the concerned Hill District Council were not consulted before deciding on such important issues. Decisions on development activities of public interests such as construction of border roads along the three hill districts, land port at Thegamukh, setting up of luxurious tourism complexes under the patronage of local military authority and Parjatan Corporation, declaration of protected and reserved forests, installation of Border Out Posts (BOP) for Border Guard Bangladesh (BGB) are being made and implemented without consulting with the CHT Regional Council and the three Hill District Councils.

Since reconstitution of the Task Force during the present grand alliance government (2009-2016), no development in rehabilitating the internally displaced Jumma families, returnee Jumma refugees and ex-combatants of PCJSS has been achieved. The government side is still following the previous policy to rehabilitate Bengali settlers in the CHT identifying them as IDPs which is contradictory to the CHT Accord. As a result, though 19 years have passed by after signing the CHT Accord, the rehabilitation process of the tribal IDPs remains in the dead end situation.





I. Introduction



I. Introduction

Over 54 ethnic groups of indigenous peoples are known to be living in different parts of Bangladesh for centuries. They are mostly found in the Chittagong Hill Tract (CHT), northwest (Rajshahi-Dinajpur), central north (Mymensingh-Tangail), northeast (Greater Sylhet), south and southeast (Chittagong, Cox's Bazar and Barisal) of Bangladesh. 2011 national census estimates the indigenous population of Bangladesh at around 1,587,000 which represents about 1.08% of the total population of Bangladesh.¹ However, indigenous peoples in the plains alone claim that their population is about 2.0 million. Disaggregated official data with regard to demographic distribution of different indigenous groups in Bangladesh is unclear and unavailable.

Moreover, in spite of constitutional guarantees (Articles 27 and 28) of equality of all citizens and prohibition of discrimination on grounds of religion, sex, caste, race and place of birth, and provisions as well for measures for 'affirmative actions' in favour of the 'backward section' of the citizens, the supreme law of the country does not recognise indigenous peoples in the country as 'indigenous'.

The 15th amendment to the constitution, as was carried through the parliament on 30 June 2011, completely disregarded the indigenous peoples' demand for recognition of their fundamental rights which included the recognition of their identity as 'indigenous peoples'. In fact, the 15th amendment to the constitution [Article 23(A)] basically recognises the culture of indigenous peoples as it states that "the State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities". Similarly, their right to land and self-determination, and participation in political and decision making processes has been ignored too. Further, the 15th amendment to the constitution [6(2)] states: "the People of Bangladesh shall be known as Bangalees as a nation" ignoring the distinct identities of indigenous peoples. It is matter of regret that neither the terminologies of "tribes, minor races, ethnic sects and communities" are accepted by the indigenous peoples, nor are they agreeable to the State-imposed identity of them as 'Bengali'.

¹ Bangladesh Bureau of Statistics, available at: <http://www.bbs.gov.bd>.

Bangladesh ratified the International Labour Organization Convention on Indigenous and Tribal Population 107 (ILO C107) in 1972. However, Bangladesh are yet to implement the provisions of this convention properly in order to bring about a positive change in the condition of indigenous peoples including women on the ground. With regard to the indigenous peoples, the 7th Five Year Plan of the Government of Bangladesh pledges, "Legal protection ensured by 1) implementing the UN Declaration on the Rights of Ethnic groups Peoples 2007 and ratifying the ILO Convention No. 169, 2) formulating a land policy to deal with land disputes involving ethnic communities and finally 3) ensuring the participation of local governments in the management of natural resources."² But ILO Convention No. 169 still awaits to be ratified by Bangladesh. No perceptible initiatives, so far, could be discerned to have been taken on the part of the government towards implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The Awami League-led present grand alliance government assumed state power promising zero tolerance towards serious human rights abuses. But such abuses continues unabated showing an upward movement of such curve in some areas. The situation of indigenous peoples and minority communities is no exception to it.

Several laws were proposed in 2016 to increase restrictions on freedom of expression. The Foreign Donation (Voluntary Activities) Regulation Act, passed in October, to control nongovernmental organizations (NGOs) will hinder freedom of expression and association. Proposed Press Council Act amendments include provisions for closing newspapers.

A government directive issued in January 2015 placed severe restrictions on individuals of national & foreign organisations wishing to visit or organize events in the CHT. The concerned directive requires them to ensure mandatory presence of local administration and army/BGB in such event. This is a clear breach of the government's obligation to respect the rights of indigenous peoples and the provisions of the CHT Accord in addition to impairing not only the freedom from discrimination and of movement but also of peaceful assembly and association.

In the year of review, the indigenous peoples have been dispossessed of their lands, the major source of subsistence of their life. The influential gangs of land grabbers have robbed the indigenous peoples of their lands. They have utterly baffled the indigenous peoples through forging of land documents, intimidation and twisting the gaps in legal system. On the other hand, the government machinery of the country, which is morally obliged and constitutionally pledged to protect the rights of disadvantaged, backward and marginalized including indigenous and minority communities is often found to yield, directly or indirectly, to the

2 Seventh Five Year Plan, FY2016-FY2020, Accelerating Growth, Empowering Citizens, General Economic Division (GED), Planning Commission, Government of the People's Republic of Bangladesh, pp-704

machinations of the powerful perpetrators. The victims among the indigenous and minority communities including the marginalized, on occasions have attempted at taking legal actions, and accordingly filed charges against the perpetrators. But the lengthy legal process finally leave them economically and mentally exhausted. There is hardly any such evidence of restitution of land through such legal battle in the court in many years from now. Yet, the indigenous peoples are continuing their struggles for their rights.

Present government claims that Bangladesh has been elevated to become a lower-middle income earning country. However, the socio-economic impact of a lower middle income earning country has not been reflected in the livelihood status of indigenous peoples who are living in deprivation in the remotes areas of the country, many of whom still lead a sub-human life. Their condition worsens more due to recurrent human rights violations resulting from suppression of their voices by oppressive measures, loss of lands in the face of frequent land grabbing etc. The figure of the per capita income of the country, as has been given out recently, seldom reflects the earnings of the indigenous peoples in the country. The UN affirms of the development of indigenous peoples' lives in the Sustainable Development Goals (SDGs). But the very survival of indigenous peoples in this country itself is at stake in the face continual refusal of their rights. When the spaces for accountability, rule of law, democracy and transparency in the country are narrowed down, the miseries and distresses of the disadvantaged and the marginalized including the indigenous peoples get exacerbated.

However, what is reassuring is that the civil society and media of the country are vocal about indigenous peoples' rights as well as the implementation of the CHT Accord. Although the majority among the mainstream population is prejudiced against the aspiration of the indigenous peoples, a number of support-networks among the mainstream society have started coming up, though the activities of such networks are yet to gain necessary momentum.



PC : Subinoy Chakma

II. Situation of Civil and Political Rights



II. Situation of Civil and Political Rights

Rights to Political Participation and Representation remain unaddressed

Indigenous peoples are in dire need of political access to fight for their rights and to hold the government accountable in failing to ensure them. The key to stimulating the struggle for human rights of the indigenous peoples lies in their greater political inclusion. The advantage of having political access by indigenous peoples and its bearing on enjoying human rights is of threefolds: Firstly, the existence of a relatively democratic, secular and progressive governance in the country offers opportunities for indigenous communities to participate politically through legitimate means. Secondly, it helps the indigenous peoples to know rightly, the unique challenges they face and which pushes them to achieve political representation to voice their concerns as well as to ensure legislative changes. Finally, it will strengthen the case for the participation of indigenous peoples in representing them on issues that concern them. Furthermore, typecast and pre-concieved notions about the indigenous peoples among a large section of the mainstream population greatly hamper the process of political inclusion of the indigenous peoples. Discrimination is widespread in the behavior of public officials at the national as well as local level and in the attitude of political parties. The government's attitude too, towards the indigenous peoples exemplifies their hegemonic and discriminatory views.³

Indigenous peoples' political participation and power-sharing in the governance has not been recognised in Bangladesh. The Constitution of Bangladesh does not acknowledge the political arrangement for indigenous peoples. The CHT Accord of 1997 has envisaged a special administrative system for the CHT by providing for the formation of the CHT Regional Council and strengthening of the existing three Hill District Councils. These local bodies were set up to provide opportunity for political participation of the indigenous peoples in the CHT by stipulating two-third seats including that of chairmen of these councils as reserved for them. However, the

³ Indigenous Political Participation: The Key to Rights Realization in the Andes By Stephanie Selekmán, Human Rights and Human Welfare, <http://www.du.edu/korbel/hrhw/researchdigest/minority/Andes.pdf>

special political arrangement for indigenous peoples in the plain lands remains unaddressed. There are no reserved seats for indigenous peoples and indigenous women in the parliament in spite of increasing demand for them. There are no reserved seats either for indigenous peoples in the local bodies of the plain land. It is tantamount to depriving them from being represented in the local bodies. The UP elections held from February to June 2016 was allegedly marred by widespread rigging and ballot stuffing by the ruling party members. This severe breach of the norms of elections seriously impacted the election results in the CHT and indigenous inhabited areas in the plains depriving many indigenous candidates from winning. Such a situation underpins the necessity of providing for reserved seats for the indigenous peoples both in the local bodies and in the national parliament.

In the absence of any special dispensation in ensuring indigenous peoples' representation both in the local and national parliament, they will go unrepresented because of demographic domination of majority Bangali population. Against this backdrop, Indigenous Peoples Organizations (IPOs) have been keeping on calling for reservation of seats for indigenous peoples including women to ensure their meaningful participation and representation.

Though CHT Accord ensures indigenous peoples' rights to political participation and power-sharing in the State's regional administration by setting up CHT Regional Council and three Hill District Councils, but it remains in paper only as elections to these councils are yet to be held since signing of the Accord.

Violation of Human Rights of Indigenous Peoples in 2016 at a Glance:

Despite a judgement of the Supreme Court on restraining law enforcement agencies from making arbitrary arrests on suspicion, there is a rising trend of arbitrary arrests, detention and enforced disappearances in the country and the law enforcement personnel involved in such crimes are enjoying full impunity. In 2016, criminalization of activities of Indigenous Peoples' Human Rights Defenders (IPHHRDs) and IPOs by the state and non-state actors remained persistent both in the CHT and the plain land, leading to arbitrary arrests, detention and intimidation. In the reporting year (2016), fabricated cases were filed against the activists of IPOs and IPHRDs. Innocent indigenous villagers, activists, public representatives were either arrested or detained briefly.

2016 witnessed killing of people from the indigenous communities in the CHT and the plains. In another development, the Supreme Court of the country ruled against extrajudicial killings. But there is little sign that it has come to a halt altogether as could be evidenced from the killing of Santals in Gaibandha by police firing.

Torture and harassment continued unabated on the indigenous communities, houses and temples were ransacked not only by settlers and land grabbers but also by the members of law

enforcement agencies. Communal attacks on the indigenous peoples were carried out, houses were set on fire in some cases in the presence of law enforcement forces, and properties were destroyed and looted by land grabbers and settlers. From a video that went viral in the electronic and social media, police were seen directly involved in torching the indigenous Santal houses in Gaibandha.

What appears seemingly outrageous is that the authorities in the Khagrachari district have been prohibiting assemblies and rallies organised by various IPOs for quite sometime from now. Even a most innocent program like forming of human chain is not permitted. Religious persecution was also reported by the religious minorities among the indigenous communities, though national constitution guarantees equal status and equal rights in the practice of all religions other than Islam.

Table 1: Human Rights Violations in 2015 and 2016

| Type of violation | 2015 | | | 2016 | | |
|---|------|-------|-------|------|-------|-------|
| | CHT | Plain | Total | CHT | Plain | Total |
| Arrest and detention | 52 | 22 | 74 | 152 | 9 | 161 |
| Killing | 7 | 3 | 10 | 11 | 6 | 17 |
| Torture, assault and intimidation | 101 | 38 | 139 | 79 | 17 | 96 |
| Communal attack | 4 | 1 | 5 | 2 | 1 | 3 |
| Destruction and looting of house and property | - | 84 | 84 | 97 | - | 97 |
| Houses set on fire | 3 | 32 | 35 | 5 | 200 | 207 |
| No. of persons against whom cases were filed | 128 | 31 | 159 | 149 | 42 | 191 |

Killing and Other Cruel Treatment

It is alarming that extrajudicial killings could not be halted altogether in spite of a strong ruling from the Supreme Court of the country against it. At least 21 indigenous persons (including 6 indigenous women and girls, please see 'Chapter IV: Situation of Women and Girls' Rights') were killed in the CHT and the plains in 2016. The most horrific of the incident was indiscriminate firing on the indigenous people (Santals) and Bengali farmers by police, Rapid Action Battalion (RAB) and local goons hired by Rangpur Sugar Mills Authority & ruling partymen in Gobindaganj upazila under Gaibandha district on 6 November 2016 which left 3 indigenous Santal farmers dead.

Another heinous crime was carried out as two innocent Marma youths named U kyaw Hla Marma (35) and Aphrue Maung Marma (25) were mercilessly beaten to death allegedly by the members and supporters of ruling party at Aungya Para under Rowangchhari upazila of Bandarban district on 6 September 2016.

Table 2: Name of persons killed in 2016

| Date | Name of deceased | Place of incident | Remarks |
|----------|---|---|---------|
| 10 Jan | Luis Soren (45) S/o Shankar Soren | Burnt to death at Chapra village of Bhabicha Union of Niyamotpur upazula in Noagaon district | 1 |
| 16 Mar | Usha Prue Marma (54) S/o | Chopped to death at Pashchim Lungi Para of Betbunia of Kaukhali upazila in Rangamati allegedly by Md. Noor Alam | 1 |
| 21 Mar | Shantipriya Tripura (38) | Shot to death at Ramdupara of Galenge Union of Ruma upazila in Bandarban district | 1 |
| 27 April | Hamilton Tripura (20) S/o | Chopped to death by miscreants at Kalabagan area in Dhaka | 1 |
| 29 April | Manendra Tripura (40) S/o Karmadhan Tripura | Allegedly killed by settlers at Gorukata area of Ramgarh upazila in Khagrachari district | 1 |
| 14 May | Mong Chiu Chak (75) (a Buddhist monk) | Hacked to death at Baishari of Naikhyongchari upazila in Bandarban district | 1 |
| 31 May | Sunil Chakma S/o | Killed at Kualong Union of Bandarban sadar upazila in Bandarban | 1 |
| 30 June | Mong Shwelu Marma (55) S/o Agya Prue Marma | Hacked to death at Dabankhali Marma Para of Naikhyongchari upazila in Bandarban district | 1 |
| 16 Aug | Mohan Lal Pahan S/o Shyamal Pahan | His dead body was recovered from Nurnagar (Shiyal Para) of Akkelpur upazila in Joypurhat district | 1 |
| 6 Sept | Ukkoha Marma (32) and Apru Mong Marma (25) | Beaten to death by the locals at Angapara under Rowangchari of Bandarban district | 2 |
| 6 Nov | Shyamal Hembrom (35), Mangal Mardi (50) and Romesh Soren (40) | Shot to death allegedly by police at Shahebganj Bagda farm of Rangpur Sugar Mills in Gobindaganj under Gaibandha district | 3 |
| 11 Nov | Kartik Chandra Tripura (65) | Hacked to death at No. 2 Rubber Bagan area of Matiranga upazila in Khagrachari district | 1 |
| 21 Dec | Malin Pahan (33) S/o Sadharan Pahan | Police recovered the floating body from a pond in Diyarvitua area of Natore Sadar upazila | 1 |
| 21 Dec | Shibu Soren (48) | Stabbed to death at Kasba Aoliapur in Dinajpur who was a night guard of Lutharan Mission School. | 1 |

Intimidation, Arbitrary Arrest and Detention

On 24 May 2016, a four-member bench of the Appellate Division of the Supreme Court, headed by the Chief Justice Surendra Kumar Sinha, upheld a High Court (HC) verdict delivered in 2003 prohibiting law enforcement agencies from making arbitrary arrests on suspicion, and torturing the detainees on remand. In fact, the judgment was an epoch making one as it upheld fundamental rights of the citizens enshrined in the constitution.

However, despite such a ruling from the Apex Court of the country, there is a rising trend of arbitrary arrests, detention and enforced disappearances in the country. Suppression of the members of IPHRDs and IPOs intensified by the law enforcement agencies in 2016. It is all the more alarming that the law enforcement personnel involved in such crimes are enjoying full impunity. Since the UP Election Schedule for 2016 was announced, criminalisation of activities of IPHRDs and IPOs by the ruling party men and law enforcement agencies continued in the CHT leading to arbitrary arrests, detention and intimidation. With the malicious objective to divert the attention from the UP elections, local leadership of ruling party waged a widespread propaganda against the members of IPOs and IPHRDs by accusing them of extortion, terrorist acts, and possession of illegal arms etc.

Fabricated cases were filed against at least 191 activists belonging to IPOs and IPHRDs, innocent indigenous people including 2 members of the CHT Regional Council, 3 chairmen of Upazila Parishads, 1 chairman and 2 members of Union Parishad, 1 Headman (traditional mouza head) and 1 upazila representative of the Member of Parliament of 299 Rangamati constituency. At least 80 activists including 2 Upazila Parishad chairmen and a member of Union Parishad were arrested and 81 people persons were detained briefly. 2 UP member candidates and their 5 supporters were apprehended and intimidated during a search operation conducted by the security forces at Kenaijo Para under Noapotong Union of Rowangchari upazila in Bandarban district on 19 April 2016 to put pressure on them.

Apanda Tanchangra alias Paran (24) was arrested allegedly by security forces from Rowangchari bus station in Bandarban district on 6 December 2016. He was produced before the court after keeping him in the custody of the security forces for a week. Similarly, Milan Chakma (35) was nabbed by the security forces from Thanchi upazila and released on 11 December after brutally torturing him in the custody.

On 14 April 2016, three persons belonging to Garo community namely Probhat Marak (60) and Bivas Sangma (25) from Gozni village under Jhinaigati upazila in Sherpur and Rajesh Marak (22) from Bhaluka under Mymensingh were picked up by men claiming to be from a law enforcement agency. Their whereabouts still remained unknown.

In the last Union Parishad elections held from 11 February 2016 to 4 June 2016 throughout the country, no chairman from among the indigenous communities in the plain land has been

elected, though more than half of indigenous population of the country are concentrated there. Unlike the plain land, chairman candidates belonging to indigenous communities in the CHT won the elections in the 83 Union Parishads out of 115 in three hill districts while indigenous candidates won 704 out of 1035 posts of general member and 242 out of 344 posts of member reserved for women. However, though there is a concentration of indigenous population in the CHT, no single chairman candidate from indigenous communities got elected in the 7 municipality (pourasava) elections held in December 2015.

In fact, there was a widespread allegation that the UP Elections in the CHT held on 23 April in Bandarban and Khagrachari districts and 4 June in Rangamati district were marked by huge rigging and ballot stuffing by the ruling party candidates and their supporters. For instance, local leadership of the ruling party in Bandarban printed huge fake ballot papers and stuffed them in favor of their party candidates which paved the way for the ruling party candidates to register a win in almost all the UP elections in the district. It is also alleged that chairman candidates from the ruling party in several Unions such as Bhushanchara Union of Rangamati district and Kabakhali and Belchari Union of Khagrachari district managed to get elected, with the help of local administration including law enforcement and security forces, by capturing election booths and ballot stuffing. Another example of huge ballot stuffing was evident from 196% vote casting in Belchari Union under Matiranga upazila. Election Commission did not take any action against such election rigging and ballot stuffing even after submission of written complaints.

Table 3 : Intimidation, Arbitrary Arrest and Detention in CHT

| Date | Place of Incident | Person arrested | *Person detained | Case filed against |
|----------|--|-----------------|------------------|--------------------|
| 1 Jan | Arrest from Machalong in Sajek under Baghaichari | 1 | | |
| 18 Jan | Human chain at Maischari in Mahalchari upazila | | 1 | |
| 29 Jan | Operation at Tholi Para of Nunchari Mouza in Khagrachari upazila | 3 | | |
| 28 Feb | Arrest from Khagrachari sadar | 2 | | |
| 4 March | Arrest from Ruma | 1 | | |
| 12 March | Operation at Egojyachari of Sajek in Baghaichari upazila | | 1 | |
| 13 March | Operation at No.8 village of Sajek in Baghaichari upazila | | 2 | |
| 22 March | Detained a Jumma at Sindukchari in Khagrachari | | 1 | |
| 27 March | Arrest from Chittagong | 1 | | |
| 5 April | Eviction drive at Bogalake in Ruma upazila | | | 25 |

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| Date | Place of Incident | Person arrested | *Person detained | Case filed against |
|----------|---|-----------------|------------------|--------------------|
| 7 April | Arrest from demonstration held on Bogalake in Ruma headquarters | 3 | | |
| 8 April | Picked up two villagers from Gangarammukh in Sajek union | | 2 | |
| 12 April | Assault on Bizu rally in Khagrachari | 1 | | |
| 16 April | Arrest from Panchari in Khagrachari | 2 | | |
| 19 April | Operation at Kanaijo Para of Noapatong union in Rowangchari | | 7 | |
| 21 April | Snatching Jumma Barta at Choto Harina Bazar in Barkal | | 4 | |
| 22 April | Operation at No.1 Rubber Plantation in Baghaichari union | | 24 | |
| 22 April | Arrest from Manikchari in Khagrachari | 2 | | |
| 29 April | Arrest from Ruma in Bandarban | 1 | | |
| 18 May | Picked up chairman candidate of Sarboatoli Union from Baghaichari | | 1 | |
| 18 May | Apprehended from Bilaichari | | 1 | |
| 29 May | Intimidation by filing fabricated case in Bilaichari | | | 7 |
| 31 May | Intimidation by filing fabricated case in Bandarban | | | 5 |
| 2 June | Assault and arrest from Raikhali in Kaptai | 1 | | |
| 4 June | Arrest from Ramgarh in Khagrachari | | 2 | |
| 10 June | Arrest from Bhaibonchara in Khagrachari | | 1 | |
| 13 June | Intimidation by filing fabricated case in Bandarban | | | 38 |
| 14 June | Arrest in fabricated abduction case in Bandarban town | 1 | | |
| 14 June | Intimidation in Bilaichari | 1 | 3 | |
| 15 June | Arrest from Khagrachari sadar | | 2 | |
| 15 June | Arrest from Maischari in Mahalchari | 1 | | |
| 16 June | Arrest from Jamchari in fabricated abduction case in Bandarban | 2 | | |
| 17 June | Arrest from Jamchari in fabricated abduction case in Bandarban | 2 | | |
| 19 June | Arrest from Jamchari in fabricated abduction case in Bandarban | 3 | | |
| 22 June | Arrest from Mahalchari in Khagrachari | 1 | | |
| 1 July | Arrest from Kualong in fabricated abduction case in Bandarban | 1 | | |
| 3 July | Apprehended from Guimara in Khagrachari | | 2 | |
| 4 July | Intimidation by filing fabricated case in Bilaichari | | | 9 |
| 10 July | Arrest from Dighinala in Khagrachari | 1 | | |

| Date | Place of Incident | Person arrested | *Person detained | Case filed against |
|--------------|---|-----------------|------------------|--------------------|
| 11 July | Arrest from Khagrachari sadar | 1 | | |
| 19 July | Arrest from Khagrachari sadar | 1 | | |
| 23 July | Operation at Gorukata in Ramgarh | | 2 | |
| 26 July | Operation in three villages of Kualong Union in Bandarban | 2 | 2 | |
| 30 July | Physical assault at Durchari bazar under Baghaichari upazila | 1 | | |
| 1 Aug | Intimidation by filing fabricated case in Bandarban sadar upazila | 1 | | 11 |
| 18 Aug | Intimidation by filing fabricated case in Bandarban sadar upazila | | | 16 |
| 23 Aug | Intimidation by filing fabricated case in Bandarban sadar upazila | | | 19 |
| 27 Aug | Arrest from Guimara in Khagrachari | 1 | | |
| 31 Aug | Searching operation in 3 villages of Rowangchari & Bandarban | | 4 | |
| 3 Sept | Arrest in fabricated abduction case in Bandarban | 1 | | |
| 9 Sept | Arrest from Panchari in Khagrachari | 9 | | |
| 20 Sept | Arrest on fabricated case | 4 | | |
| 27 Sept | Arrest in fabricated abduction case in Bandarban | 1 | | |
| 19 Oct | Arrest from Banglahalia in Rajasthali | 1 | | |
| 21 Oct | Arrest from Bandarban town | 1 | | |
| 23 Oct | Arrest from Panchari in Khagrachari | 1 | | |
| 23 Oct | Arrest from Rowangchari | | 1 | |
| 2 Nov | Arrest from Khagrachari sadar | 2 | | |
| 3 Nov | Arrest from Rowangchari | 3 | 3 | |
| 8 Nov | Arrest from Mahalchari | 1 | | |
| 13 Nov | Arrest from Perachara in Khagrachari | 6 | | |
| 18 Nov | Arrest from Guimara in Khagrachari | 1 | | |
| 27 Nov | 3 persons were detained for few hours by Sindukchari army | | 9 | |
| 6 Dec | Army apprehended Apan Tanchangya Paran in Bandarban | | 1 | |
| 7 Dec | Army apprehended Milan Chakma in Tanchi upazila | | 1 | |
| 12 Dec | Filing of case & arrest of five Jummas in Burighat under Naniarchar | 5 | | 20 |
| 28 Dec | Army apprehended an youth & handed over to police in Bilaichari | 1 | | |
| Total | | 75 | 77 | 149 |

* 'Person detained' means those persons who were kept in custody of law-enforcing and security forces for couple of hours or nights and were also tortured.

