



# General Assembly

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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by France Libertés: Fondation Danielle Mitterrand, a non-governmental organization in special consultative status**

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

[24 August 2012]

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

## **Human rights violations against the Jumma indigenous people of Chittagong Hill Tracts in Bangladesh**

We would like to draw the attention of the Human Rights Council (HRC) to the deteriorating human rights situation of the indigenous peoples of the Chittagong Hill Tracts (CHT), Bangladesh. While welcoming and appreciating the Chittagong Hill Tracts Accord of 1997, signed between the Government of the Peoples' Republic of Bangladesh and the Parbattya Chattogram Jana Samhati Samiti (PCJSS), the signatory political party of Jumma peoples, we are deeply concerned simultaneously at the gross human rights violations against and discriminatory behavior towards Jumma peoples, land grabbing by government sponsored settlers and influential non-indigenous persons, communal attack on Jumma peoples, increasing violence against indigenous women (including children) and religious persecution, among others.

The 2nd December of this year will mark the 15th anniversary of the signing of the Accord. However, the Accord is yet to be fully and effectively implemented; even though the Government of Bangladesh has been reiterating its commitment to fully implement the Accord from time to time, even at the 4th session of the Universal Periodic Review in 2009. Unfortunately, the human rights situation has worsened since the signing of the Accord. From 1998 to 2009, a total of 3,970 incidences of gross human rights violations were perpetrated against indigenous Jumma peoples that include arbitrary arrests and detentions, killings, tortures, sexual violence, arsons, blunderings and land-grabbings.

Even though the Accord granted the CHT region the status of 'tribal inhabited area', the government has so far failed to safeguard and maintain the status of the region. The post-Accord period has seen steady influx of non-indigenous migrant settlers from the plains, which continues to alter the demographic composition of the region. Currently, the percentage of non-indigenous Bengali people in the region is over 49 percent, according to the 2011 census; which in 1974 was only 26 percent. This increase of settlers in the region poses serious threats to Jumma indigenous people, since settlers are frequently involved in perpetrating human rights violations against the Jummas with a primary aim to grab indigenous land. Moreover, due to non-resolution of land disputes, settlers enjoy the impunity to grab indigenous lands. From 1999 to 2011, a total of 13 major communal attacks were carried out against indigenous peoples of the CHT by migrant settlers evidently backed by a section of the security forces. In these attacks, 1,253 houses were burnt, 960 houses were ransacked and looted, 9 indigenous persons were killed, 2 indigenous persons went missing, 376 were seriously injured and 16 indigenous women were brutally raped. The security force personnel, who were directly involved in these attacks, were subsequently identified; however, no action had been taken against them, nor against the other perpetrators.

The CHT region remains heavily militarized after signing of the Accord, and the withdrawal of all temporary army camps in the CHT as per agreement of the CHT Accord is yet to be carried out. The deployment of one third of the entire Bangladesh Army in the region with a population of only around 1% of the total population of Bangladesh is excessive by any standard. Moreover, the de facto military rule "Operation Uttoron" (operation up-lift) was imposed on the CHT region since 2001 and the Army continues to exercise its authority over administrative and civil affairs, both overtly and covertly, as they did during pre-Accord period. From 2004 to 2011, a total of 1,487 human rights violations, including extra-judicial killings, injury, rape, attempted rape, looting, arbitrary arrest, torture and eviction, were reported to have been conducted by the military and military personals. Furthermore, in addition to its involvement in illegally land grabbing by the settlers, the Army has been openly appropriating indigenous peoples' land by unlawfully

evicting them from their ancestral land. In 2006, 275 Jumma families were forcefully evicted at gunpoint, and their livelihood assets provided by United Nations Development Program and NGOs were destroyed by the Army while acquiring 11,445 acres of land for army artillery firing range in one of the districts in CHT. More recently, the Army is in the process of expanding one of its Cantonments in CHT which will involve expropriation of 9,560 acres of land and displacement of 5,000 Jumma people from their ancestral land, and destruction of their traditional livelihood.

