

## **National Seminar**

### **‘Progression Status of Universal Periodic Review (UPR) Recommendations to Bangladesh: Indigenous Peoples’ Perspective’**

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## **Progression Status of Universal Periodic Review (UPR) Recommendations to Bangladesh: Indigenous Peoples’ Perspective**

**Focus on: CHT Accord Implementation, Violence against Indigenous Women, and Rights of Vulnerable groups, Minority and Indigenous Peoples**

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### **1. Overview**

The second cycle of the Universal Periodic Review (UPR) on Bangladesh was held at the Human Rights Council (HRC) of United Nations in Geneva, Switzerland on 29 April 2013. Bangladesh government has been received 196 recommendations in total, accepted 164 recommendations of them during the review session, responded 32 recommendations after further examination where as rejected five recommendations. During the second cycle review, a number of recommendations were addressed in relation to indigenous peoples as well as some of these connected as the crosscutting issues. In regards to the implementation of the CHT Accord, the Government of Bangladesh made voluntary commitment for full implementation.

In the interactive dialogue, some member states recommended to ratify ILO Convention No 169 on Indigenous and Tribal Peoples. However, the delegate of the government of Bangladesh has been responded in the interactive dialogue that the ratification of ILO Convention 169 would need to be contextualized within the parameters of the Constitutional provision<sup>1</sup>. In the meantime, the Government, along with social partners, continues to implement the obligations under the ILO Convention 107 to which Bangladesh is a Party<sup>2</sup>.

Since the adoption of the UPR recommendations, Bangladesh government has been taken initiatives to improve human rights situation in the ground, adopted and enacted laws and policies. Bangladesh government has been amended total 37 laws in 2013 and 8 laws in 2014, among these laws, the CHT Development Board Act (2014) is one of them directly linked to the indigenous peoples of the CHT region<sup>3</sup>.

While Bangladesh declared candidature for 2015 to 2017, has been made pledges “continue to engage in the universal periodic review mechanism to undergo the review under terms, conditions and modalities developed by the Council, and take appropriate measures at the national level to implement

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<sup>1</sup> A/HRC/24/12, Para 126

<sup>2</sup> A/HRC/24/12/Add.1, Para 130.5/130.6/130.12

<sup>3</sup> Source: [http://bdlaws.minlaw.gov.bd/display\\_bangla\\_volume.php?alp=43](http://bdlaws.minlaw.gov.bd/display_bangla_volume.php?alp=43)

the universal periodic review recommendations, as accepted, involving all concerned stakeholders”<sup>4</sup>. Further states that to give attention to empowerment of women, vulnerable section of the population, promote and protect the rights of the religious and ethnic minorities and work towards maintaining the traditional communal harmony by upholding the secular, pluralist and inclusive values of the State and the society in general.<sup>5</sup>

This report is focused a few recommendations especially the CHT Accord implementation, violence against indigenous women and rights of vulnerable groups, minority and indigenous peoples

## **2. Key Recommendations that Bangladesh government accepted during the UPR**

### **2.1. Issue: CHT Accord Implementation**

#### **UPR Recommendations:**

Among the most important recommendations, the implementation of the CHT Accord considered one of the most prioritized. The Recommendations in the second cycle has been made by other states and accepted: 129.153. Fully implement the Chittagong Hill Tracts Peace Accord (Australia); Continue to implement the Chittagong Hill Tracts Peace Accord (CHT) (Ecuador);

#### **Government’s Affirmative Actions:**

Since the adoption of the second cycle UPR recommendations, Bangladesh government has been taken some steps on the CHT issue in line with the CHT Accord implementation process. The Government transferred five subjects to the three Hill District Councils. The recently transferred subjects include Jum Cultivation (through amendment of CHT Regulation of 1900), Secondary Education (on 26 May 2014), Birth-Death and other Statistics (on 7 June 2014), Money Lending Business (on 7 June 2014) and Tourism (local) (on 28 August 2014). The Tourism (Local) has been transferred through signing an agreement between Ministry of Tourism and three Hill District Councils on 28 August 2014.

