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Bangladesh: Indigenous people and religious minorities still affected by displacement

Armed conflict and human rights violations including forced evictions and government policies discriminating against religious minorities have displaced at least tens of thousands of people in Bangladesh. The armed conflict in the Chittagong Hill Tracts (CHT) of south-east Bangladesh broke out in 1973 when the central government rejected demands by indigenous groups there for constitutional protection and recognition as a separate community within the new state of Bangladesh. The relocation of some 400,000 Bengali settlers from the plains to the CHT also fuelled the conflict.

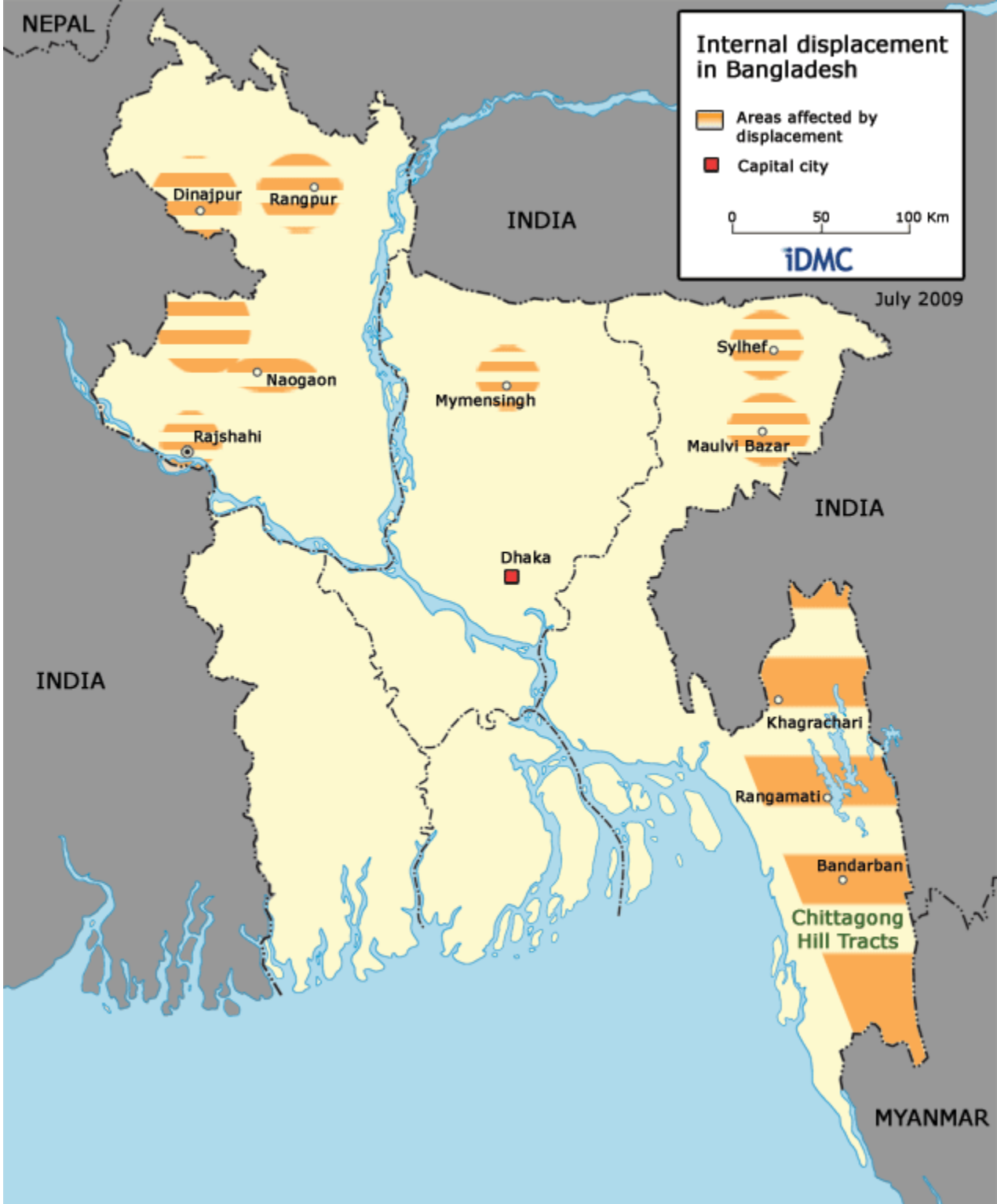
No recent estimates of the number of IDPs in the CHT are available. At least 60,000 indigenous people were in 2000 estimated to have been internally displaced during the conflict, while around 60,000 fled to India. In the same year the government estimated that 500,000 indigenous people and settlers had been displaced.