Table 4 : Arbitrary Arrest and Detention in Plain Land

| Date | Place of Incident | Person arrested | *Person detained | Case filed against |
|--------------|---|-----------------|------------------|--------------------|
| 25 June | Attack on Tripura and Oraon villagers by forest officials at Kalenga border area of Chunarughat in Shylet | | 4 | |
| 6 Nov | Massive communal attack on Santal & Bengali farmers at Bagda farm under Gobindaganj in Gaibanda district | 4 | | 42 |
| 6 Dec | Philip Biswas was arrested by police from Natun Para of Rajshahi and died later in police custody. | 1 | | |
| Total | | 5 | 4 | 42 |

Table 5 : Forced Disappearance

| Date | Place of Incident | Person disappearance |
|----------|---|----------------------|
| 14 April | Probhat Marak (60) and Bivas Sangma (25) from Gozni Village of Garo Pahar under Jhinaigati Upazila in Sherpur; and Rajesh Marak (22) from Bhaluka, Mymensingh, were picked up by men claiming to be from a law enforcement agency | 3 |
| 20 Nov | Mong Hla Ching Marma (45), Thuwai Hla Marma (32) and Kyaw Ching Thowai Marma (22) from Douchari under Naikhyongchari upazila were picked up by men claiming to be Rahingyas. | 3 |

Attack, Torture and Vandalisation

Since the UP Elections Schedule 2016 was made public, the law enforcement agencies intensified their search operation with the motive to terrify and frustrate the independent candidates contesting the UP elections and to intimidate members of IPOs and IPHRDs, especially in the CHT. Members of the indigenous communities often face physical torture and harassment, houses including temples are often burned or ransacked following search operations conducted by the law enforcement agencies or in the wake of attack from settlers and land grabbers. It is observed that the people who are active activists in the CHT Accord implementation movement, and land and human rights defenders are primarily targeted by the law enforcement agencies.

Table 6 : Attack, Torture and Intimidation in CHT

| Date | Place of Incident | Person tortured & injured | House searched & vandalized |
|-------------|--|--------------------------------------|--|
| 4 Jan | House searched in Guimara of Khagrachari | | 1 |
| 18 Jan | Human chain at Maischari in Mahalchari upazila | 9 | |
| 30 Jan | Jumma doctor assaulted in Chittagong | 1 | |
| 29 Feb | House searched in Guimara of Khagrachari | | 1 |
| 10 Mar | School boy abducted and beaten in Rajasthali | 1 | |
| 10 Mar | School boy beaten in Mahalchari of Khagrachari | 1 | |
| 12 Mar | Physical torture at Sajek in Baghaichari | 1 | |
| 13 Mar | Physical torture at Sajek in Baghaichari | 2 | |
| 23 Mar | House searched in Sajek of Baghaichari | | 4 |
| 3 April | Operation at Jibtali in Rangamati upazila | | 5 |
| 5 April | Eviction at Bogalake in Ruma upazila | | 10 |
| 17 April | Searching operation at Kudukchari in Rangamati | | 5 |
| 22 April | Operation at No1 Rubber Plantation in Baghaichari union | 5 | |
| 23 April | Attack at at Kabakhali in Dighinala | 5 | 5 |
| 25 April | Attack at Gajalia Bazar in Lama | 3 | |
| 13 May | Operation at Kukurmara of Burighat in Naniarchari | | 1 |
| 15 May | Searching operation at Moidung of Jurachari upazila | | 1 |
| 2 June | Searching operation at Ghagra in Rangamati | | 7 |
| 4 June | Capturing vote centre & attack at Choto Harina in Barkal | 19 | |
| 11 June | Physical assault at Barkal | 1 | |
| 11 June | Searching operation at Guimara in Khagrachari | | 12 |
| 12 June | Searching operation at Ramgarh in Khagrachari | | 2 |
| 20 June | Searching operation at Alutila in Khagrachari | | 1 |
| 21 June | Torture at Sajek in Baghaichari | 7 | |
| 23 June | Searching operation at Guimara in Khagrachari | | 7 |
| 17 July | House searched at Guimara in Khagrachari | | 4 |
| 20 July | Attack and torture in Khagrachari town | 5 | |
| 30 July | Physical assault at Durchari bazar under Baghaichari | 2 | |

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| Date | Place of Incident | Person tortured & injured | House searched & vandalized |
|--------------|---|---------------------------|-----------------------------|
| 1 Aug | Searching operation in Bilaichari | | 1 |
| 1 Aug | Detention & physical torture at Janali Para in Alikadam | | 6 |
| 31 Aug | Searching operation in Rowangchari | | 1 |
| 31 Aug | Operation in 3 villages of Rowangchari and Bandarban | | 10 |
| 6 Sept | Operation at Kelyamura of Balukhali in Rangamati | | 1 |
| 15 Sept | Searching operation in Rowangchari | | 1 |
| 18 Sept | Searching operation in Bandarban | | 1 |
| 18 Sept | Searching operation in Lama | | 1 |
| 24 Sept | Operation at Noapatong of Tarasa in Rowangchari | 3 | 3 |
| 26 Sept | Searching operation in Bandarban | | 1 |
| 27 Sept | Physical torture at Alikadam | 1 | |
| 30 Sept | Searching operation in Bandarban | | 1 |
| 18 Oct | Physical attack in Ramgarh | 1 | |
| 18 Oct | Searching operation at Kharikaba of Longadu | | 1 |
| 3 Nov | Arrest from Rowangchari | | 1 |
| 17 Nov | 9 villagers were tortured by Sindukchari army | 9 | |
| 5 Dec | Army tortured a Marma at Pathachara under Guimara | 1 | |
| 6 Dec | Army tortured Apan Tanchangya Paran in Bandarban | 1 | |
| 7 Dec | Army tortured Milan Chakma for 4 days | 1 | |
| 30 Dec | Searching operation by Digholchari army | | 2 |
| Total | | 79 | 97 |

Table 7 : Attack, Torture and Intimidation in Plain Land

| Date | Place of Incident | Person tortured & injured | House searched & vandalized |
|----------|---|---------------------------|-----------------------------|
| 8 Jan | Attack on Munda villagers at Akkelpur in Joypurhat district by land grabbers and police | 4 | 4 |
| 13 Jan | House of Mukanda Mandol attack at Hilalpur of Khoksar in Kustia district | 2 | 1 |
| 16 Jan | Attack on tea workers at Chandpur and Begum Khan tea gardens at Chunarughat in Habiganj district | 2 | |
| 14 April | Abduction of 3 Garo from Jhinaigati upazila in Sherpur district allegedly by law-enforcing agency | 3 | |
| 19 May | Attack on Santal villagers at Parbotipur in Dinajpur district by land grabbers | 4 | |
| 25 June | Attack on Tripura and Oraon villagers by forest officials at Kalenga border area of Chunarughat in Shylet | 2 | |
| 14 July | Attack on a Buddhist monk by a land grabbers in Cox's Bazar district | 1 | |
| 2 Oct | Attack on Khasi villagers at Amuli punjee in Kormodha union of Kulaura upazila in Moulvibazar | | |
| 6 Nov | Massive communal attack on Santal & Bengali farmers at Bagda farm under Gobindaganj in Gaibanda district | 17 | 200 |

Massive Communal Attacks

Fanatic elements, land grabbers and settlers carried out at least 3 communal attacks on indigenous peoples, and destroyed and looted their houses and properties. As many as 200 houses belonging to indigenous villagers were set on fire and burnt to ashes by land grabbers in the presence of law enforcing agencies and security forces in Gaibandha district on 6 November 2016. In a video footage that went viral in the electronic and social media, the police was seen torching the the indigenous Santal houses.

Ravenous acquisitiveness for land prompts influential quarters and settlers to persecute indigenous peoples. It has been noticed that most of the land grabbers get support both from the ruling party and the vested groups entrenched firmly in the CHT as well as the areas inhabited by indigenous people in the plains. As a result, the victims become helpless as they are made to wilt before their power and influence. An influential section in the relevant authorities as well as the law enforcement agencies, in many cases, show reluctance to record complaints and even back land-greedy people in grabbing land of the indigenous peoples. Attacking temples and desecrating idols have also become a commonplace.⁴

⁴ 2015: tough year for minorities, The Daily Star, 6 March 2016

Table 8 : Massive Communal Attacks on Indigenous Peoples in 2016

| Attack | Date | No. of houses | | No. of person killed | No. of person injured | Raped/ sexual harass |
|------------------|----------|---------------|----------------|----------------------|-----------------------|----------------------|
| | | Burnt down | Looted/ Damage | | | |
| Matiranga Attack | 21 Feb | -- | -- | -- | 10 | -- |
| Alikadam Attack | 18 April | 3 | 3 | -- | 2 | -- |
| Sahebganj Attack | 6 Nov | 200 | 200 | 3 | 17 | -- |

Interference on freedom of assembly, expression and the media

Meetings, assemblies and rallies organised by various IPOs protesting against human rights violations and demanding for protection and promotion of their human rights including land rights and implementation of the CHT Accord were obstructed or attacked on many occasions by the authorities in 2016.

For example, Khagrachari district administration and law enforcement agencies obstructed the formation of a human chain, on 18 January 2016, at different places in the town and elsewhere in Khagrachari district which was called by the IPOs and civil societies in 27 districts throughout the country. A 300 kilometre-long human chain was also formed in the three hill districts of the CHT in support of proper and speedy implementation of the CHT Accord and formation of an independent Land Commission for restitution of alienated land of indigenous peoples in the plain land. But the program was intimidated at Mahajan Para and Chengi Square of Khagrachari town. The police did not allow the people to participate in the human chain and snatched away their banners. In a press release, signed by the president of the CHT Citizen's Committee Mr. Goutam Dewan, it was alleged that security forces beat up 9 people without any provocation when the latter gathered on the road to participate in the mass human chain at Maischari under Mahalchari upazila on Rangamati-Khagrachari road. 2 of them were injured as a result. The police also did not allow the people to take part in the human chain and snatched away their banners and placards at Mahalchari upazila sadar.

It is observed that Khagrachari district administration and law enforcement agencies have been obstructing, for quite sometime, any move to organise demonstration, assemblies and rallies by IPOs to protest against human rights violations. Even, rally and discussion meetings by IPOs on the occasion of observing Bizu, Sangari and Boisu festival in mid April 2016, International Day of the World's Indigenous Peoples on 9 August 2016, anniversary of the CHT Accord on 2 December 2016 etc., were not allowed by the Khagrachari district administration.

On 7 January 2015, the Ministry of Home Affairs imposed restrictions upon indigenous peoples to meet national/foreign organizations and individuals without the mandatory presence of the

representatives of the local administration and army/BGB, which is a blatant violation of the provisions of the national Constitution, as well as the provisions of ICERD ratified by Bangladesh. These directives were supplemented by a prohibition against foreigners entering the CHT without the prior consent of the Home Ministry, to be taken a month in advance.

The government agencies and fanatics have been propagating against the right and just movement of the indigenous peoples for protection and promotion of their human rights including land rights and implementation of CHT Accord labelling it as terrorist and subversive activities. For instance, Industries Ministry's senior secretary M Mosharraf Hossain Bhuiyan, refusing the just demand of indigenous Santals for return of their lands that were supposed to be given back to them if the Suger Mills was closed down, claimed that a vested quarter had instigated Santals to grab lands of the Sugar Mills at Gaibandha and the land did not belong to the them. Although many human rights organisations did plead for justice to be ensured and the lands to be restituted to the Santals. In fact, indigenous Santals' claims on the Sugar Mills land is a valid one.

Religious Persecution

Article 2A of the Constitution of Bangladesh declares Islam as the State religion. But it also provides equal status and equal rights in practicing other religions too. Despite such pronouncement, religious persecution on non-Muslim people, particularly indigenous peoples as well as religious minorities continues. This includes destruction of Buddhist and Hindu temples and churches, harassment of Buddhist monks, knocking down of Buddha and Hindu statues, preventing construction and repair of temples etc with the intent to occupy the temple's land/religious sites.

On 21 October 2016 security forces led by Lt. Riaz Sad from Bogalake camp in Ruma prevented indigenous Marma villagers from building a Buddhist temple at Bogalake area under Ruma upazila in Badarban district. On 2 October 2016, a group of Rohingya Muslims and fanatic elements made an attack on Raja Para Buddhist Temple of Banapur Bazar under Fasyakhali Union in Lama upazila and the miscreants broke the Buddha statue and stolen valuables of the temple. In December 2016, BGB of Ruilui camp did not allow indigenous Pangkhua villagers to build a Church house at Ruilui under Sajek Union of Baghaichari upazila in Rangamati district. On 14 May 2016, a Buddhist monk named U Damma Oaing Cha Bhikkhu alias Mong Chio Chak (73) was hacked to death at Baishari of Naikhyongchari upazila in Bandarban district.

III. Rights to Land and Natural Resources



III. Rights to Land and Natural Resources

Indigenous peoples, in any parts of the globe, have imbibed a strong spiritual, cultural, social and economic relationship with lands, which gradually metamorphosed into a tradition to be handed down through generations. Land, therefore, is the life to them and the source of their existence. Their survival is entirely conditional to their association with land and natural resources. If and when this bondage is disrupted, the very continuation of indigenous being is put at risks. However States are often, irrespective of the degree of progressive governance that they are wedded to, reluctant to recognize this fundamental rights of indigenous peoples to their traditional lands. Bangladesh government is no exception in dealing with its indigenous peoples who are inexplicably named with multiple identities as tribal, minor race, ethnic sects etc.

Indigenous peoples of Bangladesh, both in the CHT and in the plains, continue to be dispossessed of their lands by state and non-state actors. Many indigenous families have been and are being displaced from their traditional lands following large-scale development projects such as establishment of military and para military camps, training centers, tourism complexes, national/eco parks, especial economic zone, and especial tourist zone and so on. Activities such as the ones mentioned above causing land alienation may result either from direct government intervention or various other powerful government agencies, or influential civil, military and business men with the blessings of indirect government patronage.

The acts of land alienation as mentioned above are in contravention of the existing and functioning national and international laws, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the ILO Convention 107 – which provide safeguard for individual and collective rights of indigenous peoples. Bangladesh government has ratified ILO Convention No. 107 on Indigenous and Tribal Populations in 1972. But government is reluctant to harmonize its national laws and policies in line with spirit of ILO Convention No. 107. As a result, the implementation of the Convention No 107 in Bangladesh is not of significance. The East Bengal State Acquisition and Tenancy Act, 1950 regulates and forbids transfer of lands

owned by aboriginals to non-aboriginals in the plains without the consent of the government's district officer. However, it is only partially practiced in some parts of the plain land.

Different government agencies, Bengali settlers and land grabbers, private companies, influential political leaders are involved directly or indirectly in grabbing the lands of indigenous peoples. Sometimes such actions result in gross human rights violations involving intimidation, torture, physical assault, forced eviction, killing etc. of indigenous peoples.

Although numerous international human rights instruments, national laws and policies recognize the right to land and natural resources of indigenous peoples, Bangladesh government, in most of cases, fails to respect, protect and fulfill those rights.

Land-related incidents and casualties of Indigenous Peoples in 2016

The year 2016 would be considered as one of the critical years for the indigenous peoples of Bangladesh in view of the brutal attack on the Santal people of Gobindagonj in Gaibandha district. The local administration with the help of police and hired goons conducted an eviction drive on 6 November 2016 at Shahebganj-Bagda Firm area in Gobindagonj to forcefully evict indigenous Santal people and poor Bengali farmers from the land once owned by them but leased out to the Sugar Mills. The ruthless eviction drive killed left at least 3 Santal men dead and many were injured. Moreover, about 1200 indigenous families were forced to run away for their life leaving their houses which were completely burnt to ashes. The incident of Gobindagonj is an instance to exemplify the extent of helplessness that indigenous peoples are putting up with.

The implementation process of the CHT Accord has been in limbo for long as the crux of the CHT problem – land dispute remained unresolved for years. No progress could be made in this regard as the Land Dispute Resolution Act 2001, the basis for resolving land dispute, was found contradictory to the CHT Accord in many aspects. The government, in spite of consensus arrived at between the government and the CHT Regional Council on a number of occasions, failed to come up with the necessary amendment in the said Law.

However, the government in 2016 made a bold move to amend the contradictory provisions of the CHT Land Dispute Resolution Commission Act 2001. But there are still many challenges in implementing the said law for resolving land disputes. However, it is being anticipated that this amendment in the Land Commission Act, made in August 2016, would help to address land disputes in the CHT and to restitute dispossessed lands belonging to indigenous peoples. On the other hand, the old trend of land confiscation, eviction and attack on indigenous people in the CHT in the name of establishing tourist centers/complexes, BOPs, rubber plantations is still going strong, and the construction of border connectivity roads in the CHT is alarmingly gaining ground.

Table 9 : Land Related incidents and casualties in 20016

| Form of atrocity | CHT | Plains | Total |
|---|---------|--------|----------|
| No. of Houses burnt to ashes | | 1208 | 1208 |
| No. of houses looted and ransacked/ demolished | 7 | 10 | 17 |
| No. of persons assaulted & injured | 2 | 82 | 84 |
| No. of person killed | 1 | 5 | 6 |
| No. of rape attempts/ molestation against women | 8 | 29 | 37 |
| No. of families livelihood under threaten | 606 | 31093 | 31699 |
| No. of evicted families | | 1216 | 1216 |
| No. of families threaten to evict | 31 | 1004 | 1035 |
| Amount of land under grabbing/acquisition (in acres) | 2333.98 | 13096 | 15429.98 |
| No. of persons against whom false case filled | 58 | 400 | 458 |
| Arrest | 9 | 4 | 13 |
| No. of religious institution/graveyard are in danger of land grabbing | 1 | 4 | 5 |

On the whole, as revealed by the above Table, the land rights situation remained alarming in 2016. In this year, at least 6 indigenous people were killed, including 5 from plain land and 1 from CHT, and 84 of them were injured in land related incidents in the country. Livelihood of at least 31699 families, 606 of them from the CHT and 31093 families from the plains came under threat as they faced the menace of land grabbing from the state or non-state actors. Besides, 1208 houses belonging to indigenous people were razed to the ground in the plain land.

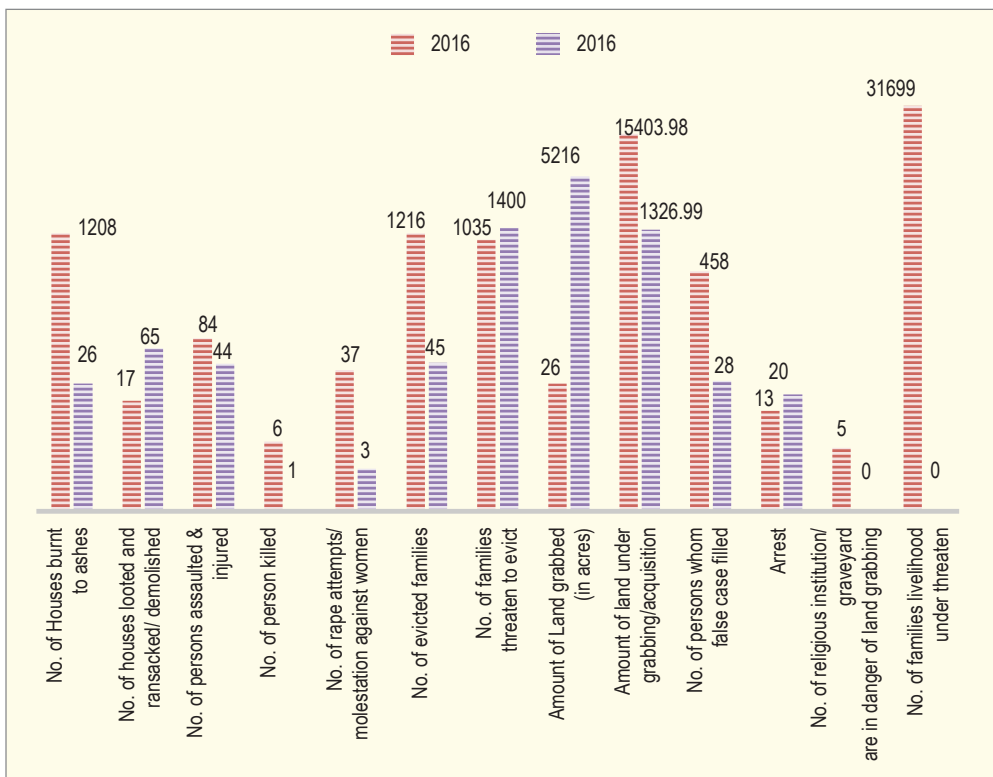
Table 10 : Land Related incidents and casualties in 20015

| Form of atrocity | CHT | Plains | Total |
|---|------|--------|-------|
| No. of Houses burnt to ashes | - | 26 | 26 |
| No. of houses looted and ransacked | - | 65 | 65 |
| No. of persons assaulted & injured | 5 | 39 | 44 |
| No. of person killed | - | 1 | 1 |
| No. of rape attempts/ molestation against women | - | 3 | 3 |
| No. of evicted families | - | 45 | 45 |
| No. of families threaten to evict | 657 | 743 | 1400 |
| Amount of Land grabbed (in acres) | 5204 | 11.5 | 5216 |

| Form of atrocity | CHT | Plains | Total |
|--|------|---------|---------|
| Amount of land under grabbing/acquisition (in acres) | 22.5 | 1304.49 | 1326.99 |
| No. of persons against whom false case filled | 17 | 11 | 28 |
| No. of village came under communal attack | - | 1 | 1 |
| Arrest | 1 | 19 | 20 |

In 2016 over 15429.98 acres of lands belonging to indigenous peoples were under process of acquisition, mostly for the establishment of special economic zone, special tourist zone and reserve forest. Land grabbing in the plains resulted in the eviction of 1216 families from their homesteads and left 1035 families under threat of eviction both in the CHT and in the plain land. Moreover, in this year, at least 17 houses belonging to indigenous peoples were destroyed and looted while 37 women were victims of molestation by the land grabbers in land related incidents both in the CHT and the plains. But regrettably, most of the perpetrators in the crime remained unpunished.

Figure 1 : Land Related incidents in 2015 and 2016



Compared to 2015, the number of houses burnt, persons assaulted and injured, families evicted, number of women molestation and the number of persons killed increased significantly in 2016. The number of families threatened with eviction remains almost the same compared to the previous year. Most ghastly and horrifying incident of human rights violation of the year was the incident at Gobindagonj which drew the national and international attention by the scale and magnitude of its criminality.

Land related incidents in Chittagong Hill Tracts in 2016

Obstruction in *Jum* cultivation threatens livelihood of 80 indigenous families in Lama

The livelihood of 80 *Jum* farming families of Lama Upazila under Bandarban district is under threat, allegedly due to regular obstruction, intimidation and death threats from Lama Rubber Industries Ltd.

It was learnt that 80 indigenous *Jumma* families from Natun Para, Dhekichara Para and Noa Para under Doluchara mouza of Lama Upazila in Bandarban district were living on *jum* cultivation (shifting cultivation) for generations. Traditionally, they own the *jum* land collectively and enjoy the right to cultivate them. But when, in the beginning of the year 2016, the *jum*



farmers of the three villages went to work in the *jum* field, they were obstructed by the employees from Lama Rubber Industries Ltd. On being asked for the reason of intimidation, Mohammad Arif, manager of Lama Rubber Industries Ltd. claimed that the company took lease of 1600 acres of (*jum*) land comprising of 64 plots (each plot consisting 25 acres) of land from the government and hence the *Jumma* villagers were no more entitled to cultivate the land. Since then, the villagers were held back from cultivating the land and received threats, including death threats on a regular basis from the company employees. Presently, the livelihood of 80 *jum* farming families is under grave risk.

Ruma UNO orders to evict 31 Bawm families in Boga Lake

On 5 April 2016, the Upazila Nirbahi Officer (UNO) of Ruma Upazila under Bandarban district ordered the eviction of 31 Bawm families living around the Boga Lake area. It was also learnt that Shariful Islam, in charge of Ruma police station, was also involved in the incident.

According to witnesses' description, Md. Qazi Shohal, UNO of Ruma, went to a Boga Lake village with the help of police in that morning. Right after reaching the village, they completely demolished 6 houses out of 31 local Bawm people who were living around the bank of the lake.

The UNO informed 31 Bawm families that the Boga Lake is a government owned official tourist spot. So the villagers would not be allowed to live in the area. He also gave them a week ultimatum to leave the area. However, he further declared that if each family can manage to pay him ten thousands taka, they would be allowed to stay in the area. Only five families managed to pay him two thousands taka each. He collected a total of ten thousands taka from five families and ordered them to bring the rest of the money to his office as soon as possible. He also declared that any family failing to pay up ten thousands Taka would be evicted from their land.

Following the incident on 7 April 2016, police arrested three protesters from the peaceful demonstrations staged against the UNO's unlawful action on the Bawm indigenous communities in front of Ruma UNO office. However they were released on bail on 9 April 2016. Later on 19 April 2016, another Bawm youth Munthan Bawm (29) was arrested by watching the video footage which was recorded while the protest demonstration was going on.

It should be mentioned here that the Ministry of Chittagong Hill Tracts affairs also tried earlier to illegally occupy the Boga Lake area in the name of developing tourism in 2009 and 2010 respectively. But they failed to take hold of the land due to strong resistance from the villagers.

An indigenous Tripura farmer slaughtered in Ramgarh, police refused to accept the case

On 29 April 2016, at around 6 pm, police rescued a corpse from the Garukata Tea Garden area of Ramgarh Upazila in Khagrachari district, with the head, a hand and a leg separated from the

body. The deceased was identified as an indigenous farmer named Mahindra Tripura (40), son of late Karmadhan Tripura, from Tarachan Para of the same Upazila.

As Mahindra Tripura went missing for few days, his relatives started searching for him. On 29 April 2016, at around 12 pm, some of his relatives went to search him at his house where he was living alone. They found blood stains in different places of his house and found the body of Mahindra in the nearby bush, some 20 yards from his house. Later they informed the police and police recovered the body at 6 pm.

Relatives suspected that some local Bengali settlers might have murdered Mahindra Tripura, three/four days before the dead body was found. Three Bengali settler families living in the nearby neighborhood, who were originally from Satkhira and Narsingdi districts, fled away after the body was discovered. The main suspects of this murder were Mohammad Majid (50), Md. Obaidul (40), and Md Mahbub (45).

It was learnt that nearly two years ago, three Bengali settler families started living by occupying some lands and built temporary makeshift houses right to the next of Mahindra's land. Over the years, it was alleged that they made several attempts to grab the orchard owned by Mahindra. It was further alleged that Mahindra received even several death threats from these Bengali settlers.

Following the alleged murder, victim's relatives wanted to file a case with the local police station. However, the police refused to accept the case on the ground that the complaint lodged lacked details of the parents and the addresses of the suspected perpetrators.

Government cancels STZ at Alutila hills in Khagrachari amidst huge protest

Due to tremendous community protest, the Ministry of the CHT Affairs cancelled the plan to set up a Special Tourism Zone (STZ) at Alutila hills in Khagrachari district. It could be considered a positive practice from the government side in response to community opinions.