The increasing incidences of sexual violence against indigenous women (including children) in the CHT are of grave concern. In a length of four months time, from February till July this year, 11 indigenous Jumma women and one child were brutally raped, and one child was killed after being raped by migrant settlers. In all of these cases, the violators have gone unpunished, except in one case. The culture of impunity, sustained by the state mechanism, still prevails in the CHT in the post-Accord period. Therefore, indigenous women of the CHT are more vulnerable and more insecure than non-indigenous women from other parts of the country.

We have also observed, with great disturbance, the proliferation of discriminatory behavior and attitude towards Jumma indigenous peoples. A government-imposed restriction on the entry of foreigners into the CHT is already in place. Furthermore, recently, more stringent restriction has been imposed on the foreigners who are compelled to keep a representative of the district administration while talking to an indigenous person. We believe that these conditions are against the fundamental rights of citizens ensured in the Constitution of Bangladesh. The prejudiced behavior further prevails in recent conditions that have been imposed on the NGOs working in the CHT which compel the NGOs to demonstrate the ratio of indigenous Jumma staff to non-indigenous Bengali staff members working in each project. Moreover, NGOs with a high percentage of indigenous beneficiaries (simply as a result of the higher number of indigenous people living in remote areas) are often vilified as and accused of being, 'anti-Bengali' and are subjected to harassments and obstructions to activities from the local administration. This discriminatory and interventionist directive of the local administration curtails the freedom of NGOs in carrying out their welfare and human rights activities in the region.

The United Nations declared the 9th August as "World Indigenous Peoples Day" with the goal of strengthening international cooperation for the solution of problems faced by indigenous peoples. But unfortunately, the Government of Bangladesh has issued a confidential letter on 11th of March this year forbidding all Government officials to observe the Day by not attending and not supporting any program that celebrates the World Indigenous Peoples Day. This is a discriminatory and prejudiced directive contravening freedom of expression, and assembly and association of citizens as embodied in the constitution of Bangladesh.

Bangladesh has ratified several international human rights treaties, including the International Labour Organization (ILO) Convention on Indigenous and Tribal Populations of 1957 (Convention No. 107), the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which demands of the government of Bangladesh to protect and promote the rights of the Jumma indigenous peoples.

Moreover, full and speedy implementation of the CHT Accord, as well as recognition of indigenous people's rights and their identity in the Constitution is most crucial for indigenous peoples of the CHT to improve their situation, ensure respect for their individual and collective rights in order that spaces are created for their full and effective participation in any initiative, development or otherwise, with free prior and informed consent of them. In this regard, recommendations of the 10th session of the UNPFII on the

CHT should be taken into account for full and effective implementation of the Accord. The peaceful resolution of conflict is of vital importance in the process of protecting the rights of indigenous peoples. The Accord, if implemented effectively, can also serve as a model for other countries and regions.

### **Recommendations**

With an aim to prevent further human rights violations in the CHT, we call on the HRC to urge:

- People's Republic of Bangladesh to implement the CHT Accord of 1997, fully and effectively, by declaring a roadmap;
- People's Republic of Bangladesh to facilitate the expedient settlement of land disputes by the Land Commission (part of the Accord) by passing the Land Dispute Settlement Commission Act of 2001 in the coming session of the Bangladesh parliament (September 2012) with amendments as agreed upon at the ministerial level meeting held on July 2012;
- People's Republic of Bangladesh to demilitarize the region by a) withdrawing all temporary military camps in the region in accordance with the Accord, b) transferring authority and power to the civil administration and institutions set up under the Accord;
- People's Republic of Bangladesh to provide constitutional safeguard by recognizing the Jummas as indigenous peoples in the Constitution;
- People's Republic of Bangladesh to respect individual and collective rights, culture and tradition of the Jumma indigenous people;
- The Special Rapporteur on the rights of indigenous peoples to investigate persistent and grave human rights violations occurring in the CHT.

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