The conflict ended officially through a peace accord in 1997, but many of its causes have persisted, the accord has never been fully implemented, and many of the displaced remain without a durable solution. Bengali settlement in the CHT has continued on a smaller scale, and indigenous people continue to be forcibly displaced from their land, due to evictions by authorities, or by settlers with the knowledge or direct support of the army.

Religious minorities outside the CHT have also been displaced as a result of discrimination or communal violence. The Hindu community in particular lost much of its land due to the nationalist Vested Property Act of 1974. This act was repealed in 2001, but there has since been no restitution of land to minorities. Communal violence, particularly between 2001 and 2006 when the Bangladesh Nationalist Party was in power, is believed to have affected many religious minorities including the Ahmadi Islamic sect.

Elections in December 2008 brought a new government to power and its premier has promised a full implementation of the 1997 peace accord in the CHT and protection of religious minorities all over the country. The government must implement these pledges if the situation of internally displaced people is to improve.

Internal Displacement in Bangladesh



Source: IDMC

More maps are available on <http://www.internal-displacement.org>

Background

Internal displacement in Bangladesh is primarily the consequence of post-colonial nation-building and ensuing conflicts between the majority and minority populations. It can also be linked to the government's failure to address the rights of its indigenous people and poorly planned schemes to manage overpopulation which have led to further divisions.

Bangladesh was part of Pakistan following the partitioning of the Indian sub-continent in 1947, and only became independent in 1971 after a war between East and West Pakistan (Mohsin, 2003, p.23). Soon after the country's independence, the demands of indigenous groups living in the Chittagong Hill Tracts (CHT) for constitutional protection and recognition as a separate community within the new state were rejected by the new central government (Mohsin, 2003, p.22). The indigenous people of the CHT, made up of different groups and collectively known as the "Jumma," differ in religion and customs from the majority of the population in Bangladesh.

The constitution of 1972 ignored the country's multi-ethnic make-up by referring only to a "Bengali nation" and failed to provide safeguards of minority rights (Mohsin, 2003, p.23). The indigenous population was further marginalised when the military government which seized power in 1975 equated being Bangladeshi not only with being Bengali but also with being Islamic.

A lack of recognition and response to their grievances led the tribal population of the CHT to create the People's Solidarity Association (*Parbatya Chattagram*

Jana Samhati Samiti or PCJSS) in 1972 (Mohsin, 2003, p.24). Its armed wing, the Shanti Bahini, emerged in January 1973 and from mid-1973 an armed conflict began in the CHT, with the Shanti Bahini receiving support from India.

The conflict resulted in the deaths of over 8,500 people, including 2,500 civilians (AI, February 2000). Although it ended in 1997, human rights violations and land-grabbing have persisted in the CHT and minority communities have continued to lose their land (HRC, December 2008, paras.17, 39). As of June 2009, indigenous people remained unrecognised by Bangladesh's constitution (The Daily Star, 12 June 2009).

Religious minorities across Bangladesh have also been forcibly displaced as a result of human rights violations. The Hindu minority in particular have been dispossessed of land and property as a result of discriminatory laws. Religious minorities have also endured communal violence leading to their displacement, in particular during the period from 2001 to 2006.

Causes of displacement

The armed conflict in the CHT was in 2000 estimated to have led to the displacement of at least 60,000 people between 1975 and 1992 (AI, February 2000). The army reportedly carried out many attacks and forced relocations of indigenous communities believed to be providing assistance to the Shanti Bahini (Peiris, 1998, p.38).