It is to be recalled that in June 2016, Bangladesh Economic Zone Authority (BEZA), an organization under the Prime Minister's Office, took the decision of setting up a special tourist zone in Khagrachari district. Informing this decision, on 15th June 2016, BEZA sent a letter to Deputy Commissioner of Khagrachari asking to provide detail information of the proposed land, i.e., holding number, location, and mouza map. Accordingly, in an official letter (Memo. No. 05.42.4670.013.00.002.15-303), the Upazila Nirbahi Office (UNO) of Matiranga Upazila, under Khagrachari district, stated that the proposed land area for the "Tourism Zone" is 699.98 acres. Of the proposed land, 604 acres of land belong to No. 204 Alutila Mouza and No. 205 Toikathang Mouza, under Matiranga Upazila; 95.98 acres belong to No. 262 Golabari Mouza, under Khagrachari Sadar Upazila. Most of these lands, it was alleged, were incorrectly marked

as “Khas lands” in the documents of the concerned Upazila Offices and in the inquiry reports, submitted by the offices of the Assistant Commissioners (Land).

It is to be noted that about 518 families consisting 2500 Jumma people spread over 21 villages, have been living in the above-mentioned 699.98 acres of lands for generations. Most of these families belong to the Tripura community. Along with their traditional *Jum* lands, they have also developed horticultural gardens, educational institutions, religious complexes (viharas, temples, and churches), cremation grounds etc. in the area. It is also alleged that concerned mouza headmen were not consulted properly while the land survey was conducted for the preparation of report for establishment of the proposed special tourism zone at Alutila.

It is feared that as many as 2500 Jumma people belonging to 518 families will face displacement if the tourism project is implemented. Earlier, the Khagrachari Forest Department planted environmentally destructive “Teak” trees on 1000 acres of land in the Alutila area. The CHT Development Board acquired another 300 acres of land in the area in the name of SALT project. In doing so, the government ignored, as in the past, the opinion, and rights of the local indigenous Jumma peoples.

Since the declaration of the government's plan, indigenous peoples, including the inhabitants of Alutila hills, students and youth organizations, civil society organizations, local political parties have been organizing protest demonstration against the initiative and demanded to postpone the said government plan.

In response to the community protest, finally the Ministry of CHT Affairs cancelled the Special Tourism Zone Project at Alutila.

Jumma people's ancestral land grabbed for setting up BGB camp in Barkal and Longadu

In the name of protecting unprotected border and security, the Border Guard Bangladesh (BGB) has been establishing new Border Observation Post (BOP) close to the localities of indigenous peoples in 3 Unions - Boroharina, Bushanchara and Aimachara - under Barkal upazila of Rangamati district. The BGB, it was alleged, had already expanded 10 new camps by force after evicting the indigenous Jumma peoples in these unions. Some more camps were under construction at the time of reporting.

It appears that it has become a regular practice for BGB to use force to grab lands belonging to indigenous peoples in the name of setting up new camps in many parts of the CHT. Following are the victims whose lands were taken over allegedly by the BGB in 2016.

Table 11 : Land Grabbed by BGB

| SN | Name of the owners of the lands | Amount of land (acres) | Grabbed by | Location |
|----|-------------------------------------|------------------------|--|------------------------------------|
| 1 | Anil Kanti Chakma and Premoy Chakma | 3 | Rajanagar BGB Zone | Golachori para, Longadu |
| 2 | Chitra Kumar Chakma | 2 | Chotoharina 25 BGB | Srinagar, Barkal |
| 3 | Aungo Chandra Chakma | 2 | | Sukhnachori, Talchora |
| 4 | Konnyaram Chakma | 5 | Chotohorina 25 BGB | Kukichora Bazar |
| 5 | Pongchan Chakma | 4 | Chotohorina 25 BGB | Bhalukkechori, Bhusonchora, Barkal |
| 6 | Dhananjoy Chakma | 5 | Chotohorina 25 BGB (compensating only 40,000 Taka) | Vuotek, Aimachora, Barkal |
| 7 | Daya Mohan Chakma | 3 | Chotohorina 25 BGB (compensating only 20,000 Taka) | Vuotek, Aimachora, Barkal |
| 8 | Provat Chandra Chakma | 2 | Chotoharina 25 BGB | Korrollyachori, Aimachora, Barkal |

Moreover, BGB was allegedly trying to grab 4 acres land of Sadhona Chakma, Gyano Ranjan Chakma, and Gyano Chandra Chakma, at Uluchari village of Aimachara union in Barkal upazila under Rangamati district.

Initiative was on, it was learnt, to establish more camps in the following area:

- One camp in Marthega area under Bhusanachara union.
- One camp in Kalapunochara mukh area under Aimachara union.
- One camp in Perachara area under Aimachara union.

Fruit garden belonged to a Jumma was destroyed by Bengali settlers in Naniarchar

On 27 January 2016, at around 1:00 pm, two Bengali settlers destroyed the fruit garden of Protiranjan Chakma (35), son of Bir Mohan Chakma at Bogachari area under Naniarchar Upazila in Rangamati district. According to sources, on the day of the incident, without any provocation, the miscreants cut down 49 Jackfruit trees and 30 orange trees of the victim. The two perpetrators were identified as - Md Rabbi (18), son of Razzak from Bogachari area of Burighat Union and Md. Sumon (19), son of Md. Mostafa from Bogachari area of Burighat Union. Such types of incidents continues to occur in the CHT every now and then with the intent to evict the indigenous Jumma peoples from their ancestral land.

Attack on indigenous Jumma family by Bengali settlers in Bandarban

On 20 February 2016, a group of Bengali settlers attacked an indigenous Jumma family over land dispute at Fakkyong Para under Rowangchari Upazila in Bandarban district which left four indigenous women were injured.

On the day of the incident, the Bengali settlers tried to build houses at the area. At one point, when the indigenous people tried to stop them, the perpetrator Samato Ali, along with his other Bengali settlers started attacking the Jumma people. Since then the indigenous people of the area were living in fear expecting further attack any time in the days to come.

It was learnt that Chaw Thowai Marma along with 21 other Marma families used to live at Fakkyong Para. Few years ago, a Bengali settler named Samato Ali started living and farming at Fakkyong area by taking permission from the indigenous people of that area. Later, he demanded the ownership of the land. Accordingly, the indigenous peoples filed a case against him, which is currently running at the court. Since the Jummas filed the case, he resorted to threatening them and exerting force to evict them with the help of neighboring Bengali settlers from Chaigyadano village.

Attack on 4 Jumma women over land dispute in Longadu

On 26 February 2016, some Bengali settlers attacked 4 indigenous Jumma women over land dispute at Jatramura village under Longadu Upazila in Rangamati district. It was learnt that on the day of the incident, the indigenous Jumma women of Jatramuravillage were working on their crops field. Suddenly, 4 Bengali settlers attacked them. The motive was to frighten them away so that they could grab their lands. Later the victims were sent to Longadu hospital.

Clash over land dispute in Ramgarh, 2 Jummas left injured

On 18 October 2016, around 8.30 am, a clash ensued between the indigenous Jumma people and the Bengali settlers at Guja area under Ramgarh Upazila in Khagrachari district. It was gathered that Md. Sadek Mia (45), a Bengali settler had been forcefully cultivating for long the land owned by Rupdhon Chakma's (40). They were involved in squabbles among them in the past. Similar row took place on the day of the incident. At one point, Md. Sadek Mia started attacking Rupdhon Chakma with a chopper leaving him and another person injured. Later, the victims were admitted to Ramgarh Sadar hospital. Since then, the indigenous people in the area were living in fear.

Attempt to land grabbing, destruction of pineapple garden by settlers in Naniarchar

On 7 December 2016 at 8:00 am a group of Bengali settlers was trying illegally to clear the jungle of Suvash Basu Chakma's land at Puli Para area under Naniarchar Upazila in Rangamati district. At this the indigenous Jumma people stopped the Bengali settlers from

clearing the jungle. After a few hours the Bengali settlers returned along with a group of military personnel and forcefully cut the pineapple plantation of Subash Basu Chakma, Pahel Chakma, Tupon Chakma, Alomoy Chakma, Shantimoy Chakma and 2 others.

On 8 December 2016 at 10:00 am Rangamati Additional Police Super visited the affected area and reassured compensation for the loss of Jumma farmers and also suggested that the Bengali settler should not go to indigenous Jumma people area until the land problem is solved.

On 10 December 2016, some unknown perpetrators cut down the pineapple plantation of Madhu Mia and Jamal Siddique at midnight. At this communal tension spread around the area. On 11 December 2016 Upazila Nirbahi Officer and Vice-Chairman of Naniarchar Upazila visited the affected area and assured the victim to bring the culprit to justice. On 12 December 2016 Madhu Mia, ignoring the assurance, lodged a complaint with the Naniarchar police station against 20 villagers along with 55 more unknown persons.

Soon after the complaint was lodged, the member of security forces started to raid indigenous localities and search the passenger bus to nab the culprit. In consequence, 4 indigenous Jumma people from Puli Para were arrested when they were on their way to Ghilachari Bazar. In addition, Paichaprue Marma (45) son of Thui Aung Marma from Kutukchari in Rangamati was also arrested on the same day. The arrestees were-

1. Mlathowai Marma (40) son of Ruiaung Marma from Pulipara, Naniarchar.
2. Paiyarui Marma (50) son of Paicha Aung Marma from Pulipara, Naniarchar.
3. Mongla Aung Marma (50) son of Suithowai Marma from Pulipara, Naniarchar.
4. Renu Marma (40) son of Ruichai Marma from Pulipara, Naniarchar.

On 14 December 2016 at 9:00 am chase and counter-chase took place between indigenous Jummas and Bengali settlers when the indigenous Jumma people went to clear the jungle of their land but were intimidated by settler. Soon, the Bengali settlers along with security personnel attacked West Hatimara indigenous Jumma people and looted 60 thousands taka and gold from Brishoketu Chakma's house. The perpetrators also vandalized the statue of Buddha along with the furniture of West Hatimara Shanti Kami Buddhist Temple.

On 24 December 2016 some unknown criminals destroyed the pineapple plantation of Bengali settler Moinul son of Mosharaf of west Hatimara village. It is to be mentioned that Lom Chakma from Hatimara village had been cultivating the land in question but later it was taken over forcibly by the settler.

Government plans to construct connecting road in Rangamati

With the intent to construct a 123-kilometer road in Rangamati of CHT, the government has started a project without proper consultation with the CHT Regional Council, the apex body to

oversee the administration and development activities in the region, and representatives from indigenous peoples' institutions and organizations.

With funding support from the World Bank, the government initiated this project under the title "Chittagong Hill Tracts Connectivity Project". The project is part of the larger project named "Bangladesh Trade and Transport Facilitation Studies RETF project". The main purpose of the project for the World Bank is to support the Government of Bangladesh (GOB) to connect the remote Thegamukh area in east-central CHT, currently inaccessible by road, and bordering Mizoram State of India, with its main port city, Chittagong, through Rangamati town and sub-district centres within the Rangamati district of the CHT. The main objective of the road construction project is to expand trade with the Mizoram state of India.

The Safeguard Policies of the World Bank on Indigenous Peoples (ESS 7) require free, prior and informed consultation (FPIC) of local indigenous peoples in every stage, from planning to implementation and monitoring of any World Bank-funded project in indigenous territories. The initiative of the road connectivity project is a clear violation of the World Bank's Safeguard Policies. In addition, the project violates the CHT Regional Council Act of 1998, which requires consultation with the CHT Regional Council for any kind of development activities in the region.

In June 2016, fifteen indigenous peoples and civil society organisations and traditional leaders, elected public representatives and rights activists of Bangladesh submitted a concern letter to the World Bank on its proposed funding of the Thegamukh - Chittagong Port connectivity project in Bangladesh. They raised serious concerns about lack of meaningful engagement of indigenous peoples in the project aimed to carry out feasibility studies. They pointed out that the proposed project will affect land issues in the CHT, including resolution of land disputes that have been unaddressed since CHT Accord 1997, along with impacts on forest, environment and cultural sites. In the position paper indigenous peoples also mentioned the area is recognised by law as a "tribal inhabited region", but the Bank's operational policy on indigenous peoples, including the principle of "free, prior, informed consultation", was not applied. They have called on for meaningful engagement with local administrative bodies, traditional institutions, and consultation with indigenous peoples in the project area in compliance with the World Bank's safeguard policy.

In response, the World Bank informed that considering not fulfilling the Terms of References and 'the quality of the field consultations at the screening stage fell short of meeting the Bank's standard for consultations', the Bank decided not to move forward with any activities relating to Thegamukh-Chittagong connectivity.

Follow up:**21 indigenous families still living under miserable condition in Dighinala**

In Dighinala under Khagrachari district, for the last two years, 21 indigenous Jumma families have still been living under miserable condition since they took shelter in one of the abandoned buildings of the Department of Agriculture. These families were displaced two years ago following the establishment of headquarters for 51 Border Guard Bangladesh (BGB) on their ancestral lands. Over the last two years, they got nothing except a little news coverage in the media and false promises from the public representatives and the local administration to resettle them.

On 14 May 2014 at midnight, 20-30 convoy of 51 BGB with the whole battalion from Dighinala in Khagrachari forcibly occupied 45 acres of land belonging to Jummas of Santosh Kumar Karbari Para, Babuchara, Dighinala with the intent to set up a BGB headquarters.⁵ Since then, these wretched families remained homeless.

For the last two years the victims, in order to end their miseries, left no stone unturned to approach the local lawmaker, Minister, public representatives and different government authorities for assistance and help. They submitted petition, memorandum; arranged press conferences, meetings, staged processions, rally & marches and so on. But nothing seemed to have worked. Until now, the government has taken any action to resolve their problems. Contrarily, their legitimate demand for reverting their lands and homestead back was paid back by outrageous attack and filing of fabricated cases against them.

Land Related Incidents in the Plain Land in 2016**Coordinated attack by police & land-grabbers on indigenous peoples in Joypurhat**

On 8 January 2016, at around 10.00 am, a mob of miscreants with the help of local police allegedly made an attack on indigenous people in Shialpara area under Akkelpur Upazila of Joypurhat district with the intent to evict them from their ancestral lands.

Sources informed that a group of people, numbering 50-60, led by 1) Md. Arif Uddin Mondol, 51, son of late Md. Bidi Mondol; 2) Md Azad, 35, son of late Abdur Sattar; 3) Md. Solaiman Ali, 50, son of Kashimuddin; 4) Md. Ataur Rahman son of Kachimuddin, 35; 5) Md. Omar Faruk, 30, son of Md. Sadek Ali Mondol and 6) Md Sadek Ali Mondol, 51, son of late Bidi Mondol, from Nur Nagar village under Tilakpur Union in Joypurhat and assisted by Sajjad Hossain, Officer-in-Charge of Akkelpur police station, made the attack.

⁵ For more details, please see Kapaeeng Foundation's Human rights report 2014, 2015.

In the attack, a number of indigenous people including 1) Shyamal Pahan, 40, son of Mohan Lal Pahan; 2) Bhim Pahan, 35, late son of Johon Pahan; 3) Madhav Pahan, 50, late son of Ghutar Pahan and 4) Mohan Lal Pahan, 60, late son of Sohodev Pahan, were injured. The miscreants vandalized the houses of indigenous people and threatened them to leave their lands. The victims alleged that the attack was intended to evict them from their lands. The locals alleged that the culprit looted fish from a pond belonging to indigenous people during the attack. The perpetrators also beat wife of Uzzal Pahan; Jhorna Rani, wife of Shymal Pahan; Bharoti Rani Pahan, wife of Madhav Pahan and sexually harassed a housewife, named Srimoti Shyamoli, wife of Sri Bhim Pahan. The victim complained that the culprits also tried to forcibly take their signatures in order to grab their lands.

Bengalis attack indigenous peoples at Kanchanpur tea estate area in Fatikchari

On 13 January 2016, at around 2:15 pm hundreds of Bengali people including tea garden workers of Karnaphuli tea estate attacked local indigenous people at border area named Tekbaria and Chingchari of Laxmichari upazila of Khagrachari district and Fatikchari upazila of Chittagong district. Elias Ahmed, manager of the tea garden, led the attack. The attackers burned, looted and vandalized 8 houses and evicted 16 indigenous families.

Three pagodas are endangered in Teknaf

Three Pagodas, more than 300 years old, are endangered as the hills at Hnila area under Teknaf upazila in Cox's Bazar district were bulldozed due to the construction of a five-storied building for Hnila high school. These pagodas are locally known as 'Chatopa Jadi' to the Buddhist community. Akhterul Islam, tahsildar of Hnila Upazila land office, said that deputy commissioner is the owner of this hill. The deputy commissioner verbally requested the school authority not to cut the hill, but the request went in vain. The district administration has now recommended taking legal actions against this matter.

Government to acquire 9,145 acres of land in Modhupur

On 15 February 2016, the Forest Department of the Environment and Forest Ministry issued a gazette notification declaring 9,145 acres of land in Modhupur Garo tract, home to Garo, Barman, Koch and Dalu indigenous peoples, as reserved forest under the Forest Act 1927.

This move by the forest department would adversely affect more than 15,000 forest-dependent indigenous peoples living in this area for generations. If the government's decision is enforced, livelihood, culture and tradition of these people will be extremely compromised, as their life is entirely dependent on the forests. Local indigenous leaders alleged that the main objective of the government's move is to grab the lands of local indigenous peoples by manipulating the loopholes in the Forest Act, 1927.

The gazette mentions that the government declared this massive tract of land as a forest area with the following objectives: 1) preservation of biodiversity; 2) set-up amusement facilities in the national forest area such as safari park, specially protected area and prospective tourist spots; 3) stop illegal poaching, hunting and wildlife trade; and to 4) 'settle the clashes' between the wildlife and the humans.

LBA threatens the livelihood of indigenous villagers of 90 families in Moulavibazar

The Land Boundary Agreement (LBA) between India and Bangladesh was signed in 1974, but was not ratified by India until earlier this year. According to the recently implemented LBA, 360 acres of *paanjum* (betel leaf cultivation), the main source of living of over 350 indigenous people comprising 60 families of Pallathol village and 30 families of Kumarsil village have been demarcated as a part of India. The local indigenous peoples have been using that land for paanjum for generations. Since the recent border agreement-bill was passed at the Indian parliament, the traditional occupation of the indigenous people has come under threat. The villagers worry that they would be evicted from their homesteads if they lose their paanjum, which is their only source of income. Now it is almost certain that chronic poverty and impoverishment would descend upon them as soon as the process of land exchange is completed between the two countries.

Conspiracy to evict indigenous village in Rajshahi

Abdus Samad aka Musa, an influential leader of district Awami League was trying to evict indigenous peoples from their lands, where they had been living for generations in Bashbariya village under Bhalukagachi Union of Puthiaupazila in Rajshahi district. On 1 March 2016, at around 10 am, hundreds of armed miscreants went to Bashbariya village to evict them. Since then, 75 families of Bashbariya village were living in fear of eviction.

Land grabbers vandalized 150-year-old Rakhaine graveyard

On 27 March 2016, a group of Bengali land grabbers allegedly vandalized a 150-year-old graveyard of Rakhaine community at Chha-Anipara in Tiakhali union under Kalapara upazila of Patuakhali district. Locals alleged that a group of miscreants used hammers and sticks during the attack; and demolished the three feet high grave of Fathu Matbor. Mr. Lufu, chairman of Patuakhali Rakhaine Buddha Bihar said that the perpetrators vandalized the graveyard with the intent to grab their lands. For many years the miscreants had been trying to evict them from their lands.

Attack on Santals in Parbotipur with the intent to grab land, 4 injured

On 19 May 2016, two men and two women were seriously injured in an attack by land grabbers in Kaohatola village under Mominpur union of Parbotipur upazila in Dinajpur district.

It was learnt that on the day of the incident, land grabber Ekramul Haque, along with 40/50 persons, came to the village and forcibly tried to evict the indigenous villagers with the intent to grab the 1.37 acres land belonging to indigenous peoples. As the village head Hopna Murmu and others tried to protest against the impugned move, the gang beat them up and left Sorola Hembrom (65), Maloti Baskey (40), Hopna Murmu (48) and Laxmiram Hasda (55) seriously injured. The attackers also looted valuables including the domestic animals. The injured were taken to the upazila health complex of Parbotipur. Later on, one case was filed against the perpetrators with the Parbotipur police station.

Punjee Eviction notice issued to indigenous Khasi people in Moulvibazar

Moulvibazar district administration served a notice to indigenous Khasi people to move away from their ancestral land in Nahar Punjee of Sreemangal upazila under Moulvibazar district. On 30 May 2016, a notice was issued directing the Khasi people to leave Nahar Punjee within 12 June 2016. The notice alleged that Khasi people were farming pan (betel leaf) by illegally occupying government's land. The notice stated that if they failed to leave the land or refused to do so, the Deputy Commissioner of Moulvibazar district, with the presence of police force, would forcibly evict them from the land and would take the possession of the land under the custody of the government.

It was revealed that more than 700 indigenous Khasi and Garo families had been living on their ancestors' land in the area since long. They also had been paying taxes regularly to the Union Parishad since the state introduced settlement system. However, after Nahar Tea Estate took the lease of a land near the Khasi Punjee, and with the intent to expand the tea estate, the tea state authorities had been conspiring to evict the indigenous Khasi peoples from their ancestral land. In 2014, tea state authority attacked Khasi people leaving many indigenous people injured.

Notice issued by the District Administration attached herewith.

On 26 July 2016, Divisional Commissioner of Sylhet Division declared the eviction notice issued by the Deputy Commissioner as illegal. Notwithstanding, the intimidation upon the Khasi villagers by instituting fabricated cases by the land grabbers did not cease.

Since the government of Bangladesh does not respect traditional land ownership system of the Khasi people they were, following the commencement of land settlement system by the State, forced to accept the long-leasing system so that they could live on their ancestral land. This allows them to use the allotted forest land for a period of 99 years. In accordance with their lease agreements, the Khasi villagers of Nahar (Aslom) Punjee had been paying regular taxes to the government treasury and Union Council for use of their lands. However, since 2014, the tea estate authority had been trying to occupy their traditional land in the name of expansion of the area of the tea plantation.

Over the past few years, the tea estate authority had been claiming that the land of Khasi people fall within the jurisdiction of the tea estate. Hence, with intent to expand the tea estate, the tea estate authority had been conspiring to evict the indigenous Khasi people to grab their land using different means. In one instance, the tea garden authority and workers attacked the community on 30 March 2016, which left more than 20 people seriously injured, including 13 Khasi women. The villagers suspect that the recently issued government notice might be connected to the intent of Nahar tea estate to grab their land.

200 indigenous villagers in Sylhet fled to Indian border to save their lives

On 25 June 2016, nearly 200 indigenous people from Tripura and Oraon (Orang) community fled to Indian border security forces' camp at Khoyai (Tripura State) and asked them to open the border fence.

Sources said that a total of 600 indigenous people from Tripura and Oraon community had been living in Kalenga reserve-forest area and working under the forest department for many years. On 24 June 2016, some of the indigenous people from Tripura and Oraon community could not go to work due to illness; Abdul Wadud, the Forest Bit officer of Kalenga became angry at this and with the help of some Bengali people, attacked the indigenous people, vandalized and looted their houses and arrested 4 indigenous people. In this attack, Ramesh Debbarma and Chabi Rani Debbarma from Debrapara area were seriously injured.

Following the attack, indigenous people fled to Indian border security forces' camp and requested to save their lives. Manish Chandra Barman, Headman of Tripura indigenous community said that the forest officers often tortured them in many ways and try to evict them from the forest areas; when the indigenous people protested against it, the administration favored the forest officers.

Miscreants with the help of police vandalized and burnt Mina Rani Oraon's house in Noagaon

On 25 June 2016, a group of miscreants named Golam Mostafa and his group with the help of police vandalized, looted and burnt the house of an indigenous woman named Mina Rani Oraon and tried to forcibly evict her from her own house.

Sources said that on 23 April 2012, the land owned by Mina Rani Oraon was registered with her name (No1036). She had been living on that land for many years with her husband and two children. However, one Golam Mostafa started demanding that he bought the land from the Oraons in 1991 and that the family had been living on his land illegally. It was learnt that Golam Mostafa had previously tried to grab Mina's land. Currently a case on this matter was pending in the court. Mozammel Haque, Superintendent of Police, Nogaon said that without court's

order the police could not evict anyone from their property. They were investigating the matter, he added.

Attack on indigenous people by land grabbers and police in Gaibandha to evict them

On 12 July 2016, at least 8 indigenous people were seriously injured in a confrontation between miscreants and indigenous people, at Sahebganj sugar cane farm of Rangpur Sugar Mills in Mohimaganj union under Gobindaganj upazila of Gaibandha district. Sources said that the indigenous people, along with local Bengali and landless farmers of Gobindaganj, have been protesting for a long time to return their 1842.30 acres ancestral lands, which have been illegally occupied by Rangpur Sugar Mills in the name of Bagda Farm.

According to the local inhabitants, Managing Director of Mahimaganj Sugar Mills and Member of Parliament of Gobindaganj Upazila ordered the miscreants and the police to carry out the attack. As a result, Majhi Hembrom (40), Suvan Murmu (45), Micheal Mardi (45), Mughli Tudu (47) were shot by the police. They were admitted into Ghoraghat Upazila Health Complex later.

Rakhaine temple monk hacked over a land dispute in Cox's Bazar

On 13 July 2016, a monk of a Rakhaine temple was hacked allegedly by another monk over a land-related dispute at Woi Ma Tara Buddha Bihar of sadar upazila in Cox's Bazar. The injured monk was identified as Upendi Mohathero (75).

Officer-in-charge (Investigation) of Cox's Bazar Sadar Model Police Station Bakhtiar Uddin Chowdhury said Mong N Ante (40), a local monk, made the attack on Upendi Mohathero claiming the land on which the temple was set up as belonging to his family. But locals said the land was sold years ago. Upendi Mohathero received injuries on his head, shoulder and other parts of his body. The injured monk was taken to Cox's Bazar Sadar Hospital but doctors referred him to Chittagong Medical College Hospital, said Rafiqul Islam, a doctor of the local hospital.