The three bills of Hill District Council (Amendment) Act 2014 placed before the Parliament on 17 November 2014 and accordingly the bills were passed by the house on 23 November 2014. With this amendment law, the members of the interim HDCs increased from 5 to 15.

The government passed the CHT Development Board Act 2014 during the Budget session of the Parliament on 1 July 2014. The government has also undertaken initiative to establish a Science & Technology University and a Medical College in Rangamati in line with the “Rangamati Science & Technology University Act 2001”.

#### **Situation in the ground:**

Since the adoption of the second cycle UPR recommendations, several crucial aspects of the 1997 Accord remain unimplemented or only partially implemented. These include the following:

- (a) No roadmap with a time-frame and consequent responsibilities for the full and effective implementation of the Accord has been declared.

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<sup>4</sup> Ibid, para 7

<sup>5</sup> Ibid, para 7

(b) No efforts have been made to protect the “tribal-inhabited character of the CHT as provided in the CHT Accord and the CHT Regional Council Act of 1998. Conversely, on account of unrestricted land-grabbing by government-sponsored settlers, acquisition of land title by non-resident individuals and companies and unrestricted in-migration, the indigenous peoples are being minoritized and marginalized, and made to feel insecure in their ancestral homeland.

d) Several departments and subjects due to be devolved upon, or transferred to, the Hill District Councils, remain unaddressed, including on law and order, police (local), land and land management, environment and forest. There have been no elections to the Hill District Councils (HDC) and the CHT Regional Council (CHTRC) since the signing of the CHT Accord. Representation of women and members of numerically small indigenous peoples remains totally inadequate.

(e) De facto military rule through ‘Operation Uttoron’ (operation upliftment), which provides sweeping powers to the military over civil affairs, is yet to be revoked, leading to human rights violations and huge impediments to the healthy growth of democratic institutions and processes. New paramilitary has been setting up on indigenous peoples land in CHT.

(f) The government’s pledge to amend the CHT Land Dispute Resolution Commission Act of 2001 in conformity with the provisions of the 1997 Accord remains unfulfilled. The proposed amendment is yet to be placed before the Cabinet for approval and the Parliament for final adoption.

(g) As the Task Force on Refugees and Internally Displaced Persons remains inactive, more than 3,000 out of 12,222 families of India-returned Jumma refugees and 90,208 internally displaced Jumma families are yet to be reinstated to their rightful lands.

### **Implementation of 48/72 Sections versus 25/72 Sections of the Accord**

The government has been claiming that altogether 48 out of 72 sections of the CHT Accord have been implemented in the meantime and 15 sections out of the rest have been partially implemented while the remaining 9 sections are under implementation process.<sup>6</sup> However, as per observation of PCJSS (one of the signatory party of the Accord), only 25 sections out of 72 sections of the CHT Accord have been implemented so far. Thirty four sections of the Accord still remain totally unimplemented while 13 sections have been partially implemented. This means that two-third of the sections of the Accord have been unimplemented as of this day.<sup>7</sup>

### **Amendment of the Hill District Council Acts**

Despite the differed of the Rangamati constituency lawmaker Mr. Ushatan Talukder MP, the Government had passed three bills in voice votes in the Jatiya Sangsad (National Assembly) on November 23, 2014.<sup>8</sup> The bills known as the Hill District Council Acts 2014 for the three districts in CHT namely Rangamati, Khagrachari and Bandarban, and increased the number of members in the interim Hill District Councils from 5 to 15. The government placed the bills before parliament on 1 July 2014 with an intention to enhance the number of members from 5 to 11 in the interim hill

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<sup>6</sup> Barshik Pratidibedan 2012-13 (Annual Report 2-12-13), CHT Affairs Ministry, Government of Bangladesh, Bangladesh Secretariat, Dhaka

<sup>7</sup> Parbatya Chattagram Chukti Bastabayan Prasange 2014 (Report on Implementation of CHT Accord 2014), Parbatya Chattagram Jana Samhati Samiti (PCJSS), Rangamati