In the 1970s and 1980s, the government relocated an estimated 400,000 Bengali people from the plains to the CHT with the justification that the plains were too

densely populated while the CHT was “empty” land. The indigenous population, however, argued that through settlement the government aimed to bring about a shift in demographic composition and assert political control (Mohsin, 2003, pp.31-33).

The government’s scheme created tensions between indigenous and settler populations while the conflict between the Shanti Bahini and security forces escalated. Following several episodes of intensified conflict from 1980, around 60,000 Jumma people fled across the border to India’s Tripura state (SAFHR, April 2000). From 1994 to 1997, almost all the refugees returned with the help of a central government repatriation package, but many of them found their lands occupied by Bengali settlers and became internally displaced upon return (JIDRWA, December 2005).

A peace accord in 1997 between the Awami League-led central government and the PCJSS, containing several provisions related to internal displacement, ended the armed conflict but was rejected by the opposition Bangladesh Nationalist Party (*Bangladesh Jatiyatabadi Dal* or BNP) and some indigenous groups. With the exception of two provisions, there was no deadline for its implementation, and it has still not been fully implemented more than 11 years later. The accord called for the establishment of a task force to facilitate the rehabilitation of the IDPs; however the task force could not agree on whether the Bengali settlers should be considered as IDPs, or on the terms of a proposed rehabilitation package (JIDRWA, December 2005). Consequently many of those displaced during

the years of the armed conflict have remained without a durable solution.

Indigenous people in the CHT continue to be displaced due to evictions from existing reserve forests and acquisition of their land by the government as well as land grabbing by Bengali settlers. Since 2007 Bengali settlers, with the tacit understanding or direct support of the army, have continued to seize land. The evictions were particularly intense during the state of emergency in effect throughout 2007 and 2008, but have been reported as recently as June 2009 (The Daily Star, 15 June 2009). Ongoing sporadic armed clashes between members of two opposing indigenous political groups, the PCJSS and the United People’s Democratic Front have also displaced an unknown number of people in the CHT; to a lesser extent, Bengali settlers have had to relocate from the lands they have been occupying due to clashes with Jumma people or because they feel unsafe there (communication with Asian Legal Resource Center, 8 June 2009).

A large number of people have also been displaced in the CHT by development projects; for example the building of the Kaptai Dam between 1959 and 1963 forced 100,000 indigenous people to relocate. Traditional Jumma territories have also been designated as reserve forests and people living there have faced threats from the army that their houses will be burned down, although it is unclear if forced evictions have taken place. There are reports that at the same time the government has moved Bengali settlers to these forests. The populations of the CHT and of other parts of the country also risk losing their land without compensation

for the establishment of national parks and “eco-parks”.

After Bangladesh’s independence, the new government reinforced legislative provisions undermining the property rights of members of minority groups. In 1965 the Enemy Property Act (EPA) had allowed the property of Indian nationals and those residing in India to fall under the control and management of the Pakistani government, and the 1974 Vested Property Act (VPA) allowed the government to confiscate property from individuals it deemed as an enemy of the state and so continue to dispossess and displace Hindu and other minorities (ACHR, February 2009).

Religious intolerance in Bangladesh increased following the victory of the overtly nationalistic BNP in 2001. Between 2001 and 2006, illegal land seizures, killings, sexual assaults, arson, extortion and intimidation of members of religious minorities were all reported. The Ahmadis, an Islamic sect numbering 100,000, were particularly affected by violence from extremist groups with alleged ties to the BNP’s Islamist coalition partners (IDMC, March 2006), which caused an unknown number of people to be displaced.

IDP figures and patterns of displacement

The most recent government figure available on IDPs in the CHT was determined in 2000 by the task force to facilitate the rehabilitation of the IDPs. The task force reported that there were over 128,000 families or approximately 500,000 people displaced within the CHT. In 2000, the total population of the CHT was 1.1 mil-

lion, so based on the task force figures almost half of the population was internally displaced (CHT Commission, 2000, p.35).

Indigenous representatives, NGO workers and academics have challenged the accuracy of this figure. It included 90,000 Jumma families and also 38,000 non-indigenous families, whose inclusion has been contested by the PCJSS. Furthermore, the task force omitted 10,000 internally displaced indigenous families (ACHR, February 2009) and did not include the refugees who became internally displaced after return from India (AITPN, December 2008).