Land grabbers attack indigenous families to grab their ancestral lands in Joypurhut

On 27 July 2016, at around 11 am, 20-25 local goons led by land grabber Md. Uzzal Hossain (45) attacked and terrorized an indigenous family at Shialpara village (under Tilakpur union of Akkelpur Upazila in Joypurhut district) to grab their family's ancestral lands. It was learnt that on the day of the incident the goons came to the victim's premises with sticks, iron rods, sharp weapons, Chinese axes, and hockey sticks. The goons verbally assaulted the family and threatened to kill the victim's family members. At one point Uzzal and Raihan pounced on Shefali Pahan. They hit her with bamboo and hockey sticks causing severe injuries to her waist and legs. She ran screaming into the house. But the perpetrators chased her into the house and beat her up again. One of the perpetrators Raihan molested and raped her. After

that they entered Shyamol's room by breaking open the door and smashed TV, window, bed, kitchen, cattle-shelter, and destroyed furniture and other valuables valued at about 60000 BDT. They also beat up Joy Pahan (10). At the same time, perpetrators also tried to poison the victim's family pond. However, they could not succeed in doing so and had to leave the place quickly as the neighborhood people rushed forward hearing the screaming. Before leaving, however, they threatened to kill them or deport them to India by forcibly uprooting them from their lands.

The perpetrators later took the Pahans to Union Parishad Council and forced them to sign a document. They were then asked to give up the land. Though the victim filed a written complaint, no action was learnt to have been taken against the perpetrators as of the writing of this report. The alleged perpetrators were seen roaming around victim's house with illegal arms.

On 28 July 2016, the victims in a press conference held in the Joypurhat Press Club asked for justice by referring, as well, to previous attack carried out by the same people way back in the month of January.

On 8 January 2016 at around 10 am a group of miscreants, with the intent to grab land by eviction, attacked indigenous peoples of Shiala village under Tilakpur union of Akkelpur upazila in Joypurhat. 1) Sri Shyamal Pahan (40) son of Mohan Lal Pahan; 2) Sri Bheem Pahan (35) son of late Johon Pahan; 3) Sri Madhav Pahan (50) son of late Ghutar Pahan and 4) Mohan Lal Pahan (60) son of late Sohodev Pahan were injured in the attack.

It is alleged that land grabbers, with the backing from Sajjad Hossain, Officer in Charge of Akkelpur police station carried out the attack. The attackers as identified were 1) Md. Arif Uddin Mondol (51), son of late Md. Bidi Mondol; 2) Md Azad (35), son of late Abdur Sattar; 3) Md. Solaiman Ali (50), son of Kachimuddin; 4) Md. Ataur Rahman (35), son of Kachimuddin; 5) Md. Omar Faruk (30), son of Md. Sadek Ali Mondol; 6) Md. Sadek Ali Mondol (51), son of late Bidi Mondol, and 50-60 miscreants from Nur Nagar village under Tilakpur Union of Joypurhat. Sources said that on the day of the incident, miscreants destroyed 20 bighas of vegetables farm and poisoned the pond to kill the fish.

Indigenous Man Brutally Hacked to Death in Joypurhat over Land Dispute

On 16 August 2016, the police recovered slit-throat body of an indigenous person from a pond at Dumurpur village, under Akkelpur upazila of Joypurhat district. The deceased was identified as Mohanlal Pahan (55), son of Shallal Pahan of west Shialapara village.

It was learnt that on the day of incident Mohanlal went out of his house in the morning. As he did not return till noon, his relative became anxious. Not being able to locate him after hours of search they informed the local police station.

Later, locals found the body floating on a pond and informed the police at around 5:50pm. The body was sent to Joypurhat Modern Hospital morgue for autopsy. However, the reason behind the killing could not be ascertained immediately, said Sirajul Islam, officer-in-charge of Akkelpur Police Station.

On 1 January 2016 and 27 July 2016, a group of Bangalis led by Arif Uddin Mondal and Sadek Ali Mondal carried out an attack on indigenous peoples. They vandalized and looted houses. At the time of attack, they beat up the indigenous people, their women were molested and attempt was made to rape their women. They also destroyed fish worth more than 5 lakh taka by poisoning a pond. It is alleged that the attack was carried out in the presence of Sazzad Hossain, OC of Akkelpur police station. Later, when the victim went to the police station to file a case, the police refused to accept it.

Land grabbers attack on Rakhine people to grab their Land, 15 injured including 4 women

On 19 August 2016, Bengali people numbering about 25/30 led by Monohar master, attacked indigenous Rakhine peoples at Mishripara village under Latachapali union of Kuakata upazila in Patuakhali district. The attack left 15 injured including 4 Rakhine women. The victims alleged that the perpetrators attacked them with the intent to snatch their lands. They also expressed their anger on the role played by the police during the attack. Officer-in-Charge of Mahipur police station said that one police inspector had visited the place. However, no case was been filed till the filing of this report.

60 indigenous families in Savar in fear of forcible eviction

A housing company was trying to grab lands belonging to 60 indigenous families of Maustapara village under Birulia union in Savar. On 10 September 2016, hundreds of indigenous people formed a human chain and protested against such attempt. They also submitted a memorandum to the Savar Upazila Nirbahi Officer (UNO).

According to sources, Dokhina City Housing Company, owned by former Colonel (retd.) Azam Khan and his wife Muna Ali, has been trying to evict the indigenous people forcibly from their ancestral lands. According to the indigenous people of the area Nawab Bahadur Sir Salimaullah, about two hundred years ago, donated the land to their ancestors. Since then, they had been living there for generations. In 2004, Dokhina Housing City bought 44 acres of lands adjacent to their land. Since then, the company was trying to encroach and grab land owned by the indigenous peoples.

Land grabbers destroyed more than 4000 betel vines in Moulvibazar

On 1 October 2016, criminals chopped down more than four thousand betel vines of indigenous peoples at Amuli Punjee under Kormadha union of Kulaura upazila in Moulvibazar district. The

criminals entered the Paanjum at dead of night and destroyed Punjee's betel leaf plantations. They cut down four thousand betel vines of Pratush Asakra, Montri (village head) of Amuli Punjee, 200 vines of Shanti Asakra and 30 vines of Philip Khonglah. Pratush Asakra filed a case regarding this incident against Palash Mia, Bablu Mia and their gangs with Kulaura police station.

After an onsite visit and talking to the villagers it was learnt that on 27 September 2016, about 20 people led by Palash Mia and Bablu Mia entered the Punjee with sharp weapons to cut the trees. As soon as they started chopping down the trees in Mokam Punjee, Montri and residents of Punjee resisted. The criminals threatened the Punjee residents and took Montri hostage. Later on, following a negotiation, the Montri was released.

Subsequently, on 29 September, Mokam Punjee and Amuli Punjee along with others submitted a written complaint about the incident to Atikur Rahman, chairman of Kormadha union. On 3 October 2016, Sub Inspector of Kulaura Thana visited the spot and spoke with the villagers.

Massive attack on Santals in Gaibandha, 3 killed, 200 houses burnt, 1200 families evicted

On 6 November 2016 a brutal attack was made on indigenous Santal people and Bengali farmers by police, Rapid Action Battalion (RAB) and local goons hired by Rangpur Sugar Mills authority & influential political figures at Shahebganj-Bagda farm of Rangpur Sugar Mills in Gobindaganj upazila under Gaibandha district aiming to evict indigenous Santals and Bengali farmers.

In the attack, at least 3 indigenous Santal men were shot dead, 3 indigenous Santal villagers were arrested and 30 people including 17 indigenous men and 8 law enforcers were severely injured. The deceased were identified as Shyamal Hembrom (35), Mongal Mardi (50) and Romesh Tudu (40). Moreover, more than 1200 families fled the place of occurrence following widespread looting, vandalizing and arson attack on their houses. A false case was lodged against 42 indigenous Santals and Bengali farmers mentioning the name and more than 400 other unknown villagers with the Gobindaganj police station.

Attack on the Santal and Bengali farmers

The attack took place when the Rangpur Sugar Mills authority along with about 500 police and RAB personnel and local goons of influential political leaders went to evict indigenous peoples and Bengali farmers from their land in the name of reaping sugarcane. It was also learnt that workers and local goons hired by the Mills authority went to evict indigenous

peoples at around 10:00 am in the morning. Indigenous and Bengali land owners of that area resisted with bows and arrows and protested against it. The police and RAB chased them, triggering a chase and counter-chase. The conflict turned violent as Police and RAB fired bullets and lobbed teargas shells. Protesters shot arrows to protect themselves. At the end the clash, 30 people were injured including 17 indigenous people and 8 law enforcers. The injured were taken to Gobindaganj Upazila Health Complex, Rangpur and Dinajpur Hospital.

On 6 December at 7:00 pm criminals set fire to indigenous and Bengali villages, looted and vandalized their houses. It was alleged that valuables including domestic animals and crops were looted from their makeshift houses from morning till noon in presence of the law enforcers. More than 1200 families left their houses and took shelter at nearby villages. On that night, one of the injured Santals, Shyamal Hembrom (35) was shot dead. Of the rest of the injured Santals Dijen Tutu, Choron Soren and Bimol Kishku were arrested by the police while they were undergoing treatment at Rangpur Medical College Hospital. Locals also alleged that police had shot four indigenous men and their dead bodies were kept in the Bagda farm which could not be accessed as the police restricted entry into the farm.

Santals and Bengalis living in the area alleged that the local people who came with police looted their valuables including tin and bamboo of their makeshift houses along with the domestic cattle.

Police Case for the incident of 6 November

Following the incident and after a case was filed against 400 people of which 42 were named on 6 November night, many indigenous people living in the area left it. Office-in-Charge (OC) of Gobindaganj police station Subrata Kumer said that sub-inspector Kalyan Chakraborty filed the case. Meanwhile, Deputy Commissioner of Gaibandha district Abdus Samad along with top police officials visited the Sahebganj Sugarcane Farm.

7 November: looting and vandalizing of Santals village

On 7 November local miscreants terrorized the Santal villages of Madarpur and Joypur, looted domestic animals, crops, and valuables. Gaibandha police recovered another body of a Santal man from a rice field of Rangpur Sugar Mills. The man was identified as Mangal Mardi (55). Police found the body around 11:45pm and sent it to Dinajpur Medical College Hospital for autopsy. It was confirmed by officer-in-charge of Gobindaganj police station Subrata Kumar Sarkar. Meanwhile, Filimon Hembrom, a leader of the Santal

community said that five of their men remained missing since the clash. It was learnt from the locals that Rangpur Sugar Mills authority demolished the remaining of the recently burned houses of indigenous people by bulldozer and planted sugarcane after the incident to remove evidences.

Living Under Open Sky

The families of around 1200 families of Santals and Bengali farmers who were evicted forcibly from their living place took shelter in two nearby villages. Most of them were living under the open sky. As all their belongings were burnt to ashes they were left with only a single piece of cloth and with no sufficient food to feed them. Women and children were bracing the most critical time in this early winter season.

A brief history of Rangpur (Mahimagonj) Sugar Mills Ltd.

In 1962 then East Pakistan government acquired 1842.30 acres of land belonging to indigenous Santals and Bengali farmers to cultivate sugar cane for the Rangpur (Mahimaganj) Sugar Mills Ltd. As a result, residents of 15 indigenous and 5 Bengali villages in the area of Rampur, Sapmara, Madarpur, Narangabad and Chakarahimpur mouza under Gobindaganj upazila of Gaibandha district were evicted from their lands and homesteads. Later, they spread over to different regions of the country and were forced to live a miserable life. The act of acquisition of land for Sugar Mills followed by eviction, in fact, left the indigenous people in the area severely affected. The agreement relating to this property stipulates that if the sugarcane project is discontinued and any crops other than sugarcane is cultivated then the government is bound to return (surrender) the acquired 1842.30 acres to the land to original owners. The government took the property to go back to the previous state. On 31 March 2004, the production of Rangpur (Mahimaganj) Sugar Mills Ltd. Came to a stop due to corruption, mismanagement and loss incurred by the Mill. In the past, the land was acquired for sugarcane farming to produce raw materials for the Rangpur Sugar Mills Ltd. at Mahimaganj in Gobindaganj, but a portion of it was leased out for cultivating different other crops, flouting an agreement of 1962. The Sugar Mills Authority leased out the property to influential individuals and racketeers for the cultivation of rice, wheat, corn, tobacco, potatoes, mustard etc. in the land instead of sugar cane. Under the circumstances, the poor former owners of indigenous and Bengali farmers demanded of the government several times to return 1842.30 acres of land back to them in consequence of the breach of agreement between the government and the Sugar Mills authority. It was learned from the old documents that Santals owned most of the land before the government acquired it in the 50s.

Agreement between Pakistan Industrial Corporation and East Pakistan government on 7th July 1962.

The agreement clearly mentions that the land would be returned to the original owners if the land is used for any other purpose than the cultivation of sugarcane. According to clause 5 of the contract, the government takes back the acquired land from Pakistan Industrial Corporation and give them back to the original land owners.

(If the actual narrative of the agreement is not available, it is safe to leave out for safety. Because it will not be pleasant if someone challenges what has been reported in this document)

Game on the Land

The original land owners still did not get any amount of land. On the other hand, the Mill Authority was playing game with the acquired land of Bagda farm. On 10 May 2016, Deputy Commissioner of Gaibandha district had proposed (memo no: 05.55.3200.023.16.027. 15-233(3) to Bangladesh Economic Zone Authority (BEZA) to establish a Special Economic Zone. So it was clear that a conspiracy with regard to 1842.30 acres of land was going on to ensure that the Mills authority did not come under compulsion to give back the lands to the original landowners.

Demand of the Original Land Owners

Indigenous and Bengali farmers of Sahebganj-Bagda farm area under Gobindoganj upazila of Gaibandha district had been demanding the return of 1842.30 acres' land acquired for Rangpur (Mahimaganj) Sugar Mills Limited since 2014, alleging that the authorities violated the contract by allowing cultivation of crops other than sugarcane and leasing out parts of the land to the influential people. Programs such as mass gathering, human chain, press conference, discussion, roundtable conference, memorandum submission and issuing of statements to the press were being organized by Sahebganj Bagda Farm Land Rescue Action Committee, Jatiya Adivasi Parishad, Kapaeeng Foundation and Civil Society Members both at the local and national level. On 5 September 2016, a support group of Civil Society, for realizing land rights of indigenous peoples in the plain lands, organized a press conference and demanded of the government to return the land of Sahebganj-Bagda farm to the original owners of indigenous peoples and Bengali farmers.

Present situation and chronology of the events post-attack:**a. Living Under Open Sky**

The forcefully evicted around 1200 families of Santals and Bengali farmers took shelter in two nearby villages. Most of them were living under open sky. Moreover, the affected people were left with only a piece of cloth each to put on as all their belongings were burnt in the fire that razed their villages to the ground. Neither were they left with enough food to feed on. Women and children were confronting the battering cold in this early winter season.

b. Visit of Civic Group and Distribution of Relief to the Victims

On 13 November 2016, a civic group visited the Santal community in Sahebganj-Bagdha Farm area of Gaibandha where at least 3 indigenous Santal people were killed while protesting to

protect their ancestors land last week. During the visit the team had talks with the victims and held a discussion meeting. Later the team distributed the relief and warm cloths among the affected people.

Veteran politician Pankaj Bhattacharya, eminent economist & researcher Abul Barakat, rights activist Khushi Kabir, general secretary of Bangladesh Indigenous Peoples Forum (BIPF) Sanjeeb Drong, president of Jatiya Adivasi Parishad Rabindranath Soren, presidium member of Bangladesh Hindu-Buddhist-Christian Unity Council Kajal Debnath, women rights activist Sharmeen Murshid, Jana Samhati Samity leader Dipayan Khisa, treasurer of BIPF Andrew Solomar, Manusher Jonno Foundation representative Rezwatul Karim, and Kapaeeng Foundation representatives were among others visited the area.

Later the Civic team distributed relief to the victims. Kapaeeng Foundation, with the assistance of Manusher Jonno Foundation (MJF), managed relief materials such as Lungi, Sari, Blanket, warm cloths etc.

Later, the civic team organized a press conference on November 19 and shared their findings with the press and media.

c. Ruling Party Awami League (AL) Delegation Visited Affected Area

A delegation from of ruling political party Awami League visited Santal community on the same day – 13th November 2016. After visiting the affected people, the five-member team led by B M Mozammel Haque, organizing secretary of central Awami League, held a rally there. The five-members' delegation of the team were: B M Mozammel Haque, AL's

Rangpur division organising secretary, Khalid Mahmud Chowdhury of Rajshahi, Tipu Munsî, the party's finance and planning secretary, Sujit Roy Nondi, relief and social welfare secretary, and Remond Areng, executive member of the AL.

The AL delegation assured of taking punitive action against the attackers and promised to provide all possible assistance to the victims, including education for children, rehabilitation of victims and loan to operate income generating activities. They reiterated that guilty would be punished irrespective of their party affiliations. However, they did not mention anything about return of land to the Santal villagers and marginalized Bengali farmers.

d. High Court Verdict

As earlier stated, 3 Santals were killed in an ensuing clash with Rangpur Sugar Mills staff and police during the eviction drive on 6 November that left 25 people injured including 9 cops and many Santal houses burnt. In further violation of human rights, police handcuffed 3 Santals who were injured, and arrested in a case filed for attacking police with arrows during the clash. Choron Soren, one of 42 people named by police in the case, was shot in the leg. His fellow Santals sent him to Rangpur Medical College Hospital on the night of November 6. The following morning he found one of his hands handcuffed. Of the other 2 handcuffed Santals, Bimal Kisku was undergoing treatment at Rangpur Medical College Hospital and Diyen Tudu was receiving treatment at the National Institute of Ophthalmology in Dhaka. Their handcuffs were only taken off following a High Court order on November 14.

A High Court Bench of Justice Obaidul Hasan and Justice Krishna Debnath passed the order after hearing on a writ petition filed by Supreme Court Lawyer Barrister Jyotirmoy Barua. Barrister Jyotirmoy Barua filed a petition at the high court based on media reports. Barua argued in support of his petition while the state was defended by Deputy Attorney General Motaher Hossain Shaju.

The court asked why the handcuffing of hospital patients during treatment could not be declared illegal, and therefore untenable.

The court also ordered Dhaka Metropolitan Police Commissioner, Deputy Inspector General of Rangpur Range and superintendent of Gaibandha police to comply with the order by November 16 and file a compliance report. The home secretary, the inspector general of police, the Dhaka police commissioner, Rangpur DIG and the Gaibandha Super were ordered to provide a response within two weeks.

e. Police Admitted to firing at the Santals following Magistrates' Order

Police admitted that they opened fire at the indigenous Santals during the violent clash on 6 November. Gobindaganj police station OC Subrata Kumar Sarker said that there were five magistrates present on the spot that day. They gave them the order to open fire at the Santals to bring the situation under control. Gobindaganj Upazila Nirbahi Officer Abdul Hannan, who was one of the five magistrates present at the scene, admitted to having given the order.

The four other magistrates were Palashbari upazila Assistant Commissioner (Land) Towhidul Islam, Gobindaganj upazila Assistant Commissioner (Land) Ahmed Ali, and Rafiul Islam and Mezbah Uddin, magistrate at the office of the Deputy Commissioner in Gaibandha.

f. A Legal Notice Served to Different Government Officials

Legal notice was sent to nine people including Home secretary, Industry Secretary regarding the issue dealing with attack on indigenous Santals in Gaibandha. The notice was sent to apprise under which power the eviction process was conducted by the administration and what steps had been taken against the perpetrators who were involved in looting, vandalizing and firing on innocent villagers.

Others who were served with notices were: the Inspector General of Police, Deputy Commissioner of Gaibandha, Rangpur Police Range Deputy Inspector General (DIG), police superintendent of Gaibandha, Gobindaganj UNO, Gobindaganj police officer in charge (OC) and Mahimaganja sugar mill manager. The legal notice required the recipients of notices to give written answer regarding the matter failing in necessary legal measures would be taken. A Supreme Court Lawyer, Barrister Jyotirmoy Barua, sent the notice on behalf of Olivia Hembram wife of Dwijen Tudu and Rumila Kisku, both injured and victims of the violence.

g. Visit of NHRC in Gobindaganj

The National Human Rights Commission headed by its Chairman Kazi Riazul Haque visited the affected Santal people of Gobindaganj on 12 December 2016. After visiting the affected area, the NHRC boss spoke in a gathering and said, "The attack on Santal people is the clear violation of human rights and it is disgraceful as well." Later, on 22 December the NHRC organized a hearing with Gaibandha district administration where they sought explanation from the Deputy Commissioner and Superintendent of Police regarding the incident. All the members of the NHRC were present in that hearing.

SEZ threatens 16,000 tea garden indigenous workers' livelihood in Habiganj

The government has decided to develop 5 Special Economic Zones (SEZ) across the country under its Economic Zones Development Project to attract both foreign and domestic investments. One of the SEZs, which was to be established at Chandpur area of Chunarughat upazila in Habiganj district, threatened the livelihood of nearly 16,000 tea garden workers belonging to different indigenous and marginalized communities who were entirely dependent on that land. The Bangladesh Economic Zones Authority (BEZA) decided to build an economic zone on around 512 acres of land in Chunarughat, which was earlier leased out to Chandpur Tea Estate operated by a British company named Duncan Brothers. Recently, the lease had been cancelled for the establishment of the economic zone.

As a result, thousands of tea workers were reeling under the fear of eviction from the land. It was learnt that out of 3951 acres, 951 acres of land were agricultural lands, which had been in use for the cultivation of rice by tea workers for the last 150 years. This tract of land, which was given to BEZA recently, had been made cultivable through clearing jungles by the ancestors of the tea garden workers. Given that the land in question had been finally taken over by the government then the livelihood of 1,6000 tea garden workers, belonging to different indigenous and dalit peoples, will be seriously jeopardized. Most tea workers being extremely poor with a daily income as low as BDT 69, one of the lowest wage-rate in the country, they could hardly meet their basic needs of food, let alone meeting other needs. Now that the government began considering to acquire the lands without commensurate compensation for the workers, as none of them possessed legal title over the land, the survival of these people would be under serious threat.



IV. Situation of the Rights of Indigenous Women and Girls



IV. Situation of the Rights of Indigenous Women and Girls

Indigenous women and girls are one of the disadvantaged and vulnerable sections of the country's population and deprived of human rights, such as lack of access to education at all levels and forms, health care, economic and political participation and control over material and intangible resources. Indigenous women in Bangladesh often face multiple discrimination due to their status as religious minority, indigeneity and gendered position. They experience discrimination not only from their surrounding society but often also from within their own respective communities. They are also subjected to different forms of sexual, physical and psychological violence that often stem from targeting of indigenous women for sexual abuse or as an instrument to humiliate their respective communities; state's power exercised by different agencies dominated by men; masculine structures in place in the society overseeing women for centuries; communal aggression over indigenous peoples' ancestral lands; militarization; negative social attitudes against women and so on.

The government of Bangladesh has ratified international treaties like the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), International Covenant on Civil and Political Rights (ICCPR) And the International Covenant on Economic, Social and Cultural Rights (ICESCR). These mechanisms enshrine equal rights of men and women to enjoy their human rights. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) has provisions for security and protection of indigenous women, to free themselves from discrimination and to empower them to assert their rights and preserve their culture. At the domestic level, Women and Children Repression Prevention Act 2000 and section 376 of the Penal Code of Bangladesh provides that "Whoever commits rape shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

While it is commendable that the State has come forward with legislations to address different issues facing women and girls in the country, but their proper and impartial enforcement have always remained very limited. Furthermore, none of these laws mention a word about

indigenous women and girls, let alone having specific provisions concerning their issues. Hence, specific problems faced by indigenous women either have to be addressed in the national laws and policies or by formulating separate laws and policies for indigenous peoples including indigenous women.

Even though the successive governments in Bangladesh have undertaken a number of initiatives to address gender disparity and women's empowerment, there have been no specific development plan, policy mechanism and legislative measures to integrate indigenous women into mainstream development paradigm on the basis of their distinctive concerns and needs that mostly are different from mainstream Bengali women. The constitutional non-recognition of indigenous peoples and the absence of gender disaggregated data involving indigenous peoples tend to indicate state's unwillingness to recognize indigenous people's existence and mainstreaming them into the sustainable development process.

Political Participation of Indigenous Women

In almost every sphere of the political and public life of the country, the indigenous women are excluded from important decision-making roles and positions. For example, out of the 350 seats in the National Parliament, 50 seats are reserved for women to increase representation of women in the national policy-making process. But none of these seats is reserved for indigenous women in Bangladesh. It is unfortunate that not a single indigenous woman holds the position of MP (even in the reserved category) in the Parliament though there are more than 54 indigenous groups who live in Bangladesh.

Similarly, there are no reserved seats exclusively for indigenous women in the local government bodies, such as, Union Parishad, Upazila Parishad and Paurasava. Notwithstanding, while indigenous women in the CHT region get the scope to a certain extent to contest and be elected in the reserved seats because of their demographic concentration, indigenous women in the plains are virtually left out to access this opportunity as most of them are not only scattered all over the region but outnumbered as well. Even with the concentration of indigenous population in the CHT, only three woman commissioners (one each in 3 Paurasavas out of 7 of them in the CHT) were able to win elections held in December 2015.

Not a single commissioner from indigenous women of the plains was ever elected in the Paurasavas. In contrast, 242 member seats reserved for women (general) in 115 Union Parishad elections in the CHT held on 23 April and 4 June 2016 were captured by indigenous woman candidates.

109 indigenous women were formally appointed as Karbari (village head) under the Mong Circle in Khagrachari district till December 2016⁶ while eight indigenous women were appointed as Karbari for the first time in Taracha mouza under Bohmong Circle in Bandarban district till October 2016.⁷ It is also to be noted that around 200 indigenous women were appointed as Karbari in the Chakma Circle in recent years. Appointment of indigenous women to serve as chiefs of villages is truly contributive to empowering them both in the social and political domain in the village.

Violence Against Indigenous Women and Girls

However, no mechanism was effective enough to prevent women from all forms of violence in Bangladesh since the numbers of violation on indigenous women have been increasing day by day. Violence against Indigenous women is one of the most widespread violations of human rights. There are many dimensions of violence against indigenous women such as rape, gang rape, attempt to rape, killed after rape, physical assault, kidnap, trafficking etc. Violence has become one of the key concerns indigenous communities and in most cases women and girls are denied of justice and the perpetrators enjoy absolute impunity.