<sup>8</sup> Source: Statement from the office of the Member of Parliament Constituency No 298 Shree Ushatan Talukder MP.

councils and the bills were sent to the Standing Committee for scrutiny.<sup>9</sup> The local indigenous organizations including the Parbattya Chattagram Jana Samhati Samiti (PCJSS), CHT indigenous Jumma people, civic rights groups of the country had raised and objected amending this law.<sup>10</sup> The interim Hill District Council constituted of unelected members let it be of whatever numerical strength can never be strong, dynamic and accountable Hill District Council or can never be ensured of real representation of the all Jumma communities as such.

### **Amendment of CHT Land Commission Act (2001)**

One of the most important provisions of the CHT Accord is the land dispute and management as well as the rehabilitation of the CHT Jumma refugees and internally displaced Jumma families affected during the conflict. The CHT Land Dispute Resolution Commission Act was passed in 2001 without having consultation with and taking advice from CHTRC<sup>i</sup> that violated the spirit of the CHT Accord. Part C of the CHT Accord, article 13 has clearly stated “in making any law in connection with Chittagong Hill Tracts, the Government shall enact such law in consultation with and as per advice of the Regional Council. If it becomes necessary to amend any law which bears an adverse effect on the development of the three hill districts and welfare of the tribal people or to enact new law, the Council shall be competent to apply or submit recommendations to the Government”. As consequences, in this Act, several contradictory issues included violating the CHT Accord.

The amendment of this act has been taking a long process since 2001. After convening a series of meetings, on 20 June 2011, CHT Affairs Ministry, in consultation with CHTRC, finalised 13-point amendment proposals for amendment of the Act, which was also endorsed by CHT Accord Implementation Committee.<sup>11</sup> On 1 December 2014 a high-level meeting was held on amendment of CHT Land Disputes Resolution Commission Act 2001 at CHT Affairs Ministry in Dhaka. Almost all the issues except proviso of Section 6(1) of CHT Land Disputes Resolution Commission Act 2001 were finalised as per recommendations of 13-point amendment proposals of this law. This meeting was held as per the decision on 27 October 2014 meeting that took place at the office room of Dr. Gowhar Rizvi of Prime Minister’s office. The meeting ended with a decision to hold another meeting within a short period to decide about proviso of said section. Due to non-resolution of land-related disputes in the CHT, ethnic conflicts and forcible occupation of lands belonging to the indigenous Jummas continue.

## **2.2. Issue: Violence against Women focus on Indigenous Women**

### **UPR Recommendations:**

A number of recommendations accepted by the government. Some of the key recommendations on women rights and development had accepted in the last UPR second cycle, among these are;

- a) 129.7. Continue reviewing their legislations and promote women’s rights concerning education, employment, health care and housing (Qatar);
- b) 129.8. Further criminalize violence against women and girls, prosecute perpetrators and adopt legislation on sexual harassment (Republic of Moldova);
- c) 129.9. Implement the programme to combat violence against women and ensure that victims

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<sup>9</sup> PCJSS information sharing: press statement on 18 November

<sup>10</sup> Source: <http://www.dhakatribune.com/law-rights/2014/nov/23/amendments-cht-district-council-laws-opposed#sthash.WSDjfyM3.dpuf>

<sup>11</sup> An Appeal for Proper Implementation of the CHT Accord 1997, Parbatya Chattagram Jana Samhati Samiti (PCJSS), Rangamati, April 2014

- have access to health care and legal assistance (France);
- d) 129.10. Ensure that all acts of violence against women and girls are criminalized, that perpetrators are prosecuted and punished, and that victims of violence have access to immediate measures of protection, reparations and social reintegration (Uruguay);
  - e) 129.11. Continue and step up its efforts to address cases of violence against women, particularly by providing legal, medical, rehabilitation and counseling help to the victims (Indonesia); 129.31. Implement its National Women Development Policy of 2011 and take effective measures in order to tackle the issue of early marriages (Switzerland);
  - f) 129.56. Continue working to promote gender equality in the country (Guatemala);
  - g) 130.14. Take steps to strengthen the implementation of the National Women's Advancement Policy, including by removing its reservations to the CEDAW (Australia);
  - h) 130.24. Develop and implement appropriate, efficient measures to protect indigenous women and children from all kinds of violence and discrimination (Slovakia);