In the same year, Amnesty International estimated the number of persons internally displaced between 1975 and 1992 to be 60,000. Other organisations, such as US Committee for Refugees and Immigration have published estimates in this range. This number does not include the non-indigenous population (AI, February 2000; USCRI, 2003).

It is unclear why the government task force figures differ to such a large extent from NGO figures. One explanation may be that the task force was able to carry out a more extensive survey due to the armed conflict having ended and it having access to more populations in the CHT.

Indigenous people in the CHT have experienced repeated displacements since the building of the Kaptai Dam and the subsequent armed conflict (communication with Human Development Research Centre or HDRC, September 2008). People have continued to move from one place to another in the face of attacks (HRC, December 2008, para.17), often to more remote areas of the CHT or to re-

serve forests (communication with ALRC, 8 June 2009; CRG, 2006, p.11).

Close to two-thirds of the current Bengali population in CHT has been relocated from the plains. This population has also experienced forced displacement due to clashes with indigenous people. Most settler households have preferred to move close to army camps for greater security, and on some occasions the security forces have helped to build cluster villages for them around camps after attacks.

According to a 2008 survey, around 31 per cent of indigenous and Bengali households living in rural CHT had to change their place of residence between 1977 and 2007 at least once. In this 30 year period, a Bengali household had to move from its place of residence an average of 1.4 times while over a third of the CHT indigenous population had to relocate twice on average (communication with HDRC, September 2008).

Various sources reported that evictions and forced displacements were ongoing as of June 2009 in the CHT and in other parts of the country (The Daily Star, 12 June 2009; 14 June, 2009; 15 June 2009 and 22 June 2009; AI, 2009, p.23; communication with Hotline Human Rights Bangladesh, May 2009). Evictions of indigenous minorities, such as the Mady or Garo, in different regions of Bangladesh were reported in 2008 (USDoS, February 2009) and continued as of June 2009 (The Daily Star, 14 June 2009 and 23 June 2009). There is, however, virtually no information on the figures or patterns of displacement related to religious and indigenous minorities outside of the CHT.

Physical security and integrity

The physical security and integrity of all indigenous people in the CHT seem to be threatened (HRC, December 2008, para.17). The army still controls the administration of the CHT under an administrative order known as “Operation Uttoron” (SR on indigenous people, November 2007, para.41; Mohsin, 2003, p.96). Although the Bengali communities in the CHT support the presence of the army, the indigenous people appear to be intimidated by it (The Daily Star, 22 August 2008).

Indigenous and religious minorities have been targets not only of land-grabbing, but also of human rights violations including arbitrary arrest, unlawful detention, torture, rape, killing and religious persecution (CHT Commission, February 2009, p.5) including the looting or destruction of religious objects (HRC, 24 November 2008, para.31).

Indigenous people in the CHT often lack physical access to courts or to legal aid if they lack the funds to seek redress (CHT Commission, February 2009, p.5). Police forces have also reportedly been reluctant to prevent or stop attacks on indigenous people (The Daily Star, 14 June 2009; SR on indigenous people, November 2007, para.45; SR on indigenous people, August 2008, para.52).

Threats facing internally displaced women and children

Women seem to be particularly affected by displacement in the CHT. Under the traditional “jhum” farming system, they enjoyed a more or less equal position with men in terms of status and work distribution (Mohsin, 2003, p.28). With the

loss of access to traditional resources, some Jumma women have had to find employment to sustain their families. Violence against women may have increased with their impoverishment (Mohsin, 2003, p.28).

The presence of the army in the region has reduced internally displaced women's sense of security and consequently their freedom of movement (CRG, 2006, p.11). They have reportedly been victims of intimidation and sexual assault by the army and settlers (Survival International, 27 November 2007). With their access to potable water and sanitation poor, health problems are reportedly more prevalent among internally displaced women (CRG, 2006, p.11).