The biggest area of concern is that the police remained non-cooperative in most of the cases that had taken place from 2007 to 2016. In many cases, the victims were unable to file their complaint with the authorities concerned or even if the cases could be filed, the authorities themselves obstructed the investigation process. In most of the rape cases, the victims end up going through further harassment from administration and law enforcing agencies. Even, in some cases doctors at hospitals delayed health checkups abetting the evidence to disappear. In most of the cases the justice system tends to be biased towards the perpetrators. Violence against women are often connected to land and are committed in order to terrorize indigenous communities on the one hand and to uproot them from their ancestral land, on the other.



⁶ Prothom Alo, 25 December 2016

⁷ First time in Marma community, 8 women made karbaris, The Daily Star, 26 October 2016

Table 12 : Types of Violence against Indigenous Women and Girls and Number of these Victims/Survivors of Violence in Bangladesh (2007-16)

| Year | Rape/ Gang Rape | Killed after Rape | Physical Assault | Attempted Rape | Abduction/ Kidnap | Sexual Harassment/ Molested | Trafficking | Total |
|--------------|-----------------------|-------------------------|---------------------|-------------------|----------------------|-----------------------------------|-------------|------------|
| 2007 | 5 | - | - | 3 | 1 | - | | 9 |
| 2008 | 3 | 1 | - | - | - | - | | 4 |
| 2009 | 2 | 4 | 6 | 3 | 1 | - | | 16 |
| 2010 | 7 | 5 | 6 | 5 | 2 | - | | 25 |
| 2011 | 11 | 7 | - | 8 | 5 | - | | 31 |
| 2012 | 17 | 7 | 36 | 13 | 2 | - | | 75 |
| 2013 | 15 | 4 | 16 | 9 | 5 | 10 | 8 | 67 |
| 2014 | 21 | 7 | 58 | 22 | 10 | 4 | 0 | 122 |
| 2015 | 28 | 3 | 21 | 17 | 5 | 9 | 2 | 85 |
| 2016 | 26 | 6 | 8 | 10 | 6 | 2 | 0 | 58 |
| Total | 135 | 44 | 151 | 90 | 37 | 25 | 10 | 492 |

Table 13 : No of incidents and victims of violence against indigenous women and girls in Bangladesh 2016

| Types of violence | Number of incidents | Number of victims |
|--------------------------|---------------------|-------------------|
| Abduction/Kidnap | 5 | 6 |
| Rape | 16 | 17 |
| Gang Rape | 9 | 9 |
| Attempted rape | 10 | 10 |
| Killed/Killed after rape | 6 | 6 |
| Physical Assault/Attack | 5 | 8 |
| Sexual Harassment | 2 | 2 |
| Total | 53 | 58 |

As reported, a total of 53 incidents of violence against indigenous women were recorded from January to December 2016. 25 of these incidents took place in the plains while 28 of them were in the CHT. An estimated 58 indigenous women and girls were sexually and physically assaulted in these incidents recorded throughout the year where 30 indigenous women and girls were the victims in CHT and 28 in the plains.

Figure 2 : Cases of violence against indigenous women and girls in 2016

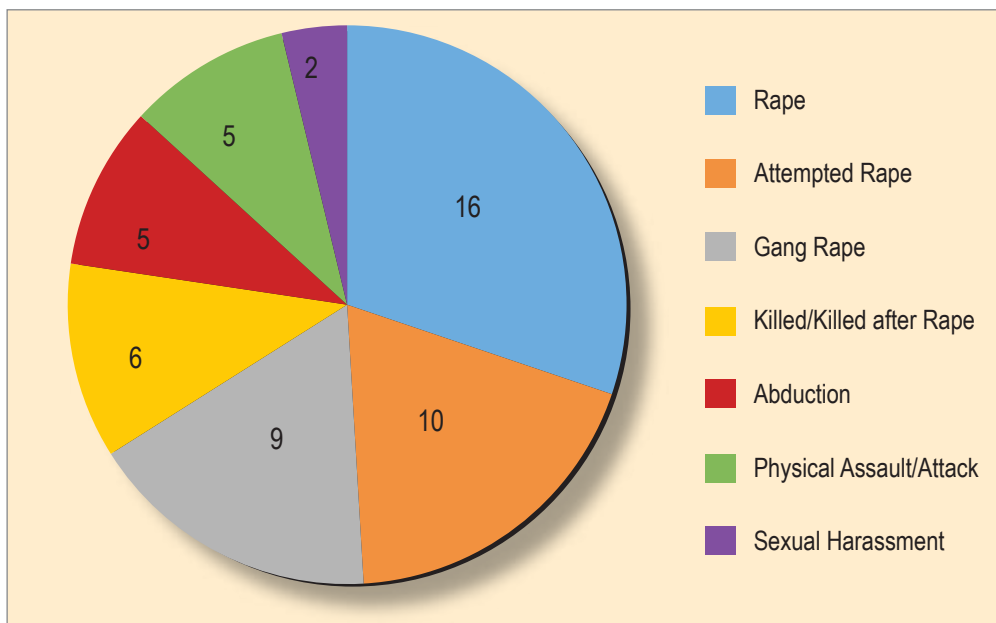
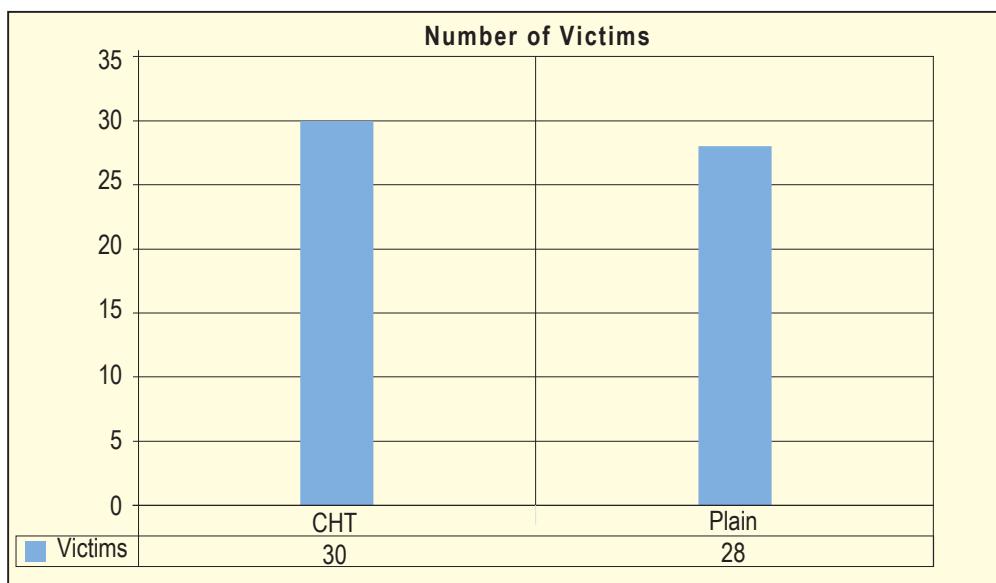
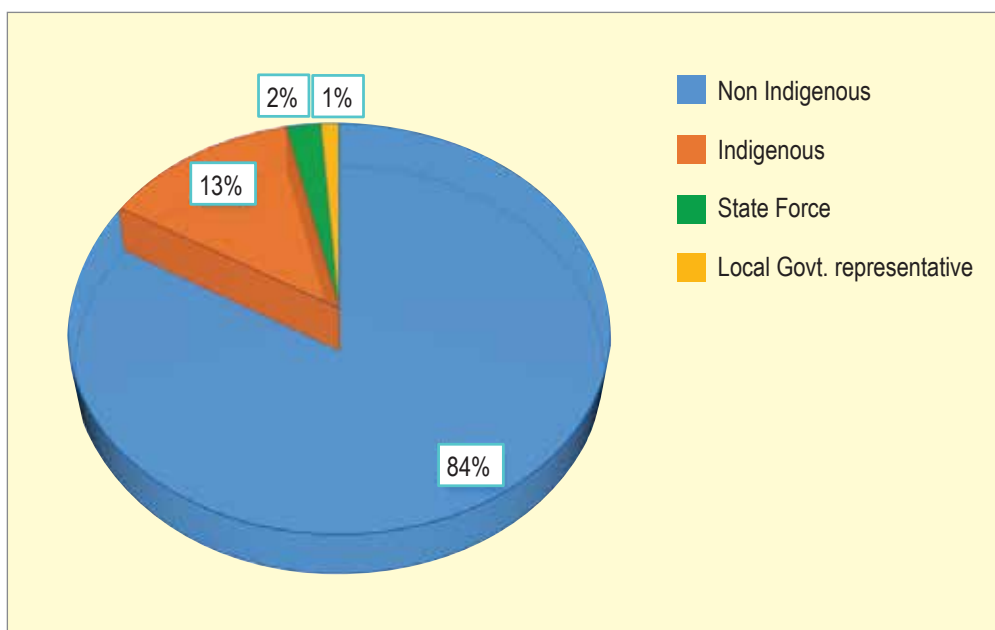


Figure 3 : Geographic distribution of the victims



As of December 2016 there was rape attempt on 10 indigenous women and girls, 8 indigenous women were physically assaulted, 17 were raped, 6 were killed/ killed after rape, 9 were subject to gang rape, 2 were sexually harassed and 6 were kidnapped. Among the alleged perpetrators 84% were from the mainstream Bengali community including 2% who belonged to the law enforcement agency and 1% representative of local government bodies while 13% perpetrators were from indigenous background. The age of the victims ranged from 3 to 35 years.

Figure 4 : Identity of the Offenders



The incidents of human rights violations against indigenous women and girls decreased slightly from January to December 2016 compared to 2015. For instance, in 2015 the total number of incidents on human rights violations against indigenous women from January-December was 69 while the number of victims/survivors stood at 85. However, the number of incidents reduced to 53 while the number of victims/survivors was at 58 in 2016. The reason behind such decline could be attributed to awareness among the mainstream people on human rights issues of indigenous people in the society, or the beginning of change in attitudes and perspectives of mainstream people towards the indigenous women.

Human Rights Organization Odhikar reported that there were 1028 women victims of which 757 were raped and 271 were sexual harassed⁸ in 2016. If compared in terms of percentage by assuming all the 1028 victims as Bengali as well as indigenous women and girls, we find that 5.7% of the victims/survivors in 2016 were from indigenous communities, who are merely 1.8% of country's total population, while the remaining 94.2% victims were from the Bengali community, who are the majority in the country with 98.2% of the total population. This statistical data makes it clear that the propensity of sexual crime and physical violence against indigenous women is higher than that faced by mainstream Bengali women. Such incidents might have occurred massively due to ethnic and cultural differences.

Table 14 : A glance at the range of age group in the case of violence against indigenous women and girls (January to December 2016)

| Age → Form of Assault ↓ | 1-10 | 11-20 | 21-30 | 30+ | Age are not mentioned | Total No. of victims |
|----------------------------|------|-------|-------|-----|-----------------------|----------------------|
| Gang rape | | 3 | | | 6 | 9 |
| Rape | 2 | 7 | | 1 | 7 | 17 |
| Killed/Killed after Rape | | 3 | 1 | 1 | 1 | 6 |
| Physical assault | | | | 1 | 7 | 8 |
| Sexual Harassment | | 1 | | | 1 | 2 |
| Abduction/Kidnap | | 3 | | | 3 | 6 |
| Attempted rape | 1 | 1 | 2 | 1 | 5 | 10 |
| Trafficking | | | | | | |

From the available reports in 2016 it also becomes clear that indigenous women in the plains ran the risks of being targets of violence more compared to indigenous women in the CHT. There are also other forms of violence viz. emotional violence, cybercrimes against indigenous women and girls, domestic violence etc. which remain unreported or less reported. In addition, it was also found from looking into several cases in 2016 that the maternal death rate among indigenous women in the CHT is higher than in the plains due to poor existing maternal health care services and absence of skilled gynecologists. It is indicative of inadequate health care services and lack of health professionals to address the concerns in the CHT.

Lack of Access to Justice

Despite enacting several laws and initiatives by the government to combat violence against women over the past few years, the most dreadful issue that the indigenous women and girls

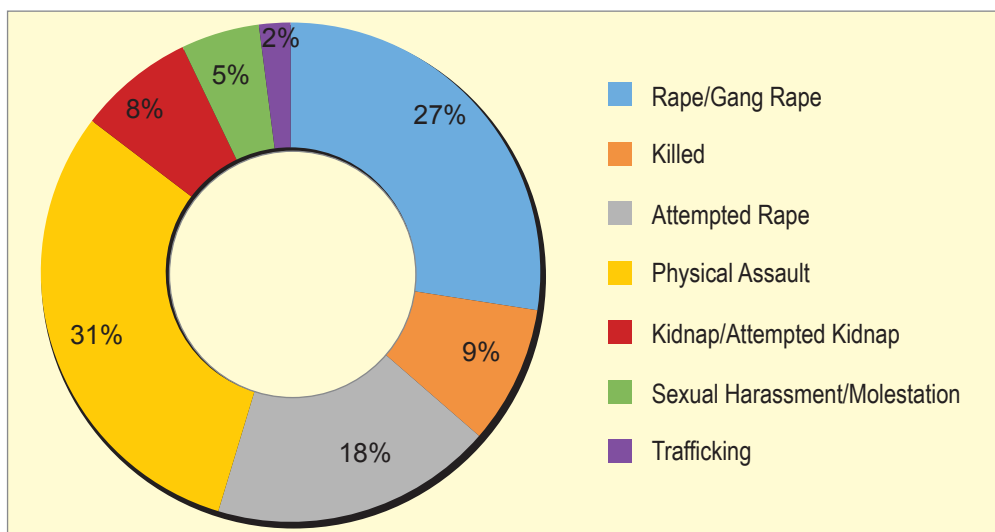
⁸ Annual Human Rights Report 2016, Odhikar, <http://odhikar.org/category/reports/>

in Bangladesh still continue to face is the alarming rate of violence against them and the impunity enjoyed by the perpetrators. Due to the absence or weak enforcement of existing legal and non-legal measures by the State, indigenous women and girls continue to encounter different forms of violence. The impunity of the perpetrators has been the single most crucial factor contributing to increasing incidents of sexual and gender-based violence in the CHT.

Table 15 : Status of Cases

| | Case filed | Case not filed | Arrested | Not arrested | Resolve through local arbitration |
|-------------------|------------|----------------|----------|--------------|-----------------------------------|
| Rape, Gang Rape | 17 | 7 | 9 | 11 | 5 |
| Killed | 1 | 5 | 1 | 4 | 1 |
| Physical assault | 2 | 3 | 1 | 4 | |
| Sexual Harassment | 1 | 1 | | 2 | |
| Abduction/kidnap | 3 | 2 | | 5 | |
| Attempt rape | 6 | 4 | 4 | 5 | |
| Trafficking | | | | | |

Figure 5 : Modalities and percentage of violence against indigenous women and girls in Bangladesh (2007-2016)



It is noticeable that out of 53 cases of human rights violations in 2016, only 30 cases were reported to the police. It is a matter of regret that among 30 cases, most of the perpetrators were not arrested. In some cases, although the perpetrators were identified and arrested, they got released soon due to weak charge sheets. In some other cases police were aware of the occurrences, but they did not take any action. For example, on 10 April 2016 when a 14-year-old indigenous girl was gang raped in Mahadebpur under Naogaon district, but the police did not accept the case when the victim's mother reported about it to the police station. Instead, the police personnel assaulted her for trying to file the case. On the other hand, in some other cases it is seen that police took action only after being pressurized by the higher authorities. For example, on 27 May 2016, a Marma indigenous girl was raped by a Bengali settler in Panchari Upazila under Khagrachari district but the police was unmoved. As soon as IPOs and students of different schools took to the street to protest against the incident, the police was compelled to take action and arrested the perpetrator.

Factors resulting in VAIW

In most cases, land is the central issue closely linked to violence against indigenous women and girls. Violence against indigenous women and girls is one of the weapons used widely to evict indigenous peoples from their ancestral lands. The land grabbers used the heinous tactics to sexually and physically harass indigenous women in order to terrorize the community to unsettle them, and then take the opportunities to occupy their lands. Recently, rapid expansion of tourism in the CHT is generating conducive ambience to provoke sexual crimes, insecurity and sufferings for the indigenous women and girls.

On 3 April 2016 a rape attempt was made on a Santal woman housekeeper aged 32 at Jahanpur under Nawabgonj upazila in Dinajpur district by Faruk Hossain from neighbouring Bomongor village who was trying to occupy the victim's land. Soon after the incident a communal clash between the Santal people and the Bengalis was ensued. Three Santal indigenous men named Gopiram Murmu, Babulal Hasdok and Juglas Mardy were injured seriously in this clash with local Bengali villagers. On 4 April 2016 the victim, on whom rape attempt was made, filed a case with Nawabgonj police station. An incident such as this not only left many indigenous people injured, but also the eviction from their lands was looming large as a result. On 8 April an indigenous woman was gang raped in Mahalchari under Khagrachari as the Bengali land grabbers were conspiring to grab lands of indigenous peoples by dislodging them from their rightful lands.

Access to Basic Needs and Facilities

As was revealed, the health service situation in most of the indigenous inhabited regions of the country is far from being satisfactory. The Bangladesh government has no disaggregated data on indigenous women's health status in Bangladesh. It appears that indigenous women's

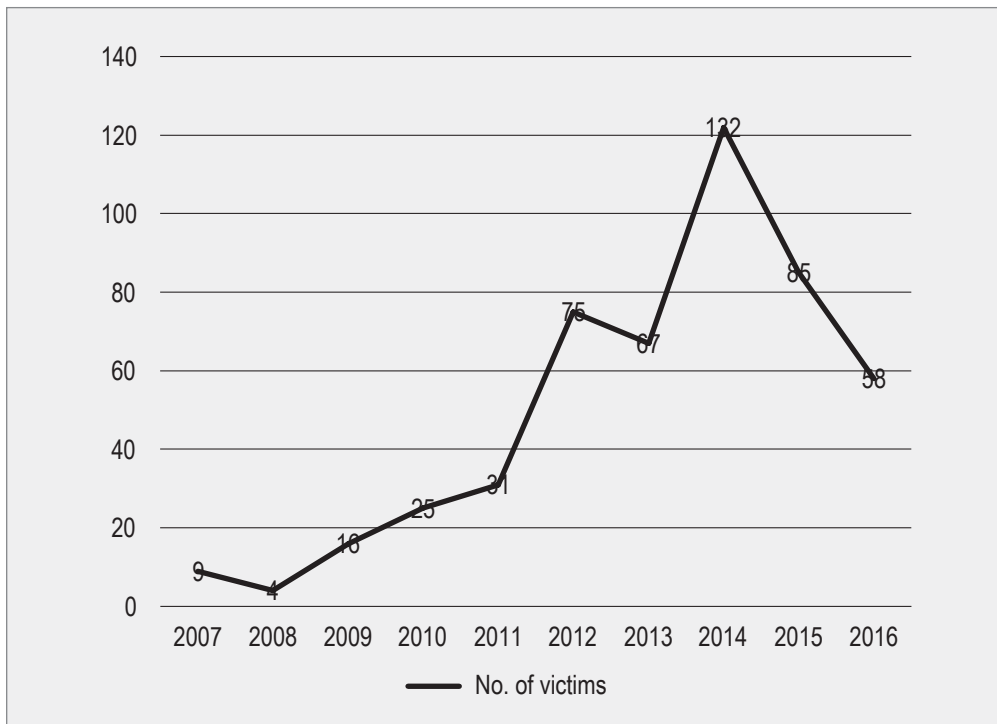
health is at risk particularly at the time of childbirth. Malnutrition, anemias and malaria are the common diseases in the CHT which indigenous women are very much vulnerable to be infected with.

There are allegations about misappropriation and corruption on the use of fund allocated for the health of indigenous peoples during the last five years (2011-2016). An investigative report by leading Bangla daily of the country, *Prothom Alo*, revealed that only 13% of the allocated fund of “Tribal Health Programme” being run by the Essential Service Delivery (ESD) programme under the Department of Health was spent over the past five years.⁹ Out of BDT 260 million (BDT 150 million for the CHT and BDT 110 million for the plains) allocated for the welfare of the indigenous peoples, no money was spent for indigenous peoples outside of the CHT. The *Prothom Alo* report claimed that there was no clear indication in the documents of the ESD as to the sectors on which the allocated funds were spent, but it was apparent that a lion’s share of the fund had reportedly been spent on foreign study tours, seminars and trainings attended by the officials of the programme. In this report, it was also mentioned that although the documents of ESD state that the fund was, in part, allocated to run 275 satellite clinics, organize a number of workshops and trainings sessions in the CHT, no clear and disaggregated information about them could be made available by the ESD. The Government must come up with stern actions against such alleged mismanagement.

It was also reported that the indigenous female workers were subjected to wage discrimination. In spite of doing the same amount of work as the male workers do, indigenous women are getting only half the amount of wages than their male counterparts. About 10,000 indigenous Tripura men and women from different localities including Sitakundu and Mirasarai upazilas of Chittagong district have been living as like as slaves for a very long time now. They are being forced to work in the paddy lands and orchards of their land lords over generations. They, particularly indigenous women, are ill-paid for their work. A day labourer gets a paltry amount of Tk. 140 (USD 1.75) a day. If anyone does not work, s/he has to pay a fine or is forced to leave his homestead or is punished by the owner of the paddy lands or orchards.

⁹ ক্ষুদ্র জাতিসত্তার স্বাস্থ্যসেবার টাকা ব্যয় হয় না, *Prothom Alo*, 23 September 2016

Figure 6 : Trend of Incidents of Violence Against Indigenous Women and Girls in Bangladesh (2007-2016)



A glance at the state of killing and killing after rape

Killed and Killed after Raper

As was reported, 58 indigenous women and girls fell victim to sexual and physical violence in 2016 in Bangladesh. In 2016 a total of 6 indigenous women and girls were killed and killed after rape compared to 2015 when the number of such victims were 3. Among the 6 victims, 5 women were from the CHT while 1 was from the plains. In the analysis of the incidents in 2016 we found that two indigenous women from the CHT were killed due to lack of health care facilities in the remote area of Rangamati and Bandarban district.

| Date | Victim | Place of Occurrence | Remark |
|----------|--|---|--|
| 2 Feb | A Chakma Woman (19) from Maischari, Barkal upazila in Rangamati district | Her dead body was found at Madhupur Village near Balivadra Bajar of Ashulia in Dhaka. Police and locals suspect that she was allegedly killed by her husband Mehedi Hasan (22). | No case has filed. |
| 29 Feb | A Santal Woman w/o Joni Mardi from Durgadanga area under 9 Viayil Union in Dinajpur. | She was killed after rape at her house at Chiribondor Upazila in Dinajpur District. Police suspect that in the absence of her husband drug addicts of Durgapur Bazar killed her after rape. | A written complaint was filed with Chiribondor police station. |
| 25 April | A 12-year-old sixth grade student of Mahalchari High School and d/o Monghla Chai Marma from Mahalchari, Khagrachari. | She was killed for rejecting a vile proposal while she was going to school. | Case filed. Perpetrator arrested. |
| 21 Oct | A 13 year Chakam girl from Headman Para, Dighinala in Khagrachari. | She was gang raped by some miscreants at the Headman Para, Dighinala while she was going to attend a religious function at Chongrachari Buddhist temple, Dighinala. On the following day of the incident she committed suicide. | 80,000 taka penalty was imposed in a local arbitration. |

| Date | Victim | Place of Occurrence | Remark |
|--------|--|--|--------------------|
| 25 Oct | A 22 year old Tanchangya woman w/o Sanjib Tanchangya of Tilkunia village of Bilaichhari Upazila in Rangamati District. | She died allegedly due to wrong treatment at Rangamati Mother and Children Welfare Center. | No case was filed. |
| 25 Nov | A 32 year old indigenous woman w/o Mong from Thanchi, Bandarban. | She died on way to Bandarban Sadar Hospital after her delivery of a child in Thanchi Hospital. | No case filed. |

Rape

Rape was identified as the most severe violation of human rights against indigenous women and girls in 2016. 16 cases were reported as rape incidents throughout the year where 17 indigenous women and girls fell victims. The numbers of rape victims as were reported in 2015 were 14, but in 2016 this figure got increased. Most of the rape victims were children and girls below 18 years of age. In many cases the perpetrators used eye-catching food items to allure away the victims. Of the 16 rape cases, 7 were committed in the plains land while 9 cases were reported in the CHT. Most of the perpetrators in the rape cases were identified as belonging to the members of mainstream population. However, at least 3 indigenous men were reported to have been involved in such crime. Even a representative of a local Union Parishad Humayan Ahmed (75) from Naogaon was reported to have raped an indigenous widow.

| Date | Victim | Place of Occurrence | Remark |
|-------|--|--|---------------------|
| 1 Feb | A three (3) years girl from Hatichara village of Laxmichari, Khagrachari | She was raped by a Bengali settler named Bijoy Das (13) in Laxmichari Upazila of Khagrachari district. | Case has not filed. |

| Date | Victim | Place of Occurrence | Remark |
|----------|--|--|---|
| 10 April | 14 year old indigenous girl from south Laxmipur village of Mahadebpur, Naogaon district. | She was raped by two youths in Rasulpur village of Mahadebpur Upazila, Naogaon District. | Police did not take the written complaint of victim's mother. Though police arrested the perpetrators but released them the next day. Finally upon getting order from higher authority police recorded the complaint. |
| 2 Mar | An indigenous woman | She was raped by Humayan Ahmed (75), Member of No 7 Ciragpur Union Parishad at Rishi Para area of Ciragpur village in Naogaon district. | Perpetrator was arrested |
| 20 May | An indigenous Coach girl (14) | A speech impaired indigenous girl was raped in Kaliakore of Gazipur Upazila by a Bengali named Abdul Halim alias Heila (55) of Kaliakore, Gazipur. | Case filed and perpetrator arrested |
| 27 May | A 6th grader indigenous Marma girl | She was raped by a Bengali settler named Mohammad Ibrahim Kh alil alias Iqbal (28) at Panchari Upazila under Khagrachari | Case was filed. Police arrested the perpetrator. |
| 13 Aug | A 12 years old indigenous girl | She was allegedly raped at Tongajhiri village under Lama upozila in Bandarban by a Bengali named Md. Mustak (24), of Wajhuddin para, Putibila union, Luhagara thana of Chittagong. | No case was filed and the police refused file the case. |
| 20 July | Two indigenous girls were allegedly raped | They were allegedly raped by the school staffs in Bandarban. | Case has been filed. |