### **Situation in the Ground:**

In a recent study of the Kapaeeng Foundation and Asia Indigenous Peoples Pact (AIPP) has been shown that the violations against indigenous women are related to rape, attempted rape, rape-slay and abduction. From January to June 2014, 26 cases of violence against indigenous women were reported.<sup>12</sup> In recent information sharing and report publication clearly stated a picture of recently increasing violence against indigenous women<sup>13</sup>, rape, physical assault and attempted to kidnap<sup>14</sup>. For example, November 2014, seven Jumma women subjected to sexual violence, physical attack and abduction. From the months of September to November 2014, at least 13 indigenous women and girls (eleven from Chittagong Hill Tracts and two from plain lands) have been subjected to violence including rape, attempt to rape, physical assault and abduction.

In practically, because of the culture of impunity that enjoys the culprits, violations against Indigenous women occur very frequently even the elected local council representative is not exceptional.<sup>15</sup> For example, Bichitra Tirki, 36, an indigenous female leader of Jatiya Adivasi Parishad (JAP) from Jinarpur village under Parbotipur Union of Gomostapur upazila in Chapainawabgonj district, an elected UP member and prominent indigenous woman activist, was tortured and sexually abused by a group of land grabbers earlier in August, has returned home and started fighting back against the perpetrators. On 4 August 2014, while Bichitra was working in her rice field along with her fellow workers, a group of miscreants numbering 30-35 people, led by Afzal Hossain, made an attack on her using sticks and sharp weapons in connection with grabbing the land which she inherited from her husband. Also, three of the perpetrators namely Rezaul Karim, 30, Akbar Ali, 25, and Akhter Hossain, 35, sexually harassed her. As a result of this attack, Bichitra survived serious physical injury. She filed a case with Gomstapur Police Station on the same day the incident occurred accusing 18 persons. Police has arrested 10 out of 18 persons. However, Afzal Hossain, the mastermind of the attack, and some of the main perpetrators still remain scot-free. Despite the protest and demand of the civic society in nation wide, the 18 accused culprits were granted bail on 24 September 2014 from the District and sessions Judge's Court.

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<sup>12</sup> Survival under Threat: Human Rights Situation of Indigenous Peoples in Bangladesh by AIPP and Kapaeeng Foundation, page 107

<sup>13</sup> PCJSS information sharing on 3 December 2014

<sup>14</sup> Kapaeeng Foundation information sharing, 7 November 2014

<sup>15</sup> Kapaeeng Foundation follow up report on the Bichitra Tirki: <http://kapaeng.org/an-indigenous-women-activist-raped-and-three-indigenous-persons-including-a-woman-killed-in-a-week-in-bangladesh/>

### 3.3. Issue: Rights of Vulnerable groups, Minority and Indigenous Peoples

#### UPR Recommendations:

During the second cycle of the UPR, Bangladesh government has been accepted a number of recommendations that allows to legal protection and security of the religious minorities. Recommendation addressed to

- a) 129.99. Take measures to ensure that Constitutional and legal protections for religious minorities are upheld and in particular that their places of worship are protected, including from violent attack (Canada)
- b) 129.100. Employ further measures to ensure the security of religious minorities, including Buddhists and Hindus (Japan)
- c) 129.144. Promote more intercultural education and ensure that marginalized groups enjoy equal rights before the law (Thailand)
- d) 129.151. Continue to guarantee the rights of religious and ethnic minorities (Djibouti);
- e) 130.22. Ensure protection of minorities, including indigenous minorities, in conformity with its international obligations (Switzerland);
- f) 130.23. Continue improving the conditions of children, women, Dalits, indigenous people, refugees and migrants taking into account the special situation and difficulties that those groups have to overcome (Holy See);
- g) 130.5. Ratify the 1989 ILO Convention No. 169 on indigenous and tribal peoples (Mexico);
- h) 130.6. Sign ILO Convention NO. 169 that aims to protect the cultural integrity of indigenous societies and enable them to control their own development (Denmark);

#### Government's Affirmative Actions:

Government undertook some positive measures for realization of rights of indigenous peoples, such as, identification of indigenous ethnic groups, introduction of education through indigenous mother tongue, budget allocation among others.