Children of the returned refugees and internally displaced people are believed to live in especially difficult circumstances in the CHT. Tribal and ethnic minority children across Bangladesh have less access to protection from abuse, violence and discrimination (CRC, October 2008, para.430).

Economic, social and cultural rights of the IDPs

Information on IDPs' access to livelihood opportunities, health care, food, and education in the CHT is very limited. The available reports assess the overall situation of the Jumma and settlers, without making specific reference to IDPs. There is no information available on the conditions of IDPs elsewhere in Bangladesh.

Livelihood opportunities for IDPs in the CHT are limited due to their inability to access land to cultivate (communication

with ALRC, 8 June 2009; ICIMOD website, accessed on 13 July 2009).

The remoteness of the areas in which IDPs often live has reduced their access to health services and schools (communication with ALRC, 8 June 2009). The main health problems in the region include malaria, diarrhoea, hepatitis and anaemia (UNDP, September 2008; UNICEF website, accessed on 13 July 2009), while tuberculosis is more prevalent in the CHT than in other districts (The New Nation, 14 June 2009). Another obstacle to the education of displaced indigenous children is the language of instruction, with many not understanding the teachers or the textbooks in Bengali (The Daily Star, 14 May 2009). As a result, the school dropout rate in the CHT is high.

The government provided food rations to the indigenous people who had returned from India's Tripura state but not to the remaining indigenous IDP population. Rations were also provided to Bengali settlers. In 2003, a government decision to stop rations to the returned refugees but not to 28,000 Bengali settler families led to strong protests from indigenous organisations. Subsequently the ration supply was continued until June 2007 (Commonwealth & Comparative Politics, 2008, p.479; AITPN, December 2008, p.17).

Land and property

In the absence of restitution of their land and property, many of those displaced due to the armed conflict have not found durable solutions. The 1997 peace accord was supposed to represent a step forward in the recognition of the rights of the Jumma peoples, and offer them a level of

administrative autonomy and authority on land-related matters by transferring more authority to the Hill District Councils (HDCs), and by creating a Regional Council (RC) and a land commission to resolve disputes.

11 years after the signing of the accord, the legislation enabling the HDCs and the RC to assume their roles had still not been adopted, and the HDCs and the RC were still run by central government appointees (ACHR, February 2009).

The peace accord has not led to the dispossession of lands of indigenous people being addressed, and no compensation has been provided to people displaced by the settlement programmes. Members of the PCJSS have claimed that the Awami League government with whom the accord was signed verbally agreed to relocate the Bengali settlers outside the CHT, but that government has denied this claim. Some believe that the seizure of land by the settlers has been addressed indirectly through the provision of the land commission (Raja Devasish Roy/CARE, June 2004, p.46), but the commission had yet to start operating as of June 2009.

The commission was established in 1999 and had received more than 35,000 applications by May 2003 (AITPN, December 2008; USDoS, February 2009; The Daily Star, 8 June 2009). When the commission starts operating it will be faced with the challenge of resolving land disputes on the basis of local customary laws and national land laws which may conflict with them. Another complication will be that many indigenous people, unlike Bengali settlers, do not possess land documents

(Raja Devasish Roy/CARE, June 2004, p.47).

In 2002, it was estimated that almost 50 per cent of the returnees from India could not go back to their homesteads and land (Chowdhury, 2002). AITPN reported in 2003 that about 40 villages were still occupied by settlers (CHR, 17 March 2003, p.3).

Violence against religious minorities living outside the CHT resulting in loss of land has continued to be reported since 2001. From July 2007 until April 2008, 39 cases of land-grabbing targeting the Hindu community were reported (USDoS, September 2008). However, unlike in 2007, in 2008 there were no reports of the army's involvement in eviction of Hindus (USDoS, September 2008). A 2008 Dhaka University study revealed that nearly 200,000 Hindu families had lost almost 41,000 acres of land since 2001 (USDoS, September 2008).

National and international response

Bangladesh has no legislation to address conflict-induced displacement, and furthermore the government reported in 2009 that there is no conflict-induced displacement in the CHT or elsewhere in Bangladesh (communication with the Bangladesh Mission, Geneva, May 2009).