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| Date | Victim | Place of Occurrence | Remark |
|--------|--|---|---|
| 18 Sep | A 14 years old indigenous Tripura girl | An indigenous disabled girl (11) was raped on her way to take bath near a water stream, by a Bengali in Chimbuk, Bandarban. | No case was filed |
| 19 Sep | A 3rd grader Indigenous Tripura girl | She was raped by a Bengali settler at Jaliapara primary school in Amtali Union, Khagrachari | Minimized by local arbitration |
| 19 Sep | An indigenous Marma girl (17) | She was raped by a Bengali settler named Mahbub Alam (25) in Kochukhali area under Kawkhali Upazila, Rangamati | Minimized by local arbitration |
| 20 Sep | An indigenous girl (14) | She was raped by Motin Lakra (30), who is a father of two children in Pirganj in the name of marrying the victim. | Case has been filed |
| 25 Oct | An indigenous Garo girl | She was allegedly raped by a Bengali named Afsan Rahman alias Rubel (27) at north Badda area Dhaka city | Case was filed and the perpetrator was arrested |
| 12 Nov | An indigenous girl | She was raped by Abdullah Al Noman Na yan (20), teacher of the same school in Bandarban. | Case has been filed. |
| 2 Dec | An indigenous girl (10) | She was raped by Biplab Hasda (43) in Godagari Rajshahi. | No case was filed |
| 12 Dec | An indigenous woman (35) | She was raped in an engine driven boat at the Kaptai lake of Rangamati. | One perpetrator was arrested out of two |
| 31 Dec | An indigenous Garo girl | She was allegedly raped by some settlers named Romjan and Gheso at Gobraakura village in Haluaghat Upazila, Mymensing. | Case has been filed |

Gang Rape

Gang rape cases of 9 indigenous women and girls were reported and documented in the country from January to December 2016 compared to 14 cases of gang rape documented in 2015. Out of the 9 gang rape cases, 3 cases were reported from the plains land while the remaining 6 cases were from the CHT. As in the previous year, most of the girls who were victims of gang rape were minor girls below 18 years of age. As in the previous years, most of the offenders involved in gang rapes were from mainstream community. As noted elsewhere, the mischievous motive that prompted heinous crimes like rape to take place is land. The offenders often use this as a weapon to terrorize and evict indigenous people from their ancestral land.

| Date | Victim | Place of Occurrence | Remark |
|---------|--|---|--------------------|
| 19 Mar | Indigenous Rabidas girl (13) of West Sachail village under Tarail upazila in Kishoreganj district. | She was gang raped in her own house at West Sachail village of Tarail sub district in Kishoreganj district by two miscreants Jahangir (25) and Khokon Mia (35). | No case was filed. |
| 5 April | An indigenous Chakma woman of Mirsharai upazila, Chittagong. | She was gang raped at BRAC Hatchery area under Mirsharai Upazila in Chittagong at the night. | No case was filed. |
| 8 April | An indigenous Chakma woman of Boda Nala village in Mohalchari Upazila, Khagrachari district. | She was gang raped by three Bengali land grabbers at Boda Nala village in Mohalchari Upazila, in Khagrachari district. | A case was filed. |
| 14 Aug | A Tripura indigenous girl | A Tripura indigenous girl, resident of Bashbaria Bazar in Shitakunda, student of Bashbaria High school, was gang raped by Mohammad Alauddin (40) and his companions on her way to a waterfall to take bath. | Case was filed. |
| 10 Sep | A 14 years old indigenous Tripura girl | She was raped at Matiranga Upozila, Gomti Union in Bandarchara Mouza's Karbari Para, by two Bengali named Mohammad Malu Mia (17) and Sumon Mia (28) of Tarunipara Gomti Union Matiranga. | No case was filed |

| Date | Victim | Place of Occurrence | Remark |
|--------|---------------------------------|---|---|
| 29 Sep | An indigenous Marma girl | She was gang raped by some settlers in Kawkhali, Rangamati. | Case was filed |
| 8 Oct | An indigenous girl | She was gang raped on her way back home by two miscreants named Shahidul Islam and Nurul Islam in Kyamolong Union of Bandarban district. | Case was filed |
| 16 Dec | An indigenous girl | She was gang raped by Ratnamoy Tanchangya (32) and Aungsha Ching Marma (28) on her way back home from a cultural program at Rowangchari government school in Bandarban. | Case was filed and the perpetrators were arrested |
| 23 Dec | A 17 year Marma indigenous girl | She was gang raped in Bandarban | Case was filed and the perpetrators were arrested |

Attempt to Rape

Violence against indigenous women and girls has been increasing day by day. Indigenous women and girls are not safe anywhere. They are subject to violence of different forms. In many cases, indigenous women and girls do not divulge the incidents of rape attempts made on them due to shame or social stigma. Even they do not take any action against the wrongdoers considering their personal security and social status. Moreover, in most cases the offenders are either placed in an advantageous position contextually or more influential to enjoy impunity. As a result, it is very difficult to bring the wrongdoers to justice. In 2016, rape attempt was made on 10 indigenous women and girls. This number was 17 in 2015. The decrease in incidents is not so much due to any improvement in the situation as it is due to increase in the level of community awareness.

| Date | Victim | Place of Occurrence | Remark |
|---------|---------------------------|---|---|
| 24 Jan. | An indigenous Garo woman. | As she returned home from her office Shafiullah, the offender, entered her house and tried to rape her at Dakkhinkhan, Dhaka. | Case was filed. Court sent him to the jail. |

| Date | Victim | Place of Occurrence | Remark |
|---------|--|---|---|
| 26 Feb | An indigenous woman (21) of Ujobazar area under Sajek Union of Baghaichari upazila in Rangamati. | A police constable Md. Sarowar Hossain, while on his duty at Ujobazar, entered the victim's house and tried to rape the victim. | The police officers in Ujobazar check post didn't take any action against Md. Sarowar. |
| 6 Mar | An indigenous widow (35) of Barokona village of Parbatipur Upazila in Dinajpur District. | Tojammel Hossain entered the victim's house and made a rape attempt on her. | Police arrested the perpetrator and sent him to jail the following day of the incident by the district court. |
| 15 Mar | An eight year indigenous girl of Manikjorchara village of Longadu upazila, Rangamati district. | She was subject to rape attempt by Joynal Abedin Abu of Vaittapara in her house. The perpetrator attempted to rape the victim while he was returning after attending a weeding. | Case was filed and police arrested the perpetrator. |
| 3 April | An indigenous girl (14) of Ruilui village at Sajek Union, Baghaichhari upazila Rangamati | Jeep driver Mizan made an attempt to rape her while she was going to the temple in the morning. | Though a case was filed, but no action was taken. |
| 3 April | An indigenous housekeeper from Jahanpur indigenous village of Gopalganj Union. | The perpetrator tried to rape the victim entering her bedroom of her house. | Case was filed but the police did no arrest the offender. |
| 2 June | An indigenous Chakma woman (24) of Ghumghum Union under Naikhongchari Upazila, Bandarban. | She was physically assaulted following a rape attempt by a Bengali named Abul Kalam of Amtoli village, Hwaikong union of Teknaf Upazila under Cox's Bazar district. The incident took place when she was returning to her home after fetching drinking water. | No case was filed. |

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| Date | Victim | Place of Occurrence | Remark |
|--------|---|--|--|
| 7 Dec | An indigenous girl of class X of Rangapani Chara of Kawkhali, Rangamati. | Rape attempt was made on her by Mohammad Ala Uddin (25), mini truck driver s/o Shamsul Alam of Fatiknagar Raozan when she was returning from school. | Perpetrator handed over to the police. But no action taken. |
| 10 Dec | An indigenous Marma woman from Maromchari village of Laxmichari upazila, Khagrachari. | A Hindu Shopkeeper at Laxmichari bazar in Khagrachari tried to violate her when she went to buy necessary goods. | A case was filed. Police arrested the perpetrator. |
| 28 Dec | An indigenous housekeeper (27) w/o Chailaprue Mog from Sonaiaga village of Ramgarh upazila in Khagrachhari distric. | The victim was attacked by two miscreants when she went out to answer to nature's call at around 7.30 pm. One of the criminals tried to rape her. Later, failing to rape her, she was chopped. | Though local police suggested to file case but due to difficulties to identify the miscreants they could not lodge the case. |

Abduction/Kidnapping

Recently, abduction/kidnapping has become a common form of violence against indigenous women and girls. Members of the mainstream community are indulged in kidnapping indigenous women and girls by making fake promises of love or marriage. When this scheme fails they take recourse to forcibly kidnap or marry indigenous women and girls. Indigenous children, especially of the remote areas in the CHT, are not also spared of. They are, in recent days, at the risk of forced religious conversion. By making fake promises of good education and descend life, indigenous children are trafficked to Dhaka and other places and later they are forced to convert into Islam. As was reported, there were 5 such abduction and forcible conversion to Islam in 2016.

| Date | Victim | Place of Occurrence | Remark |
|-------------|--------------------------|--|--------------------|
| 24 May 2016 | An indigenous woman (13) | She was kidnapped from Fasiakhali union of Lama Upazila in Bandarban district. | No case was filed. |
| 25 May | Two indigenous women. | They were kidnapped on their way to work at a factory near Patenga port in Chittagong. | No case was filed. |

| Date | Victim | Place of Occurrence | Remark |
|--------|--------------------------------|---|--------------------|
| 25 Oct | An indigenous Santal girl (19) | The Santal young girl was kidnapped and sent to Female Madrasa at Uttar Faridpur, Palashbari, Birgonj in Dinajpur. | Case was filed. |
| 27 Oct | An indigenous Chak girl (16) | The victim was returning home along with her guardian after completing her admission test in Chittagong University. | No case was filed. |
| 7 Nov | An indigenous girl | The indigenous girl of Ichthyology department in Sylhet Agriculture University, was kidnapped and assaulted on her way back to hostel by Utpal Singha Rony as she refused to his marriage proposal. | Case was filed |

Physical Assault

Assault or attack on indigenous peoples, on numerous occasions, have been perpetrated with a covert or overt patronage from a section of the security forces. The attack on indigenous peoples are largely organized to grab their lands. In this report on attack or assault, the police personnel are allegedly involved. As many as 5 cases of physical assault/ attack were reported to have been carried out in the year 2016, but not a single offender was booked and punished.

| Date | Victim | Background/Circumstances | Remark |
|-------|---|---|---|
| 8 Jan | Four indigenous women w/o Uzzal Pahan, Shymal Pahan, Madhav Pahan and Vim Pahan from Shialpara area under Akkelpur Upazila in Joypurhat district. | Perpetrators with the intention to grab indigenous peoples land and evict them from their ancestral land attacked and sexually harassed indigenous women. | The victim filed written complaint but yet any action was to be taken. However, it was Alleged that wrongdoers Perpetrators with the help of police perpetrated the attack. |

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| Date | Victim | Background/Circumstances | Remark |
|---------|---|--|---|
| 1 June | A Chakma woman w/o Upol Chakma of of Kalindipur area Rangamati. | Upol Chakma physical assaulted her wife as he was involved in extra marital affair with another woman. | No case was filed. |
| 13 July | An indigenous girl in Naogaon | She was physically assaulted in Dhamoirhat sub-district of Naoga district, by Md. Yasin Ali assistant of Sub-District's executive officer when she went to receive indigenous certificate. | Police personal involved in the physical assault. A written compliant was submitted. But no action was taken. |
| 6 Sep | An indigenous Oraon Woman (35). | She was attacked on her way to Union Parishad office. | She has filed a complaint with the police, however the police is yet to take any step. |
| 29 Nov | An indigenous woman from Cox's Bazar | Some goons attacked her when she went to have her launch after selling vegetable. Goons also snatched her money away. | With the help of the locals the goons were caught by the police, however they were freed. |

Sexual Harassment

Sexual harassment against indigenous women and girls is another weapon conveniently put in use to slight them in public as part of an insult to the community. In 2016 at least two cases of sexual harassment against indigenous girl were reported in the CHT and in the plain land. Though victims informed of it to the security forces and the police, but no action was taken against a single perpetrator.

| Date | Victim | Place of Occurrence | Remark |
|--------|---|--|---|
| 13 Aug | A 16 year old Garo girl. | She was sexually harassed at Gupipara, North Badda in Dhaka by a young man Md. Sohag (19) of Satbariya at Lalmohon in Bhola. | Leaders of Bagachas filed the case against Sohag with Badda police station. Case no 38383(5). |
| 8 Oct | An indigenous Chakma girl of Ragib Rabeya College, Barkal, Rangamati. | She was molested by an Imam of a mosque at Barkal bazaar of Barkal Upazilla under Rangamati district. | The victim informed it to the Muhammad Allaudhin, Zone commander of the 22 BGB in Barkal Sadar on 8 October. But the BGB authority did not take necessary steps against the Imam. |



V. State of Youths and Children



PC: Joel Chakma

V. State of Youths and Children

Introduction

While the human rights situation of indigenous peoples in general is in a dreadful state, a closer look into the state of human rights of indigenous children and youths in the country also doesn't reveal a satisfactory picture. The issues of indigenous children often take the backseat and not much discussed about. There is significant lack of segregated data and information on the issues of indigenous children. As a result, it is problematic to analyse the human rights situation of indigenous children in the country. However, it becomes clear from a routine observation that indigenous children in Bangladesh are doubly discriminated — firstly, because they are indigenous and secondly, because they are children. Their human rights enshrined in the Convention on the Rights of the Child (CRC), to which Bangladesh is a signatory, are routinely violated. Article 30 of the CRC directs the States to take measures so that any indigenous child “shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.” While the rights to culture, religion and language enshrined in this article are deemed vital, indigenous children are often seen to remain denied of and discriminated against on these issues.

Bangladesh enacted the Children Act, 2013, replacing the Children Act, 1974, in line with the CRC with the commitment to respect, protect and fulfil the rights of children in Bangladesh. However, this law remained largely on paper and the provisions of the Act are yet to be materialized in keeping with its spirit. Moreover, the Act remains silent about the issues specific to indigenous children. The whole document does not mention the word ‘indigenous’. Given this backdrop, and with some positive developments showing up from the interventions of the State, the situation of indigenous children in 2016 remained more or less similar to that of the previous years. Interestingly, the positive developments mainly remained limited in the development of education, including some pledges to initiate mother-tongue based education.

Similar to the children, indigenous youth too face age group-specific human rights issues because of their identity as indigenous as well as youths. Indigenous youths, being always in

the forefront of dealing with issues that affect their communities as a whole, often have to face problems that have negative bearing on their (human) rights. Especially, when it comes to violations of human rights faced by indigenous peoples, youths tend to be the prime victims. As was shown in other chapters of the report, indigenous youths, including girls (covered with special attention in Chapter IV), is one of the groups among indigenous peoples that faced discrimination and rights violations most in 2016.

Amidst mixed developments in different areas of rights of indigenous children and youths, the right to education in respective mother tongue of different ethnic children remained in the focus throughout the year including the government policy on it. Government repeatedly expressed its commitment to bring changes in this regard. Government representatives on many occasions spoke about introducing mother tongue based pre-primary education in five indigenous languages. However, the government needs to ensure that this initiative does not



fall flat this time and it undertakes other measures considered essential to make the initiative truly functioning. Thus, although such positive developments were observed throughout the year, some initiatives put into action by the government have violated the educational rights of children and youths instead and suffered from serious limitations. For example, education in some indigenous-inhabited areas of the country, such as the CHT and *haor* areas, has suffered from discrimination as compared to other parts of the country.

40 Mro families are still deprived of education

40 families of Nisi Para in Ruma upazila under Bandarban district remained deprived of having any access to basic education even in 2016. This remote Mro para has no school and the nearest school is about 30 kilometers from the village. It is virtually impossible for the young children to travel such a long distance to attend the school.



PC: Susnata Chakma

While many developments have taken place in the CHT as well as in the country at large since it emerged as an independent country in 1971, the right to education remains elusive for the Mro indigenous peoples of this remote village. They are, therefore, in desperate need of schools with sufficient accommodation and other facilities to ensure proper education for their children.

This Mro village is no exception to many other rundown indigenous inhabited remote areas both in the CHT and in the plains. Children have either zero or very poor access to education which is a serious denial of basic human rights.

Residential school and hostel to be established in the CHT

Government is going to establish residential schools and hostels for secondary school students in three hill districts of the CHT under a new project developed by the Education Ministry.

According to the Education Ministry, the project has been formulated to ensure secondary education targeting students in the remote areas of the CHT. Under the project, 13 residential schools will be established in Rangamati, Khagrachari and Bandarban districts. 35 hostels in 45 government schools and 20 hostels in 10 private schools will also be built under the same project. A meeting was held between the higher officials of both the Education Ministry and the Department of Secondary and Higher Secondary Education in order to give a final shape to the project.

Schools with residential facilities are considerably important for the remote areas in the CHT as transportation facility remains a major barrier for the students of this region. If implemented properly, this initiative may contribute to the improvement of situation in the education sector of the CHT.

Teacher shortage hampers education of students of Dighinala High School

Dighinala Govt. High School under Dighinala upazilla in Khagrachhari district is languishing severely for want of teachers as it continues to suffer from the chronic shortage of teachers in different subjects for the last seven years. In consequence, education of 612 students, mostly indigenous, continues to get hampered irretrievably during all these years and the students, naturally, lag behind their counterparts in other schools.

According to the school sources, following the transfer of two teachers of English in June 2008 and June 2009 respectively, no new teachers were appointed to fill these vacant positions ever since. Since then English was being taught by teachers meant to teach other subjects. Other 14 positions of different subjects were also lying vacant over these years. Presently, there are only 9 teachers out of 25 teaching positions. The position of the headmaster also fell vacant since 2008. Existing teachers informed the concerned higher authorities in writing repeatedly, but their appeal fell on deaf ears.

As a result, each teacher although normally allotted 15 classes a week, they are now stretched to take 21 or more classes which tells upon their efficiency affecting eventually the quality of education. As a result, it produces a negative bearing on the result of students appearing at the public examinations. Most of the students who did not succeed in SSC examinations over the last seven years were unsuccessful in English. For instance, a total of 11 students could not pass their SSC examinations from this school in 2015, and all of them were found to have failed in English.

Six indigenous children rescued in Abhaynagar, Jessore

On 21 January 2016, six indigenous Chakma children from Khagarachari district were rescued from Abhaynagar in Jessore after they managed to flee from Shurjomukhi Home Orphanage in Khulna.

As was reported, a teacher named Jenny of an orphanage named Shurjomukhi Home in Khulna city would often torture the children of the home, sometimes without any reason. She would not feed them timely and properly. As a result, children often had to remain hungry. In the case of providing medication to children too, they would not get it when they were sick. It was also alleged that the children were mentally and physically tortured on a regular basis. All the children in the safe home are reportedly said to be from financially insolvent families.

The 6 indigenous children were Mousumi Chakma (7), Koyeli Chakma (7), Shaptarshi Chakma (9), Monika Chakma (9), Suchana Chakma (10), and Bishakha Chakma (11). As they could not bear the persistent torture from the aforesaid teacher any longer, they managed to escape from the orphanage. On 21 January, the kids left the orphanage in the morning and reached at Abhaynagar in Jessore on foot. At around 5 pm, one auto driver named Md. Siddique saw them walking wearily. He asked them about their identity. Then they told him everything what happened to them in that orphanage. The kids then were sent to the municipal Mayor. Later on the same day at around 11 pm, the police handed over the children to Sonadanga Victim Support Centre in Khulna. From there the children were sent to their parents.

Government to publish textbooks in 5 indigenous languages in 2017

Government once again reiterated its commitment to introduce mother-tongue based pre-primary education in five indigenous languages namely, Chakma, Marma, Tripura, Sadri and Garo by publishing textbooks in these languages in 2017. Earlier government commitment over the last four years in this regard did not materialize.

On 24 May 2016 Mr. Nurul Islam Nahid, the Education Minister announced in a meeting in Dhaka that Bangladesh Government decided to publish pre-primary level textbooks in the aforementioned languages through the National Curriculum and Textbook Board in 2017. He

also said that, the National Curriculum and Textbook Board took an initiative to publish primary and secondary level teaching guidelines and curriculum in these languages. If materialized, the initiative would prove to be an epoch making event in the history of education of the country.

Indigenous child abducted in Rajsthali, later rescued

On 10 March 2016 at around 9.30 am a group of miscreants named Monowar Hossain, 24, son of Md. Sahadat, Md. Rasel, 22, son of Md. Monsur and Md. Salahuddin, 19, son of Alauddin, forcibly abducted an indigenous child named Bijoy Marma (7), son of Puthoau Marma (36) from his school at Rajsthali under Rangamati District.

The perpetrators, after abduction, allegedly demanded BDT 5 lac from the victim's family. The victim's family lodged a complaint with the Rajsthali Police Station on 11 March 2016.

Later on, the Police with the help of the local people rescued the child on 11 March 2016 at 5.40 am from the bushes of Hakimpur area. The child found with severe injuries in his body. Later, the police of Rajsthali Police Station arrested the two alleged perpetrators out of three. The third one was still absconding.



Teacher's discriminatory treatment halts education of 5 Rakhaine students

Education of five Rakhaine students of Tulatuli Secondary School under Kalapara upazilla in Patuakhali district discontinued on account of some discriminatory and obsessive action of a teacher in the school.

It was reported that an Islamic Studies teacher Moulana Mohammad Afzal Hossain used to hurt the sentiments of Rakhaine students who profess Buddhism by discouraging Muslim students to stay away from making any friendship with them. The teacher was also alleged to be in the habit of showing disrespect to Rakhaine students in front of their Muslim classmates and indulged in such utterances as were not only ill-motivated but also discriminatory to Rakhaine students. Due to his ill-disposed conduct, five Rakhaine students abstained from attending the school any more.

Khen Khen, mother of an aggrieved student, lodged a complaint in writing to the Upazilla Nirbahi Officer, Dipak Kumar Roy, of Kolapara upazilla on 21 January. Moulana Mohammad Afzal Hossain denied the allegation. However, upon receiving the complaint, the concerned officials of Kalapara Police Station started investigating the case.

Primary education: dropout rate highest in the CHT and *haor* areas

An analysis of the available data of the last 15 years on the progress as well as the state of primary education shows that although the enrollment rate is now nearly hundred percent, the national average dropout rate is above 20 percent. However, the dropout rate is the highest in the CHT and the *Haor* areas of the north-eastern Bangladesh where a large number of indigenous and other marginalized groups are concentrated.

Officials of the Ministry of Primary and Mass Education admitted that Bangladesh has made remarkable success in relation to enrollment rate in primary schools, but the dropout rate is still far from being satisfactory. And the dropout rates in the CHT and the *Haor* areas are much higher than the rest of the country. While the average enrollment rate in the CHT and the *Haor* areas are 60 to 70 percent, the dropout rate is between 30 and 40 percent. The latest census of the Department of Primary Education shows that the dropout rate is 29 per cent in Bandarban, 23 percent in Khagrachari and 22 percent in Rangamati, with the average dropout rate being at 25% in the three Hill Districts.

Major reasons behind low enrollment and high dropout rate in the CHT include poor communication and transportation system, remoteness, insufficient number of schools, poor infrastructural facilities and language barrier.

Experts are of the opinion that the investment in the education sector in Bangladesh compared to other South Asian countries is much lower. There is a need for an investment in the education sector of at least 6% of the overall GDP of the country in order to bring down the dropout rate to zero. Unfortunately, the investment still remains around a little more than 2% of the GDP.

25 schools wait to be nationalized

Uncertainty loomed large on 25 primary schools in the CHT with 1,400 students as these schools were yet to be included in the listing process of nationalization. It is to be noted here that the nationalization process of all primary schools in the country, as per government decision, was to be accomplished in three phases. In 2013, 719 primary schools throughout the country were earmarked for nationalization following an initiative by the Prime Minister Sheikh Hasina. Since then, no further listing of schools was done and consequently, many primary schools were left to be nationalized in the country. A joint (primary) education program implemented by UNDP-CHTDF and Rangamati Hill District Council provided for honorarium to teachers of the community initiated non-governmental primary schools since 2010. However, the program ended in June 2015 following the phasing out of the UNDP-CHTDF development program. Since then many schools were striving for survival with poor community support. The education of hundreds of students and the livelihood of scores of teachers will be seriously threatened if these schools are left out of the nationalization process.

The 25 primary schools mentioned above include Durhatchara, Chalkapara, Shoyalpara, Barudghola, Pekpara, Jurachari, Amtala, Chairmanpara, Balochpara, Shilchorimonpara, Vuatulichora, Badolhatchora, Chotokaraidiya, Nakshatoli, Anadapara, Chumachumi,

Mondirachora, Kulukpanichora, Shimeitoli, Baluchora, Karallyachori, Duluchori, Kalabanchora and Ghilaludi primary schools in Rangamati.

It is worth mentioning that in September 2015, school documents and related information were submitted to the district education office in Rangamati in order to facilitate nationalization of the remaining community run primary schools. Those documents are supposed to be sent to the Ministry of Education after being signed by the Chairman of Rangamati District Council and District Primary Education officer. However, no further action so far was learnt to have taken in this regard. As a result, tension was thus found mounting among indigenous students, guardians and teachers of the region.

MEDIA REPORTS**The Daily Star**

The Daily Star, February 16, 2016

PEOPLE'S VOICE**Indigenous language in education**

"If you talk to a man in a language he understands, that goes to his head. If you talk to him in his language, that goes to his heart." - Nelson Mandela.



Art work by Sheikh Amena Jahan

Mikrak Mrong Shuhel

An indigenous student of Dhaka University, who resides in Jagannath Hall, was stating his happiness with the state language as well as feeling sorry for his mother tongue. 'I can now fluently speak in Bangla what I want to express. But till studying in Notre Dame College, the state language was not in my control. I passed the days at primary and high school without questioning the teachers for something unknown or need to know. The teachers were from Bengali community and unable to understand my mother tongue. I

had to let the time go looking the classmates raising questions and feeling inferiority and thinking that if I were Bengali, I could ask. Now I can interact easily. But the problem is I can no longer speak my mother language fluently as the time before and am gradually losing my confidence to communicate in own tongue with other persons from same community.' The above stated expression is not only of that education seeker, but also of many students whose mother tongue is not Bengali language.