The government took initiative to identify indigenous ethnic groups in April 2013 and formed a 10-member committee<sup>ii</sup> headed by then State Minister Advocate Promode Mankin for this purpose. It is mentionable that the Small Ethnic Groups Cultural Institutes (SEGCI) Act 2010 recognized only 27 out of more than 50 Indigenous ethnic groups in Bangladesh. The Ministry of Cultural Affairs formed a committee headed by then State Minister for Cultural Affairs, Advocate Promode Mankin MP to identify the Indigenous ethnic groups missed out from the list prepared earlier.<sup>16</sup>

In regards the education on mother tongue, Government has initiated mother tongue education program for five indigenous languages namely Garo, Sadri (Oraon), Chakma, Marma and Tripura. The issue of education of indigenous peoples are considered by the perspective plan 2021 of Bangladesh in order to cope with the long-term development challenges faced by the country, including substantial poverty, inequality and deprivation. Achievement of universal primary education, extending this stage upto grade 8; elimination of illiteracy; removing the education gap between the poor and rich, creating a new generation equipped with technical skills and scientific

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<sup>16</sup> Survival under Threat: Human Rights Situation of Indigenous Peoples in Bangladesh by AIPP and Kapaeeng Foundation, 2014, page-15.

knowledge; better remunerations for teachers; and overall improvement of quality and equity in education are key education goals of Vision 2021.<sup>17</sup>

The Special Affairs Division (SAD) under the Prime Minister's Office to look after the welfare of Indigenous peoples in the plains. The SAD undertakes development programmes in 62 Upazilas under 32 districts, implementing its small-scale Indigenous people development activities through District and Upazila Administrations.<sup>18</sup> For the financial year of 2014 -2015, a total national budget around 250,506 Crore BDT has been passed at the National Assembly where allocated 16 crore. Indigenous Peoples living in 216 sub districts of the 48 districts in plain land and this allocation is not sufficient. Moreover, in all Upazila (Sub district) would not get same amount allocation for the work and development on indigenous peoples.<sup>19</sup>

### **Situation at the Ground:**

**Land Grabbing:** During January-June 2014, over 242.03 acres of lands in the CHT were grabbed or went under process of occupation and acquisition. Besides, 95 families were evicted from their homesteads and 400 families including 79 families in the plains were under threat to eviction. A total of 11 families were attacked in the plains with an aim to occupy land of indigenous peoples. 42 indigenous persons including women were either assaulted or injured during these attacks. The attacks were made allegedly to evict Indigenous people from their land.<sup>20</sup>

On 30 May 2014, the Bengali land grabbers attacked on 79 Khasi families at Nahar Punji-1, a hilltop village of the indigenous Khasi people in Srimangal upazila under Moulvibazar district with an aim to grab the land belonging to Khasi people. On 9 May 2014, four indigenous Santal workers of Sreerampur village under Nawabgonj upazila of Dinajpur district were attacked by a group of land grabbers headed by Mohammad Mahabur Rahman and Mohammad Hafijur Rahman while they were loading paddy on a vehicle. On 9 May 2014, miscreants attacked the house of Ram Prasad Mahato, general secretary of Jatiya Adivasi Parishad, Pubna district committee at Bagalbari village under Chatmohar upazila in Pubna district. On 30 March 2014, a group of land grabber has grabbed 9 houses of Indigenous peoples in Pachondor village under Tanore upazila in Rajshahi district. In Kuakata of Patuakhali district, indigenous Rakhine people are losing their traditional lands continuously. Three Indigenous Tripura villagers including a woman were seriously injured in an attack committed by land grabbers in three separate incidents on 14, 16 and 17 August 2014 at Koila Barapara of Kerethat Union in Mirsarai Upazila of Chittagong district. The attacks were made allegedly to evict Indigenous people from their land.