The Ministry of CHT Affairs, set up under the peace accord to oversee CHT self-government, had not as of December 2008 addressed the ongoing Bengali settlement (AITPN, December 2008). The temporary military camps had not been removed as foreseen in the peace accord, and various sources indicated that the

presence of the army has increased in the CHT since 2007 (AITPN, December 2008; OMCT, August 2008).

The government has done little to implement international standards to protect its indigenous minorities. In 2007 it abstained from voting in favour of the UN Declaration on the Rights of Indigenous Peoples.

In September 2008, the National Human Rights Commission was established to receive and investigate allegations of human rights violations from any individual or group (HRC, 19 November 2008, para.35). No detailed information is available on the work of this Commission but in June 2009, the Committee on the Rights of the Child was concerned about its independence and capacity to serve the interests of children in the country (CRC, June 2009, para.19).

A number of national NGOs began working in the CHT after the signing of the accord. However, NGOs with foreign funding need a certificate from the Ministry of CHT Affairs, which since 2006 has blocked the issuing of certificates to NGOs that use the term “indigenous people” in their project documents (AITPN, December 2008). During the state of emergency from 2007 to 2008, NGOs came under heightened scrutiny by the caretaker government and the army (USDoS, February 2009).

The Awami League government that came to power after the December 2008 elections has repeatedly insisted that it will fully implement the peace accord. In March 2009, a new chairman was appointed to the task force set up for rehabilitating IDPs (Indigenous Portal, 2 June

2009). According to the government, in 2009 a committee has been formed to work out ways to implement the accord (Survival International, 8 April 2009) and the land commission has been reconstituted, although many of the key posts in the commission remain vacant (The Daily Star, 8 June 2009). Despite these measures, no action plan for the implementation of the accord has been published and, according to different sources, the situation on the ground has not changed (The Daily Star, 12 June 2009 and 15 June 2009). The government has not made any statement about withdrawing the military camps in the CHT (The Daily Star, 12 June 2009).

Although an Awami League-led government annulled the VPA and passed the Vested Property Return Act (VPRA) in 2001 to restore property to the Hindu minority, the following year the government amended the VPRA so as to give it unlimited time to return the vested properties, and instead passed control of the properties, including the right to lease them, to local government employees. In 2007 and 2008, the government did not take any measures to implement the VPRA (USDoS, February 2009) and failed to prepare a list of properties to be restituted.

In 2008, protection for the Ahmadiyya community improved, although social discrimination persisted (USDoS, February 2009). Violence against religious minorities continues to be reported and the police have often been ineffective in upholding law, thus supporting the impunity of perpetrators (USDoS, September 2008). The current government has stressed its commitment to ensure the protection of freedom of religion for all, and recently the US Commission on In-

ternational Religious Freedom dropped Bangladesh from its list of countries violating minorities' right to religious freedom (The Daily Star, 5 May 2009).

Although many governments expressed interest in funding development projects in the CHT after the signing of the peace accord, its non-implementation has delayed donor engagement. A few countries and international development agencies have financed various development schemes there (CHT Commission, 2000, pp.44-45; Mohsin, 2003, pp.80-81). Currently UN agencies including UNDP, WFP and UNICEF run development projects in the CHT, which do not focus specifically on IDPs, but include IDPs among the beneficiaries.

Various human rights institutions and governments have advocated for improvements in the situation of indigenous and religious minorities in Bangladesh. In April 2008, the UN Special Rapporteur on the situation of human rights and fundamental freedom of indigenous people and the Special Rapporteur on adequate housing jointly called the attention of the

government to the reported land-grabbing in the CHT and to the potential involvement of the army in such cases. The Rapporteurs expressed concern that this might be part of a systematic campaign to support the settlement of non-indigenous families in the CHT with the army's active support in order to outnumber the local indigenous community (SR on indigenous people, August 2008, para.50).

In June 2009, the European Union urged the government to fully implement the peace accord and activate the land commission (Thaindian News, 10 June 2009). In response, the government reiterated its commitment to take measures for the full implementation of the accord (The New Nation, 10 June 2009).

Note: This is a summary of the IDMC's Internal Displacement profile. The full profile is available online [here](#).

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About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org.

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