The mother language is one of the most important treasures for a nation. It is an inalienable part for the development of intellectual, physical and moral of education. Habits, values and beliefs are enshrined to a person through the mother tongue. Our heroes fought for Bengali language dating back over sixty years. That fight was for protesting a step taken by then government to subdue the language and identity of a culture. We sacrificed more than any nation in the world for language. So it is supposed that we understand the necessity and importance of mother tongue. But are we worried about some other languages facing threat of extinction before our eyes as a result of using everywhere Bengali language?

There are more than forty languages spoken by indigenous people in Bangladesh. Each of these languages represents a special culture and asset. But the children of those languages don't have scope and opportunities to learn and study in mother tongue from primary level. Those children are forced to switch abruptly from learning in their mother tongue to schooling in a second language. Their self-confidence as learners and their interest in what they are learning gradually decline, leading to lack of motivation, school failure and more importantly, early school drop-out.

Understanding the fact, the govt. enacted the National Education Policy in 2010 to ensure a creative, favourable and joyful environment for the students for their proper protection and congenial developments. The PRSP, Child Rights Convention, ILO Convention No. 107 and other international conventions had been taken into consideration before framing the Policy and as such, education in own indigenous

languages was included in sections 18, 19 and 20 of the Policy. As a first step, government decided to start the implementation process through publishing books for the five ethnic languages in primary level. From the government side, it was stated in 2013 that books of indigenous languages would be delivered to the children of those five languages.

The years of 2014-2015 are gone and 2016 has started. But yet the indigenous children are waiting to have the golden books. Materials for publication were developed in 2015

arranging three workshops where representatives from five communities participated. Now, the reason of not publishing is common question lamenting in the mouth of indigenous peoples.

Those people are little bit disappointed but haven't left hope and expectation. They dream their children will study in own language, raise question without any hesitation and overcome language barriers to seek knowledge.

The writer works in Bangladesh Judicial Service.

DELIVERING VERNACULAR TEXTBOOKS TO NAT'L MINORITIES : Govt fails once again



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Mohiuddin Alamgir

The government has once again failed to provide vernacular primary textbooks to students of national minority communities on January 1, although it had promised to deliver them by January 2014.

National Curriculum and Textbook Board officials admitted that students of national minority ethnicities would not get books in their own language in January, and even failed to say when they would be able to do it. In the absence of vernacular books at over 90 per cent primary schools in the Chittagong Hill Tracts, the dropout rate among the ethnic minority students is disproportionately high.

Educationists and rights activists said it was immensely important for national minority children to have textbooks in their own language so they could study in their first language and children who find it difficult to follow classroom teaching in Bangla will stop dropping out.

Parbatya Chattagram Jana Samhati Samity organising secretary Shaktipada Tripura said the government agreed in the CHT accord in 1997 to provide 'indigenous' children with primary education in their mother language, but children are yet to get such books. NCTB member (text book) Mia Inamul Haque Siddiki and member (primary) Abdul Mannan said they failed to handover the books due to fund crunch.

Abdul Mannan said NCTB sought about Tk 30 lakh from the Directorate of Primary Education in May this year to organise several workshops and for payments to writers and editors of the books, but after several reminders they are still to get the money.

‘We are in the final stage of preparation. If we get money, we will be able to finish the work in quick time,’ he said.

DPE director general Mohammad Alamgir admitted they got the letter from NCTB and had sought the allocation from the Primary and Mass Education Ministry in November. NCTB officials said the government had taken up the plan in 2012 to publish textbooks for children of national minorities and ethnic groups in six languages — Chakma, Garo, Marma, Sadri, Tripura and Santali and have it ready towards the beginning of 2014.

The primary and mass education ministry in October 2012 decided to publish textbooks in the six languages. A national committee is working on it beside the NCTB technical committee. The plan is to publish textbooks for pre-primary students and gradually move on up to Class III. The project missed the January 2014 deadline as the committee appointed for the task lumbered and also because of a controversy over which of the Roman and the Bangla alphabets would be employed to write Santali.

The government decided to push the Santali books to 2016. NCTB officials said that it will not be possible to publish and distribute the books by July this year as well as at least 30 per cent of the work is still incomplete.

Members of national and technical committee said they would do sort of a ‘cultural translation’ of the texts of the national curriculum so that it became easier for children using the languages.

According to reports submitted by district primary education officers of the three hill districts — Rangamati, Khagrachari and Bandarban — to the Ministry of Chittagong Hill

Tracts Affairs in June, only 123 primary schools out of 1561 primary schools in CHT, with 2.17 lakh students, have native tongue based Multi-Lingual Education (MLE) system at the pre-primary level.

Education activists said in absence of MLE, hill students are suffering a lot. In the three hill tracts districts, the average dropout rate from primary was 59 per cent, a Manusher Jonno Foundation study said in September 2012. According to the Directorate of Primary Education, the national dropout rate was 26 per cent in that year.

VI. Present State of the Implementation of the CHT Accord



VI. Present State of the Implementation of the CHT Accord

Following a decade-long dialogues with the successive governments beginning from 1985 to 1997, finally an accord popularly known as 'The CHT Accord' was signed between the Parbatya Chattagram Jana Samhati Samiti (PCJSS)¹⁰ and Sheikh Hasina-led Awami League Government in Dhaka on 2 December 1997 with the aim to resolve CHT crisis through political and peaceful means. The CHT Accord which was a consensus of national importance fundamentally accords, among others, recognition to the CHT as the tribal-inhabited region with a special governance system to be led by the CHT Regional Council (CHTRC) and three Hill District Councils (HDCs). The Accord further provides for the reservation of two-third of the seats including those of chairmen in the Councils both at the Regional and District level for indigenous peoples, demilitarization of the region, resolution of land disputes through a Land Commission, rehabilitation of returnee Jumma refugees and internally displaced persons, appointment of the permanent residents with priority of indigenous Jumma peoples in all posts and services in the CHT, setting up the CHT Affairs Ministry at the national level, and so on.

In fact, the CHT Accord has been instrumental in ending the decades-long fierce internal conflicts and paves the way for peace, development, and demilitarization of the region with opportunities for meaningful engagement and representation of the Jumma peoples. The implementation of the CHT Accord is, thus, widely considered as the central to bringing stability in the CHT by releasing the forces of peace and development in the region. But substantial progress is yet to be achieved due to non-implementation of the main aspects of the Accord.

Present State of Implementation of the CHT Accord

The Government of Bangladesh (GoB), in the meantime, implemented some of the provisions as have been stipulated in the Accord, such as, enactment of the CHT Regional Council Act 1998; amendment of the three Hill District Council Acts in 1998 and formulation of the CHT

¹⁰ A political party of indigenous Jumma peoples in the CHT founded in 1972.

Land Dispute Resolution Commission Act 2001 which was amended in 2016 as per 13-point recommendations; formation of the interim CHTRC and the Ministry of the CHT Affairs; repatriation of Jumma refugees from Indian state of Tripura; withdrawal of around 100 temporary security camps (but the government claims withdrawing around 200 camps); formation of the CHT Accord Implementation Committee, the CHT Land Dispute Resolution Commission and the Task Force on Rehabilitation of Returnee Refugees and IDPs, etc.

However, no effective initiative has so far been taken for the implementation of the fundamental aspects of the Accord even after 19 years of the signing of the Accord. The vital issues that remain unimplemented are as follows-

- a) Legal and effective safeguards to preserve tribal-inhabited features of the region.
- b) Devolution of powers and functions to the CHTRC and the three HDCs, including general administration, law and order, land and land management, police (local), forest, environment etc.
- c) Holding elections to the CHTRC and the three HDCs through formulating Electoral Roll Rules and Election Rules and preparing voter list with permanent residents of the three hill districts in the CHT.
- d) Resolution of land disputes and cancellation of land leases given to non-residents.
- e) Withdrawal of all temporary security camps and de facto military rule 'Operation Uttoron' (Operation Upliftment) from the CHT as per a time frame to be announced immediately.
- f) Rehabilitation of Internally Displaced Jumma Families and Returnee (India-Returned) Jumma Refugees along with restitution of their lands and homesteads to them.
- g) Appointment of the permanent residents to all posts and services in the CHT with the priority to be given to the indigenous Jumma peoples
- h) Amendment of all the other laws applicable to the CHT including the Police Act, Police Regulation and the CHT Regulation 1900 in conformity with the Accord.

The government of Bangladesh, from its side, keeps on explaining that the majority shares of the Accord (48 provisions out of 72 provisions) have been implemented. PCJSS including the CHT residents and civil societies, on the other hand, contested the government claim by saying that only one-third provisions of the Accord (25 provisions out of the 72) have been fully implemented. It means that two-third provisions of the Accord including its critical provisions remain unimplemented as of this day. Civil society, IPOs and development actors have been urging the government to take implementation process (of the Accord) forward, but there has not been any perceptible change in this regard to satisfy the keen observers.

Recent development in the implementation process of the CHT Accord**1. Amendment of CHT Land Commission Act**

At last, on 1 August 2016 the CHT Land Dispute Resolution Commission (amendment) Act 2016 was approved by the Cabinet in its regular meeting paving the way to amend the long-awaited contradictory sections of the CHT Land Dispute Resolution Commission Act 2001 after a long wait and negotiation. Assented finally by the President of Bangladesh, the gazette notification of the “CHT Land Dispute Resolution Commission (amendment) Ordinance 2016” was published by the Law, Justice and Parliamentary Affairs Ministry on 9 August 2016 as the parliament was not in its session at that time. Later, the CHT Land Dispute Resolution Commission (Amendment) Act 2016 was passed in the Parliament on 6 October 2016.

It is to be mentioned that the then Awami League government passed the CHT Land Dispute Resolution Commission Act in 2001 hurriedly without consulting with the CHT Regional Council (apex body of the special administrative system of the CHT) immediately before handing over the power to the Caretaker Government. As a result, many sections in the Act were made contradictory to the provisions of the CHT Accord. Strings of protests were followed from the PCJSS, CHT Regional Council and the civil societies of the country with a demand to amend the contradictory clauses of the Land Commission Act. Series of meetings and dialogues were held with the successive governments on this matter. At last, following a series of meetings between the Awami League-led government and the CHT Regional Council, 13 points amendment proposals were adopted unanimously and twice, in 2011 and 2015 respectively. However, in spite of such an agreement, the process of amending the CHT Land Dispute Resolution Commission Act got delayed mysteriously for long until it was finally done in August 2016.

Following the amendment, the Land Commission Law was harmonized with the provisions of the CHT Accord. The CHT Accord stipulates that “The Commission shall resolve the disputes in consonance with the law, custom and practice in force in the Chittagong Hill Tracts”. Whereas, in the CHT Land Dispute Resolution Commission Act of 2001 this sentence included: “existing laws and customs in force in the CHT”, the word “practices” was missing. However, the existing “practices” is very important in land management system of the CHT and it was thus incorporated in the amended Land Commission Act of 2016.

The CHT Accord further stipulates that “This Commission shall, in addition to early disposal of land disputes of the rehabilitated refugees, have full authority to annul the rights of ownership of those hills and lands which have been illegally settled and in respect of which illegal dispossession has taken place”. However, in the Land Commission Act of 2001, only part of the above sentence viz. “disposal of land disputes of the rehabilitated refugees” was included leaving out the other part “have full authority to annul the rights of ownership of those hills and

lands which have been illegally settled and in respect of which illegal dispossession has taken place.” The land disputes in the CHT include not only those of repatriated tribals but also the ones involving illegal “settlements” and “occupation”. The amended Land Commission Act 2016 incorporated land disputes arising out of illegal “settlement” and “occupation”.

The Land Commission Act of 2001 delegated absolute power to its chairman: “Chairman shall take decision on the basis of discussion with other members present on the areas of activities stated in section 6(1) and under related areas unanimously, but if the decision is not unanimous, in that case, his decision shall be treated as the decision of the Commission”. This has been amended and the decision making process has been made more democratic by rephrasing the said section which now reads- “the decision of the majority members of the Commission including the chairman shall be treated as the decision of the Commission”.

For quorum to be fulfilled, the Land Commission Act 2001 provided for presence of “the chairman and another two members”. The 2016 amendment to the Land Commission Act now requires the presence of “the chairman and another three members” for quorum to be fulfilled. As a result, the functions of the Commission have been made more democratic, accountable and transparent. Moreover, the amended Act also provided that the secretary, officers and employees of the Commission shall be appointed from permanent residents of the CHT, giving priority to the tribal persons of the hill districts. Providing for such a provision, the rights of the permanent residents of the CHT regardless of Jumma and non-Jumma people have been ensured in the employment of the Commission.

Despite appointment of five consecutive chairmen of the Commission since 1999, the Land Commission could not start its functions for resolution of land disputes as amendment of contradictory provisions of the CHT Land Dispute Resolution Commission Act 2001 remained pending for 15 years. Consequent upon non-settlement of land disputes, not only conflicts and communal riots often flare up in the CHT but also the process of forcible occupation of lands belonging to the Jummas goes on unabated. It is hoped that this amendment of the Land Commission Act paves the way for proper resolution of land disputes and restitution of dispossessed land to the indigenous peoples.

The amendment of the CHT Land Dispute Resolution Commission Act is a bold step on the part of the government in implementing the CHT Accord. The government brought about a major change in the laws concerned, aiming to end the problems relating to land disputes in the CHT. Briefing the reporters after the meeting, the Cabinet Secretary M Shafiu Alam said, the draft bill incorporated proposals from a resolution signed between the government and the PCJSS at a meeting on January 9, 2015 at Chittagong Circuit House. He also said all of the 13 proposals for amendment placed before the government had been accepted, and the development was termed by him as significant.

After the amendment to the CHT Land Dispute Resolution Commission Act 2001, a meeting of the CHT Land Dispute Resolution Commission was held on 4 September 2016. A public notice, as per section-9 of the CHT Land Dispute Resolution Commission Act 2001, was issued from the CHT Land Dispute Resolution Commission office on 8 September 2016 inviting the aggrieved persons to apply in plain white paper duly signed by the applicant and submit them to the Commission Office directly or through representative or by post within 45 days with effect from the date of notification. Accordingly, the deadline for submission of application was expired on 24 October 2016. However, in the 2nd meeting of CHT Land Dispute Resolution Commission held on 30 October 2016 it was decided that the date for submission of application would remain open for an unspecified period.

Although the CHT Land Commission has started functioning but it has remained confined to meetings of the Commission only with no progress in the business of settling land disputes. The office setup of the Commission is yet to be shaped up according to its required strength due to lack of fund, logistic and human resources. With the transfer of the secretary to the Land Commission in November 2016, the office is being run by only two staffs. The Commission even does not have any fund to carry out its day to day business. The government is yet to allocate adequate fund, approve adequate manpower and set up two sub-offices in Rangamati and Bandarban district. The Rules of Business of the Commission has not been framed as of today. The CHTRC submitted a draft Rules of Business to the government in December 2016, but no substantial progress has been made in finalizing and approving it. It would be difficult for the Commission to start processing cases relating to land disputes as well as adjudicating them without the Rules of Business.

2. Laying of foundation stone of 'Parbatya Chattagram Complex'

The Prime Minister, Sheikh Hasina laid the foundation stone of 'Parbatya Chattagram Complex' (Chittagong Hill Tracts Complex), at Bailey Road in Dhaka on 8 May 2016 aimed at strengthening the national cultural diversity and promoting the customs and individual characteristics of the hill people. The complex will have a six-storied building with a multi-purpose hall, dormitory, administrative building, museum, library and residences for the CHT Affairs Minister and Chairman of the CHT Regional Council, the three Hill District Councils and the three Circle Chiefs. It will be built on a 1.94-acre land at a cost of BDT 10.6 million and is expected to be opened by June, 2018.

3. Transfer of subjects to the HDCs

The government transferred five subjects/functions to the three HDCs in 2014. The transferred subjects include: 1) Shifting Cultivation, 2) Secondary Education, 3) Birth-Death and other Statistics, 4) Money Lending Business and 5) Tourism (local). However, the transfer of Tourism (local) was not a comprehensive one and not in line with the spirit of the CHT Accord 1997. Till

today the number of transferred subjects including functions stands at 17 and the rest 16 departments out of 33 departments still await government's green signal. However, the most crucial issues/subjects such as, law and order of the district, land and land management, police (local), forest and environment etc. are yet to be transferred to the HDCs.

4. Amendment of various laws applicable in the CHT

Clause 2 of Part A of the CHT Accord stipulates: "Both the parties have agreed to alter, amend and add to, in consonance with the consensus and responsibilities expressed in the different section of this Agreement, the relevant laws, regulations and practices according to law as early as possible."

To make this provision of the Accord effective there is no alternative but to amend various laws applicable in the CHT (such as, Laws, Regulations, Rules, Orders, Circulations, Allocation of Business of various ministries, etc.) and the special laws relating to the CHT (such as, CHT Regulation 1900, etc.). The PCJSS submitted a list of 42 general laws and a list of 10 CHT related special laws and rules in April 2015 for necessary amendment to conform them to the Accord.¹¹ But the government has not taken any step so far in this regard.

On the contrary, the government amended the three HDC Acts and enacted the CHT Development Board Act in 2014 which has nothing to do with the Accord. On 23 November 2014, the three HDC Acts viz. Bandarban Hill District Council (Amendment) Act 2014, Khagrachari Hill District Council (Amendment) Act 2014, Rangamati Hill District Council (Amendment) Act 2014, seeking an amendment to raise the number of the Interim Council from the existing 5 to 15 were passed. It is to be recalled that no elections have ever been held in the three Hill District Councils even after 19 years of the signing of the Accord. The Election Rules and Rules for Electoral Rolls for the three HDCs have not been formulated till today. Instead of forming 34-member elected HDCs, the Councils are being operated undemocratically by the Interim Councils nominated by the ruling party. In spite of widespread protests from the CHT people who have been demanding elections to the HDCs, the government on 23 November 2014, ignoring the popular call, pressed for the said amendment unilaterally. The motive behind such an uncalled for amendment is slated to be to by-pass the elections to the CHT institutions in order to deprive the CHT people from their rights to limited self-governance destined to be dispensed through the CHT institutions as envisaged in the CHT Accord. In fact, these interim HDCs, being unelected and nominated politically, work without any obligation and accountability to the people.

¹¹ Report on Implementation of CHT Accord, 2 December 2016, Parbatya Chattagram Jana Samhati Samiti, Rangamati, Chittagong Hill Tracts, www.pcjss-cht.org

5. Self-rule & governance

In pursuance of the CHT Accord, the CHT Regional Council, the apex body in the CHT special administrative system, has the power to oversee the general administration, law and order, and to supervise and coordinate all development activities including those of the three Hill District Councils (HDCs) and the CHT Development Board. However, the HDCs and the CHT Development Board, contrary to what has been stipulated in the Accord, have been functioning and carrying out their development and other activities in the CHT in complete disregard of the supervisory and coordinating authority of the CHT Regional Council.

It is being widely observed that various decisions are being taken and implemented with regard to matters relating to general administration, law & order, and development by authorities of different government agencies without consulting or informing the CHT Regional Council and Hill District Councils. For instance, recently Guimara upazila, Sajek police station, and Bartholi union were created. These are important administrative steps which have their bearings on the future course of events in the CHT. The CHT Regional Council and the HDCs are the important local government institutions, designed and established to play guardian's role to ensure welfare of the people in the region. However, the CHT Regional Council and the concerned HDCs were not consulted with before deciding on such important issues. Decisions on development activities of public interests such as construction of border roads along the international boundaries of the three hill districts, land port at Thegamukh, setting up of luxurious tourism complexes under the patronage of local military authority and Parjatan Corporation, declaration of protected and reserved forests, installation of Border Out Posts (BOP) for Border Guard Bangladesh (BGB) are being made and implemented without checking with the concerned CHT institutions as mentioned above. Such actions by various agencies of the government seriously undermines the spirit of the CHT Accord, signed after strenuous dialogues, not only to bring stability in the country but also to do away with the grievances of the CHT indigenous peoples by recognizing and acceding to their legitimate rights.

The Top down approach to development is still being followed and executed in the CHT, despite the establishment of the CHT Regional Councils and the three Hill District Councils to decide on their own development needs by themselves. As a result, the spirit of ensuring sustainable development, as per the CHT Accord, is yet to be guaranteed in the CHT.

6. Development in the CHT

Economic and social development is one of the crucial requirements of the CHT Accord and the issue is also inseparably linked to the rights to free, prior and informed consent of the people concerned which is also specified in the Accord. Accordingly the government claims to have allocated funds for development in the CHT (can we cite figures and their adequacy in meeting CHT needs?). Prime Minister Sheikh Hasina said on 8 May 2016 during laying of foundation of

CHT Complex said that apart from setting up bridges, pole and culverts, around 1,359 kilometers of roads were constructed in the CHT regions. Due to inaccessibility of grid line, the government took steps to ensure solar panels for the homes in the area, she added. In the supplement published marking the 19th anniversary of the Accord on 2 December 2016, Prime Minister also said that the government implemented huge development works in all sectors including education, health, electricity supply, road communication, infrastructures and mobile network in the CHT. However, there is serious lack of the participatory approach in identifying the needs and priorities and distributing funds in executing them. The development of events since 1997 is indicative that the CHT institutions, the products of the Accord, always stand ignored in matters which are associated with determining and defining the course of destiny for the CHT peoples.

In a speech on implementation of the CHT Accord delivered in the Parliament on 10 February 2016, Prime Minister Sheikh Hasina painted the picture of progress in different socio-economic sectors including education, health, communication etc. She said that since the signing the CHT Accord, 176 educational institutions have been constructed or repaired in the CHT. She also mentioned that “some areas in the CHT have been developed into spots suitable for tourism, and these areas have been able to attract tourists from home and abroad.”

However, it is alleged that in spite of government’s allocation of additional funds on priority basis to implement more projects aimed at developing the CHT as per Section 9 in Part D of the Accord, the major share of the fund, however, has been misappropriated. As a matter of fact, the provision requiring the CHT Regional Council to undertake overall supervision and coordination of all functions of the three Hill District Councils including the development activities of the CHT Development Board is yet to be complied with properly.

7. Rehabilitation of IDPs

Clause 1 of Part D of the CHT Accord provides, “After ascertaining the identity of the Internally Displaced Persons of the three hill districts, rehabilitation measures shall be undertaken through a Task Force”. It is a fact that no internally displaced Jumma people has been rehabilitated so far.

After assuming the state power, Awami League-led grand alliance Government appointed Mr. Jatindra Lal Tripura, then MP of Khagrachari constituency, as Chairman of the Task Force in 2009. Since the reconstitution of the Task Force during the present grand alliance government (2009-2016), no progress in rehabilitating the internally displaced Jumma families, returnee Jumma refugees and ex-combatants of PCJSS has been achieved. The government is still seen to stick to the previous policy to rehabilitate Bengali settlers in the CHT identifying them as IDP which is contradictory to the CHT Accord. As a result, the rehabilitation process of the

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tribal IDPs, though 19 years have passed since signing of the CHT Accord, remains at the dead end.

The Task Force held last meeting on 8 January 2016 in the Chittagong Circuit House. Earlier, another meeting on 26 February 2015 was convened in Chittagong. However, no substantial progress has been achieved in rehabilitating the IDPs. It is alleged that the CHT Ministry is unable to provide necessary funds to the Task Force.

Indigenous IDPs who were uprooted from their ancestral lands due to massive communal attacks on various occasions by settlers continue to be deprived of accessing any humanitarian assistance from the government or any other national and international humanitarian actors/agencies.





VII. Climate Change and Environment



VI. Climate Change and Environment

The intricate relationship between human rights and climate change has been under discussion for many years. The adverse impact of climate change, as is being gradually coming out of the four walls of seminars, workshops and conferences, has become a matter of concern for the governments, experts, environmentalists and the general public across the globe. 'The negative impacts of climate change are disproportionately borne by persons and communities already in disadvantageous situations owing to geography, poverty, gender, age, disability, cultural or ethnic background, among others, that have historically contributed the least to greenhouse gas emissions.'¹² Therefore, it profoundly affects the enjoyment of human rights including the rights to life, self-determination, culture, development, water and sanitation, food, health and housing etc. The negative impacts caused by climate change are global, and therefore, requires a global rights-based response.

Considering climate change as a global issue and to mitigate the dangers of climate change, world leaders established the United Nations Framework Convention on Climate Change (UNFCCC) in Rio de Janeiro during the Earth Summit in 1992 to address the issues. Bangladesh is a signatory to the United Nations Framework Convention on Climate Change (UNFCCC). In 1992, the Government of Bangladesh signed the UNFCCC and ratified it in 1994. It became the member of 5 committees under UNFCCC (CDM Executive Committee, Adaptation Committee, Green Climate Fund, Compliance Committee and Consultation Group of Experts) and Spokesperson of LDCs. Bangladesh Ratified the Kyoto Protocol on 22 October 2001 which entered into force on 16 February 2005.

The Conference of Parties (COP) to United Nations Framework Convention on Climate Change (UNFCCC) is the UN governing body related to climate change. The latest Conference of parties (COP 22) was held in Marrakech, November 7 to 18, 2016. In the conference climate negotiators agreed to finalize the rules for the Paris Agreement by 2018 and developed a clear

¹² Human Rights and Climate Change. <http://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRCClimateChange>

roadmap to meet the deadlines. The 2018 climate summit will set the stage for countries to put forward their enhanced national climate plans in 2020. The Paris agreement which was signed in December, 2015 on its 21 conferences and went into force November 4, 2016. Till now 120 parties or countries have ratified the Paris Agreement.

Bangladesh is certainly recognized in the UNFCCC talks as an important country; both due to its actions at home as well as its negotiators and other representatives at the COPs. Bangladesh has also been selected to be a member of a number of important bodies set up by the UNFCCC over the years, such as the Adaptation Fund Board, the Green Climate Fund Board and the Executive Committee of the Warsaw International Mechanism on Loss and Damage. This is another recognition of Bangladesh's expertise and importance in this area by the other countries. Bangladesh negotiates as a member of the Least Developing Countries (LDC) group and was at one time the chair of the group but now remains in the senior group of LDC negotiators.