In CHT, various tourist spots, resorts, restaurants, luxurious motels, entertainment and business centers etc. are being set up in the homesteads, Jum lands, already occupied and used lands of the Jumma peoples. At this, many indigenous families have either been compelled to take shelter to other place leaving own homesteads or many are at the verge of being uprooted.

The BGB has taken an initiative to acquire 31.63 acres of recorded lands of the indigenous people of three villages namely, Santosh Kumar Karbari Para, Gobinda Karbari Para and Notun Chandra Karbari Para Babuchara union under Dighinala upazila of Khagrachari Hill District to establish its

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<sup>17</sup> Chapter 2, page 27, overview on primary education; grassroots voice, the situation of primary education in the Chittagong Hill Tracts of Bangladesh, 2014 by Zabarang Kalyan Samity

<sup>18</sup> Ibid, Page 23

<sup>19</sup> Songhati 2014, Jatiyo Budgete Adivsi: Protyasha and Prapti by Shohel Hajong

<sup>20</sup> Kapaeeng Foundation information sharing on 17 September 2014

battalion Headquarters. The lands attempted also include the recorded lands already under possession of a primary school and the local Buddhist temple. This has resulted in the eviction of at least 21 indigenous Jumma families losing their ancestral lands and homesteads. The primary school running with 200 students faces uncertainty. On 10 June 2014, during a clash between the indigenous people and BGB personnel over setting up of the battalion headquarters claimed at least 18 indigenous villagers including several women to have received fatal injuries.

Another example on land grabbing and eviction of Jumma families for tourist spots is Rui Lui Tourist Resort. For example, the army stationed in Sajek Valley has constructed a Tourist Resort at Rui Lui village of Sajek Union under Baghaichari Union of Rangamati Hill District forcefully evicting 5 Tripura indigenous families from their ancestral homesteads. However, the army relocated the evicted indigenous families in new sheds roofed with CIT sheets without their consent. At Ruilui, some 53 Tripura families and 12 Punkho families in North Rui Lui and South Ruilui villages await for their turn to be evicted from their ancestral homesteads to spare space for the said Tourist Spot without their consent.

All these activities are providing a serious threat and fear to loss and evict from their ancestral land that they becoming displaced and homeless. The national constitution of Bangladesh has provided fundamental rights for all citizens as stated 15 (a) the provision of the basic necessities of life, including food, clothing, shelter, education and medical care. Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights stipulates that the right to adequate housing extends to everyone. In addition, article 2 (2) provides that all of the rights in the Covenant must be exercised without discrimination. This means that indigenous peoples are entitled to enjoy the right to adequate housing without discrimination and on an equal footing with the majority population.<sup>21</sup>

**Religious Persecution:** Religious persecution against indigenous peoples is severe throughout the country.<sup>22</sup> Article 2A of the constitution declares Islam as the state religion. But it also provides equal status and equal rights in the practices of other religions. Despite such pronouncement, religious persecution on indigenous peoples continues. This includes destruction of Buddhist temples with the intent to occupy the temple's land, harassment of Buddhist monks, knocking down of Buddha statues, preventing construction and repair of temples among other issues.<sup>23</sup>

Government administration and security forces of Dui-Tilla camp barred the local indigenous people from building a statue of Lord Buddha in Ajalchug Temple area in Baghaichari upazila under Rangamati district. On 30 April 2014, upazila administration imposed section 144 in that area for an indefinite period of time. Local indigenous people believe that the main target of the administration for imposing section 144 was to stop them from building the Buddha statue and create an opportunity for the settlers to grab their land. On 22 July 2014 security forces and local administration of Baghaichari upazila prevented Jumma villagers to build a Buddha statue at Gangaram Doar area near Ujo Bazar under Sajek union in Baghaichari upazila.<sup>1</sup> On 9 May 2014, a group of miscreants attacked on an indigenous family at Chatiyarchala village of Kachina union under Bhaluka upazila in Mymensing district. During the attack, the attackers vandalized the temple and two statues of the Goddess.

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<sup>21</sup> Factsheet No 21, Right to Adequate Housing, Chapter on Indigenous Peoples published by UNHABITAT and OHCHR

<sup>22</sup> Survival under Threat: Human Rights Situation of Indigenous Peoples in Bangladesh by AIPP and Kapaeeng Foundation, 2014

<sup>23</sup> UPR report by Coalition of Indigenous Peoples Organizations, para 33

**Political Intimidation:** Bangladesh is a signatory to a number of international human rights covenants and conventions. Bangladesh has the obligation to respect, protect and fulfil the rights as human rights of indigenous peoples in Bangladesh. However, different state agencies of the government have been directly engaged in interfering with the enjoyment of the human rights of indigenous peoples enshrined in international law. Recent extra-judicial brutal killing was the torture to death of 52-year-old Duran Babu Chakma (also known as Timir Boron Chakma) while in custody of the armed forces in Matiranga Upazila of Khagrachari district on 10 August 2014. It is also alleged that the victim was cremated amid high security arrangement by both the army and the local police without carrying out any post-mortem examination.<sup>24</sup>

The state failed to respect the rights of the victim in traditionally holding the cremation and following the religious ceremony. This act is not only downing the law enforcement agencies accountability and responsibility to promote and protect human rights and the citizen rights but also a serious violation of the constitutional rights of a citizen. Article 32 of the National Constitution has been given protection right to life of a citizen of the country, as well as protected by other fundamental rights enshrined in the national constitution.

#### **4. Recommendations:**

##### **D) Thematic:**

##### **Issue: CHT Accord Implementation**

The following issues can be undertaken for proper implementation of the CHT Accord:

- (1) Outline with a specific timeline (roadmap) for proper and speedy implementation the CHT Accord by the Government of Bangladesh.
- (2) Devolution of authority to the CHTRC and three HDCs, particularly, transfer of important subjects, such as, law and order of the district, land and land management, police (local), forest, environment etc. to the three HDCs.
- (3) Holding of election of three Hill District Councils and the CHT Regional Council and formulation of Election Rules of Chairmen and Members of the Hill District Councils and the Electoral Roll Rules for preparation of voter lists with permanent residents of three hill districts.
- (4) Resolution of land disputes and amendment of contradictory provisions of the CHT Land Disputes Resolution Commission Act 2001 as safeguard to preserve and protect indigenous peoples' traditional lands and territories.
- (5) Withdrawal of all temporary camps and de facto military rule 'Operation Uttoron' from CHT by fixing a time limit for this purpose.
- (6) Rehabilitation of returnee Jumma refugees and internally displaced Jumma families.

##### **Issue: Violence against Women focus on Indigenous Women**

- (1) Ensure safety and security of Indigenous women and girls and stop all forms of violence and discrimination against them.
- (2) Appoint an Indigenous and Minority Women and Girls' Rights Ombudsperson within the National Human Rights Commission,

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<sup>24</sup> PCJSS man 'tortured to death' in army custody, Dhaka Tribune, 12 August 2014

- (3) Bangladesh to ensure inclusion of gender sensitive concerns for Indigenous and minorities in framing policies and legislation.
- (4) Investigate all the incidents of sexual abuse, rape, murder, abduction, etc. perpetrated against Indigenous women and ensure exemplary punishment for the criminals
- (5) Undertake legal aid programme for Indigenous women victims of violence and set up One-Stop Crisis centres at major hospitals in the Indigenous inhabited areas of the country.