Bangladesh is considered to be one of the most vulnerable countries to the adverse impacts of Climate Change in the coming decades. So Government of Bangladesh has taken a number of initiatives at the national level to address the issues related to climate change. The 7th Five Year Plan (FY2016 - FY2020) of Bangladesh states appropriate policy and institutional capacity building for sustainable land water management, biodiversity conservation, forest ecosystem restoration, climate resilient development and disaster management are crucial at all levels of government, especially with a greater emphasis at the local government level where most of the programs are to be implemented. The 7th Five Year Plan will also incorporate a Green Growth strategy to harmonize economic growth for better environmental sustainability. Therefore, the present 7th Five Year Plan's articulation of a sustainable development strategy involves a large array of actions under three key themes: (i) Climate Change Management and Resilience (comprised of adaptation and mitigation) (ii) Environmental Management; and (iii) Disaster Management. These actions are aligned with the overall framework and strategies of NSDS, and are broadly consistent with the scope of the post-2015 SDGs.

As mandated by the UN Framework Convention on Climate Change for the least developed countries (LDCs), Bangladesh submitted its National Adaption Program of Action (NAPA) in 2005 and also updated in 2009. Following up, the Climate Change Unit of the Ministry of Environment and Forests (MoEF) brought out the Bangladesh Climate Change Strategy and Action Plan (BCCSAP) in 2008, which was revised in 2009. As per the direction of Climate Change Trust Act, 2010 the Government of Bangladesh has established the Bangladesh Climate Change Trust Fund (BCCTF) with national revenue budget and Bangladesh Climate Change Resilience Fund (BCCRF), 2010 with the assistance of development partners. The Green Climate Fund of the United Nations Framework Convention on Climate Change has raised \$10.4 billion of which it has received 27 projects worth \$1.2 billion. One of the projects

worth \$80 million belongs to Bangladesh. Under the project titled "Climate-resilient infrastructure mainstreaming in Bangladesh" the country will construct 45 new cyclone shelters, renovate 20 existing cyclone shelters and develop infrastructure to safeguard people in the coastal belts.

Indigenous peoples - as one of the vulnerable groups of climate change impacts – did not get proper attention in government initiatives to combat climate change hazards. For instance, they face limitations in accessing funds for the preservation and protection of their areas in their traditional ways. According to the Asia Report on Climate Change and Indigenous Peoples—

"The BCCTF has 236 projects as of 2014/26 out of which several projects have direct impact on the indigenous peoples of Modhupur, Northern districts and CHT. For instance; "Re-vegetation of the Modhupur Forest through Rehabilitation of Forest Dependent Local and Ethnic Communities" phase-1 and phase-2 projects directly violated the human rights of indigenous peoples in Modhupur. As the project has been implemented as part of climate change mitigation measures under the BCCTF, there was no proper consultation with indigenous peoples and did not follow the principles of Free, Prior, Informed Consent (FPIC). Rather the projects acquired indigenous peoples' communal lands. Ajoy A. Mree, an indigenous Leader from Modhupur told in a national dialogue held in Dhaka in 2015 about the climate change adaptation funded projects in their region –

"We come to know that govt. has spent 29 crore Taka for Social Forestry project in Modhupur especially for indigenous peoples, but we can't see the project visible in our area. There is no indigenous peoples' representation in the decision making committee at local level"

Moreover the recent declaration of 9,145 acres of land in Madhupur of Tangail by the government as a reserve forest has left about 6,000 people living in the area, among them Garo, Koch, Bormon, and Bangalee are in a state of anxiety and fear. The people consider this step by the authority to declare Madhupur as reserve forest without any consultation and prior notice as a conspiracy to oust indigenous peoples from their 'ancestral land.

Indigenous peoples in Bangladesh are discriminated against and deprived of in every sector of development taken up by the government. While formulating any laws related to indigenous peoples, the government hardly ensures their representation or participation. Similarly, indigenous peoples have also been sidestepped in matters of adopting measures or deciding on policies of climate change which the indigenous peoples are not invulnerable to.

Indigenous peoples are among the first to face the direct consequences of climate change, owing to their dependence upon, and close relationship with the environment and its resources. Climate change exacerbates the difficulties already faced by vulnerable indigenous communities, including political and economic marginalization, loss of land and resources, human rights violations, discrimination and unemployment.

The indigenous peoples in the southern parts and coastal districts are directly vulnerable to impacts of climate change. The severity and intensity of tidal surges, cyclones, salinity intrusion and water logging jeopardized the livelihood of indigenous peoples. Although the government has plenty of climate change adaptation programs in these districts but indigenous peoples could hardly identify them as beneficiaries nor represented in any of the projects related meetings. After SIDR 2007 and AILA 2009 cyclones, Bagdi and Munda indigenous communities who are dependent on honey and crab collection from the Sundarbans have to change their livelihood patterns. For instance, some of them migrated to cities in search of jobs. Furthermore, the Indigenous peoples who live far away from the main stream population have no cyclone shelters and stand deprived of emergency support and relief. After Cyclone Aila the government announced that every family who lost their houses or property would be compensated BDT 20,000.00 (twenty thousands) per family but the Indigenous people did not get this grant. Like the Bagdi and Munda of the Sundarbans, the Rakhaine indigenous people of Barisal too, lost their arable lands due to intrusion of salinity which damaged the cultivable lands as well as the sources of their traditional natural foods.

Drought is also a product of climate change. It is caused by an abnormally protracted period of rarity of rains or low rain fall. As a result, sources of surface water gradually dry out creating condition for desertification. Drought affects vegetation and plants from growing. Crop production suffers, as a result, leading to food shortages to end up in starvation for many people. Though Bangladesh is a land of abundant rainfall, but drought is very familiar to people in North Bengal. The northwestern part of the country is prone to drought mainly because of variability in rainfall in the pre-monsoon and the post-monsoon periods. The drought, in fact, prevails over the two administrative divisions of Rajshahi and Rangpur. Indigenous peoples of the northern districts are the worst victims of drought as well as erratic rainfall, and do not enjoy equal access to projects implemented under the BCCTF for creating water reservoirs and extracting ground water for irrigation and environmental development. Indigenous communities are, therefore, not able to seize the benefits of such government adaptation program. There are some more projects which are implemented under the BCCTF, for instance, "Community Based-Adaptation in the Ecologically Critical Areas through Biodiversity Conservation and Social Protection project and Solar Energy Development in the Climate Vulnerable Areas of Bangladesh project" hardly covered indigenous peoples of the CHT. Neither were they consulted, as beneficiaries, about the impact of such projects in their traditional livelihood.

Indigenous peoples in the CHT and in the Plains sometimes face forced evictions or displacement from their ancestral lands as a result of mitigation measures such as REDD+, reserved forest, national park, and eco-park. Such development initiatives weaken or impair the capacity to deal with climate induced hazards and vulnerabilities.

Indigenous peoples in the Chittagong Hill Tracts traditionally live very close to the nature which is rich in bio diversity. A vast tracts of it are covered with forest not visible elsewhere in the country. But the negative impact of climate change has directly or indirectly affected the region and its indigenous population. What is more worrisome is that climate change and climate-induced displaced people are more likely to encourage further political migration, forcible land grabbing and discrimination in employment and occupations including shifting cultivation in the CHT. Natural resource management policies are also not in favor of the *jumias* (Jum cultivator) and as such, natural resources are rapidly deteriorating leading to soil erosion and loss of biodiversity. Thus the traditional jum cultivation is under the threat of getting transformed into commercial cash crops cultivation or the traditional jum land may be put under the use of other development purposes. Deforestation, Tobacco cultivation, establishment of brick kiln is on the rise in the CHT to the detriment of its environment and ecology.

According to a recent report, many people in the remote Thanchi upazila of Bandarban district faced starvation following a crop failure in the previous year. It was learned that there was a sparing thin rainfall during the last monsoon. As a result, production of jum crops suffered. Moreover, the food crisis worsened as the government support for the starving indigenous peoples did not come up in time.

However, NGOs and groups of individuals have been working to combat climate change. They have taken a number of environment friendly measure and adopted many adaptive activities. Tahzingdong, a Bangladeshi non-government organization (NGO), has won the Energy Globe Award in Earth category at COP22 this year for its community-based forest conservation project in Rowangchari area of Bandarban district. The award was declared at the UN's climate change conference COP22, in Marrakech of Morocco on 10 November 2016.

Issues related to climate change

Indigenous peoples form human chain and demanded to stop illegal extraction of stone boulders from natural water bodies in Bandarban

Hundreds of indigenous Mro people living in around 20 villages of Tonkaboti union under Bandarban Sadar upazila formed a human chain in front of the press club of the district town on 31 January, 2016. From the human chain they demanded immediate steps to stop illegal stone extraction from the natural water bodies in the area.

The villagers were reported to have been facing serious water crisis as a few unscrupulous people from Chittagong's Lohagara upazila were engaged in extracting stones from Rui canal, Tak canal, Taker Panchhari Jhiri, Den Jhiri, and Tonkaboti canal of the union for the last 10 years, speakers alleged at the human chain. They demanded that the government take immediate steps to stop stone extraction from the natural water bodies in the hills and punish the violators of the environmental laws.



PC: The Daily Star

Bung Thui Mro, karbari (local village chief) of Kai Tong para, Menrum Mro, karbari of Kanku para, and Yung Chang Mro, spoke at the rally, among others. Later, they submitted a memorandum to Bir Bahadur U Shwe Sing, the State Minister of Chittagong Hill Tracts Affairs Ministry, through the deputy commissioner of Bandarban.

It was learn that outsiders and influential people are engaged in extracting stone from the natural water bodies throughout the CHT causing scarcity of water in the locality. Sometimes, the local administration issued permission (license) without making any environmental risk assessment. If such extraction continues, indigenous peoples have no alternative but to get evicted from their land. Because extraction affects the environment and dries up the water sources. If the water sources get dried, the surrounding areas will go barren rendering them unfit to produce anything to support their life. As a result, they will have no option but to abandon the areas.

Brick Kiln threatening Forests in Bandarban

Manufacturing of bricks was reported to have been carried out by establishing kilns in the midst of reserve forests in Ghumdhum union under Naikhonchari upazila of Bandarban districts in contravention of the Environmental law prohibiting setting up of brick kilns within three kilometers of reserve



PC: Prothom Alo

forest. But the Department of Environment and the local administration seemed to be overlooking the matter deliberately.

It was found from a spot verification that a brick kiln named 'AB' was set up occupying five acres of hilly land close to the reserve forest in Reju Fatrajhiri area near the Myanmar border under Ward No 8 of Ghumdhum union in Bandarban district. In violation of the Forest Laws huge quantity of firewood, collected from the reserve forest and to be used to burn bricks, were kept stockpiled around. Soil was being piled up in heaps by melting down the hills. The black smoke billowing out from the chimney sent out huge amount of pollutants continuously to the detriment of the environment.

Brick kilns workers informed that Nurul Haque, a resident of Ukhiya in Cox's Bazar built the brick kiln last year. Since January 1, they (the workers) were making bricks on a daily wage basis.

Brick kiln Manager Aman Ullah said that the brick kiln was set up close to the forest by managing the concerned people responsible to see the matter. About 8 million pieces of bricks were claimed to have been sold out from the kiln till filing of this report.

Ghumdhum union members Subrata Barua and Babul Kanti Chakma alleged that the environment and the forests continued to get destroyed as result impacting heavily on biodiversity. Though memorandum was submitted to the forest officials including its director general to stop it, but nothing came up so far.

According to the local people about five hundred people were said to be living around the brick kilns. Brick kilns burn millions of trees from the forests to make bricks in broad daylight without any obstruction from any concerned quarters. What makes it surprising is that there is an office the Forest Department near the brick kiln.

Rezu Ban Bit officer Syed Alam claimed that they did not have the power to remove the brick kiln in spite of the fact that it was set up inside the forest. The Department of Environment, claimed the forest Bit officer, permitted to set up the kiln.

Nurul Haque owner of the brick kilns said that the brick kilns was set up near the forest to benefit the locals. He further claimed that the brick kiln continued operating on its own land with a clearance from the Department of Environment. However, he did not produce any document in support of his claim.

When asked about this Shariful Islam, Assistant Director of the Department of Environment in Cox's bazar spoke of the legal prohibition of establishing brick kilns within three kilometers of reserve forest and said that the Department of Environment did not issue any permission to anyone to build brick kilns. It is to be noted that none can get any license for brick kiln without a clearance from the Department of environment. According to him, the brick kiln was established in remote areas in order to skip off the official surveillance.

Extraction of stones enhances the risks of environmental disaster in Ruma

Illegal extraction of stone in the Chittagong Hill Tracts (CHT) goes on unabated, threatening the ecological balance and also increases the risk of environmental disaster. Alleged that Powerful syndicates engaged in the illegal business at times use explosives, displacing big chunks of soil for the hidden rocks, making hills vulnerable.

‘Workers are seen extracting stones from the bed of the natural stream. They are breaking up the large boulders into pieces using hammer and get them transhipped on shoulder loads to the bank of the stream. This was the scene that could be found while visiting the Ruma canal under Ruma Upazila in Bandarban recently.

Local people and sensible section in the society are worried that continuation of extraction at this scale will cause the natural water bodies to die a natural death affecting the environment and bio diversity of the area adversely.



PC: Prothom Alo

The Chief Scientific Officer of the Soil Conservation and Watershed Management Center of Bandarban Mr. Mahbulul Alam said, ‘stones hold water for natural water bodies and excessive extraction can dry up the water bodies. Besides, biodiversity and natural environment of Boga Lake will be threatened due to the extraction of stone from both Ruma canal and Boga canal.’

Workers engaged in extracting stones in Ruma canal informed that they earned 400 taka a day for removing stones, but they could not tell about the purpose the stones were being hauled out. It was more than a month, informed the workers, that stones were being extracted from different water bodies in remote Ruma upazila. According to their estimates about 200 tons of stones were collected daily.

However, local representatives and residents said, several road bridges and culverts construction were underway in Ruma upazila at the time of reporting. Stones were extracted for the construction of these bridges and culverts. Stone were also reportedly being collected out from Paindu and Samakhala jhiri they said. Chaing Hla Prue Marma, member Ward No 8 of Ruma Sadar Union Parishad said, the Department of Disaster Management built several bridges in Ruma last year. New bridges and culverts were also being built this year and huge quantities of stones were being supplied for constructing these bridges. Muzaffer Ahmed, contractor involved in the construction of bridges in the area alleged of the use of local stones by a number petty contractors for minor construction under the disaster management department. But he claimed of using stones from outside the CHT for his construction works. Some people also, he alleged, smuggled stones using his name.

Acting Project Implementation Officer in charge of Ruma Upazila Tarpon Dewan said, Disaster Management Department was constructing 9 bridges and culverts on a number of roads including Chimbook-Galengya, Ruma-Boga Lake road. For the purpose of these constructions, local good quality stones were allowed to be extracted, he said, sounding a caution at the same time that proper action would be taken if anyone smuggled stones by taking advantage of this opportunity.

Ruma Upazila Nirbahi Officer (UNO) Kazi Mohammad Chahel Tasturi said no permission was given for stone extraction in Ruma, but it was very difficult to oversee the remote areas.

Cracks developed in the walls of primary school and a Buddhist Monastery were blamed on the brick kilns in Thanchi, Bandarban

Headman para is situated one kilometer off the Thanchi upazila sadar on the west bank of the river Sangu in Bandarban. A brick kiln came up on 3 acres of land just 200 yard away from this village.

The kiln named 'SBM' did not have any clearance/permission. Woods were being burnt illegally in the kiln using a small drum chimney as the outlet for the smoke. The walls of a Government Primary School and a Buddhist Temple, almost next to the kiln, developed cracks resulting from digging soil from the space attached to these complexes. The brick kiln was built just in the middle of headman para and primary school. Woods kept stockpiled for burning bricks. Mohammad Alam, a brick kiln labor, said that about 300 mound of fuel wood were needed every day and the total fuel wood used in a season was around 48 mounds.

Residents of headman para said, black smoke and dust from brick kiln got spread everywhere. The school students were thus remained disposed to various maladies including respiratory diseases. School teachers alleged that drum chimney was not only illegal, also prohibited. In addition here wood are burning freely. But no one protesting against it because the owner is



PC: Prothom Alo

influential person. Bricks from the kiln were taken to cater to the needs for constructing roads and other development projects in different areas.

As was reported, one Anisur Rahman took lease of the land to establish the brick kiln. However, he could not produce any document to this effect. He said that it was very difficult to carry out development activities in remote area like Thanchi by bringing bricks from outside. So he established the brick kiln. Thanchi police officer Sirajul Islam and Forest Bit Officer of Thanchi Range Rezaul Karim said they had no information about the brick kiln. No one complained about wood burning in brick kiln and crack on the walls, they said.

Tobacco cultivation increasing in Rangamati

The area of tobacco cultivation kept on expanding alarmingly day by day. Tobacco was now being cultivated from November to March on the bank of Kachalong and Sijok River on the field where vegetables and sugarcane were cultivated before. Tobacco cultivation now consumed much of the Boro field.

During a field visit to Baghaichari it was found out that there was nothing but tobacco crops only in Tulaban, Masterpara, Layleghona, Uluchhari and Sijok area on bank of Kachalong River. Hundreds of workers were found busy working in the field. In addition, tobacco cultivation extended to Khedermara, Saroyatali, Baghaichhari, Marissa, Rupakari unions and municipalities.

Local farmers said that Boro cultivation proved less profitable than tobacco cultivation as farmers could easily earn more money by cultivating tobacco. So, many farmers switched on to tobacco cultivation leaving out vegetable or Boro cultivation.

According to the District Agriculture Office, 1500 acres of land for vegetables farming and 8645 acres of land for Boro farming were available on the banks of Sijok and Kachlong Rivers. But to one's dismay 2430 acres of land were put under tobacco cultivation during the reporting year in addition to 930 acres of Boro land which were brought under vegetable cultivation.

Upazila Agriculture Officer Md. Al Imran admitted that as there was no ban on tobacco cultivation 'we cannot force farmers from doing anything. Measures have been taken to discourage tobacco cultivation. On many occasions we have distributed leaflets but to no effect. We controlled the sale of fertilizer during the last year. But tobacco cultivation keeps on increasing.'

Environmentalists claim that a rise in the tobacco cultivation affects agriculture, health and natural environment adversely. Each year tons of trees were felled for use to dry up tobacco leaves destroying thousands of acres of reserve forests.

Sijok Range Forest Official Fakhruddin Ahmed confessed of serious damage to the environment due to tobacco cultivation. Despite that relevant laws were in place, but they could not be enforced due to intimidating situation, he claimed.



PC: Prothom Alo

Starvation haunts indigenous peoples in Bandarban

Indigenous peoples in the remote hills of Bandarban were bracing starvation as they faced an acute food shortage resulting from poor crop-yields. Thousands of people in Khoimukhipara, Remarky, Tindu, Boro Modok and Sangu Forest areas were foraging for food, even resorting to eating leaves from trees. Due to the bad weather and less rainfall indigenous jum farmer did not able to produce enough foods.



PC: The Daily Star

Hatiram Tripura of Remrky area said he and his six family members were facing a hard situation without food. “We have suffered for more than three days, but no government agency or NGO has come to help us,” said he.

According to local sources, their hardship was the result of wild boars destroying crop fields coupled with recent bad weather. Crop prices also hit the farmers hard. There was good harvest in the hills during the reporting year but most farmers were apprehensive and frustrated as little of the yields would be left by rats. Quoting indigenous jhum farmers, sources said around two-thirds of the paddy were destroyed in hilly terrains in Bandarban. Though officials claimed of no reported hunger-related deaths yet, but locals said that without aid, it would be only a matter of time. But many families were threatened with starvation and children were the worst sufferers. Many people kept complaining that government and non-governmental organizations were yet to come up with any relief supplies.

But local government officials denied of ignoring the crisis and tried to reassure people, saying plans were being drawn up to provide the best possible support to alleviate their suffering. Deputy Commissioner (DC) Dilip Kumar Banik said he had ordered Upazila Nirbahi Officers to visit affected areas. “We will provide relief. I told UP chairmen, members and NGOs to help the victims,” he said. “Meanwhile we have allocated 16 tonnes of rice for victims in the affected areas,” he added.

Elephant Habitat destroyed: Six killed in elephant attack in a year

Six people were killed and more than hundred people were injured in wild elephant attack in nine villages of two unions under Longadu upazila in Rangamati. Destroying elephant habitat

and building establishments in the reserve forest area was the reason, forest department officials said.

After the 1997 CHT Accord, Settlers were settled in many parts Pablakhali reserve forest under Bhasanya Adam and Baga Chatar Union. Forest official also said that there are four thousand acres of protected reserve forest area of Pablakhali Range. It was the elephants' habitat where elephants used to roam about. But settlers destroyed their territory. Now, elephants often rushed in their roaming ground in search of food. Those who were killed by elephants during the last one year were Md. Kalu Mia from Mahajanpara village, Abdur Rahim from Bajnagar, Md. Sabed Ali & Md. Tayeb Ali from Rahamatpur, Hafizur Rahman from east Chailyatali and Md. Nur Hossain from Chailyatali village. Farmers could not cultivate several thousand acres of paddy land due to attack from elephants in Rangapani, Chiberega, Ranjitpara and Marissa Char area of the upazila. People were forced to leave the area for fear of the elephants.

FD Official of Pablakhali range Fakhruddin Ahmed said, people of Bhasanya Adam and Baga Chatar union built their settlements in the protected forests and destroyed the wild elephants' habitat. Their habitats were thus greatly reduced causing food shortage for them. Naturally, the big animals were left with no alternative but to invade the localities for food.

Baghaichari Environmental Protection Movement and Bangladesh Animal Science Association committee member Md. Abul Fazl said that the government had legislated strict laws to protect elephants. But elephants were forced to come to the localities due to destruction of their habitat. 'This problem will not be solved until we do not create a free roaming zone for elephants', he said.

Rampant felling of forest trees in the Chittagong Hill Tracts

Despite a ban on felling of forest trees to conserve the country's dwindling forest resources, the smugglers' syndicates in connivance with the forest officials and law enforcers are rampantly felling of forest trees and smuggling out the precious wood from the forests of Chittagong Hill Tracts (CHT).

The unabated felling and smuggling out the trees from the reserve forests in the CHT, is causing deforestation and destruction of wildlife. Rampant felling of precious trees especially Teak, Gajari, Koro, Gututiya, Gamar, Goda, Safalis, Jarul and Saal, which have high timber value, and of smuggling out the timbers from the reserve forests of the districts. More than 4 lakh acres including 225 lakh of government forests of the three hill district have turned into a treasure trove for some rackets, who are now engaging settler youths to fell and smuggle out trees against daily wages.

Indigenous people are dependent on the forest product. Peoples living at villages of remote Thanchi, Alikadom, Lama and Naikhangchari claimed that powerful syndicate engaged with

smuggling mark trees in day time. "They enter in a group of 15-20 into the reserve forests and chop off the marked tree to smuggle those out from the forests. Like Bandarban, similar racket of timber smugglers are active in Rangamati and Khagrachari district. Sources said timber merchants are smuggling out thousands of cubic feet precious teak every night from three hill district Bandarban, Rangamati and Khagrachari.

Locals informed that every night at least 30 to 50 Chandergari (a specialized vehicle for hill areas), trucks and boats laden with illegally logged timber pass through Kaptai and Ramgarh to Chittagong. Interestingly, the rackets are operating with the help of some local influential people and the modus operandi does not rule out the involvement of forest officials. The government high-ups especially of Ministry of Forest and some dishonest officials are also involved with the rackets. But, punitive actions against the forest officials involved with the timber smuggling are rare. As a result, the smugglers are smoothly felling the precious trees and smuggling out the timbers from the CHT without any barrier.

Bangladesh government officially launched the UN-REDD Bangladesh National Programme

On 3rd August 2016, the Government of Bangladesh (GoB), with its development partners-UNDP Bangladesh and FAO Bangladesh, officially launched the Bangladesh National Programme of the United Nations Collaborative Programme on REDD+ in developing countries, known as the UN-REDD Programme by holding an inception workshop at a hotel in Dhaka. Earlier, in June 2016, the UN-REDD Bangladesh Programme was approved by the Government and on the backdrop of it, GoB's nodal ministry, i.e. the Ministry of Environment and Forests (MoEF), formally established the UN-REDD Bangladesh Programme's Executive Board (PEB) in 21 July, 2016.

The UN-REDD Programme has been supporting nationally led REDD+ initiatives in 64 developing countries. Among developing countries, Bangladesh has recently been playing a significant promising role by taking concrete measures to combat global climate change in line with its signed promises under the United Nations Framework Convention on Climate Change (UNFCCC). The country joined the UN-REDD global family as a partner country in 2010.

Bangladesh National Programme has started supporting the government to achieve three (3) out of four (4) UNFCCC requirements to obtain REDD+ result based payments. Those are –a) Establishing a National Forest Monitoring Systems (NFMS) for Measurement, Reporting and Verification (MRV) to register reduction of GHG emission or enhancement of carbon stock over time. b) Establishing Forest reference emission levels (REL) and forest reference levels (RL) - to serve as benchmarks for assessing each country's performance in implementing REDD+ activities. And finally c) Developing a national REDD+ strategy or action plan.

ABOUT KAPAEENG FOUNDATION

Kapaeeng Foundation as a human rights organisation for Indigenous Peoples in Bangladesh was established on 1 April 2004 with the view to working for promotion and protection of the rights of Indigenous Peoples in the country. The term 'Kapaeeng' is derived from indigenous Khumi language, meaning 'Rights'. Kapaeeng Foundation is duly registered with the Office of the Registrar of Joint Stock Companies and Firms of Commerce Ministry, Government of Peoples' Republic of Bangladesh under the Societies Registration Act XXI of 1860.

Vision: The vision of Kapaeeng Foundation is to establish a society based on the values of justice, equity and freedom where human rights and fundamental freedoms of Indigenous Peoples are ensured.

Mission : The mission of Kapaeeng Foundation are, among others, to promote and protect the human rights of the Indigenous Peoples of the country and to conduct advocacy, lobby and campaign programme for the same at local, national, regional and international level; to establish a strong network and partnership with national, regional and international organizations and individuals working on promotion and protection of human rights as well as Indigenous Peoples rights and to raise the capacity of the Indigenous Peoples in promoting and protecting the human rights.



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