**Issue: Rights of Vulnerable groups, Minority and Indigenous Peoples**

- (1) Make arrangement for restitution of lands of Indigenous peoples of the plains through setting up a separate land commission.
- (2) Stop forced eviction of Indigenous peoples from their ancestral lands and land confiscation in the name of reserved forest, military bases, national/eco-parks, tourist attractions, development projects and government establishments on their ancestral lands.
- (3) Form an advisory committee comprising Indigenous representatives of the plains to lend support to the Special Affairs Division (SAD) and transfer the SAD to a relevant ministry from Prime Minister's office.
- (4) Recognise and respect traditional land rights including individual and collective rights of Indigenous peoples envisaged in the UNDRIP and ILO Convention No. 169 on Indigenous and Tribal Peoples.

**II) General:**

- a. The state should be facilitated in sharing tangible achievement and best practices throughout the implementation of the UPR recommendations committed to the international forum. Moreover, it could be helped out to build partnership and strengthening the bodies and organ of human rights as well as be supportive to form mechanisms to following up at the national level.
- b. The legislative body could play an important role at the national level to implement the UPR recommendations. The Parliamentary Standing committee's, that formed for different ministries, along with the civil society organizations and other relevant stakeholders can be engaged and assess the implementation of the UPR recommendations where required. The government should initiate awareness raising and capacity building activities for different government bodies, agencies and institutions in order to promote, protect and respect human rights towards its citizens which is one of the voluntary commitments promoting human rights at the national level.
- c. The national human rights commission is very instrumental for this mechanism and has needed to play an active role on monitoring the UPR recommendation at the local and national level. Further, it could be taken initiatives in helping out awareness raising and capacity building for dealing with the concern bodies and agencies for conducting promotional activities at the national level.
- d. The civil society organizations, human rights organizations as well as other right based organizations, could be established a regular monitoring body on the improvement of the human rights situation in line with the UPR recommendations. A sector wise monitoring body could be a conventional for regularly sharing out the information, analyses the situation under the legal and policy framework, as well as work on to identifying the limitation, gaps, trends and challenges in implementing the recommendations at the national level.

## **5. Conclusion:**

Indigenous peoples in Bangladesh are one of the most backward and deprived sections in the nation and among the citizens without any or limited access of legal and constitutional rights. While formulating laws and policies either under the framework of the national constitution or whatever, indigenous peoples have never been consulted or approached whether this is national or local in level.

The government of Bangladesh affirmed, in the second cycle of Universal Periodic Review (UPR) of the United Nations Human Rights Council on Bangladesh held in Geneva on the 29 April 2013, to undertake measures to end the culture of impunity and strict actions to punish the perpetrators who commit human rights violations. There has been no illustration where the culprit got punishment for committing human rights violation against indigenous peoples in Bangladesh. In most of the cases, the perpetrators remained out of justice particularly on the cases of land grabbing and violence against indigenous women. Thus, the indigenous victims are always deprived of justice. Such lack of access to justice opens the pathways for the offenders to become more interested to grab indigenous peoples' lands and commit brutal acts against indigenous peoples.

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<sup>i</sup> Chittagong Hill Tracts Regional Council Act, 1998: 53 (1) The Government if it initiates to make any law concerning the Council or the Chittagong Hill Tracts shall take necessary measures for making the law in consultation with the Council and the concerned Hill District Council and after by considering the advice of the Council.

<sup>ii</sup> Other members of this committee were (1) then State Minister for Ministry of CHT Affairs, Dipankar Talukdar MP, (2) Secretary of Ministry of Cultural Affairs, (3) Director-General of Shilpakala Academy, Liyakat Ali Lucky, (4) Prof. H K S Arefin, Department of Anthropology of Dhaka University, (5) Dr. Inoon Nahar, Department of Anthropology of Jahangirnagar University, (6) Sanjeeb Drong, General Secretary of BIPF, (7) Rabindranath Soren, President of Jatiya Adivasi Parishad and Chairperson of Kapaeeng Foundation, (8) representative of Tribal Welfare Association, (9) Directors of Rangamati, Bandarban, Cox's Bazaar and Netrokona Small Ethnic Group Cultural Institutes.