

BANGLADESH:

Indigenous people and religious minorities still affected by displacement

A profile of the internal displacement situation

16 July, 2009

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OVERVIEW

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 This act was repealed in 2001, but there has since been no restitution of land to minorities.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.

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 million, 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 reserve 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 drop-out 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, 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, 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 International 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).

CAUSES AND BACKGROUND

Background

Background

Background

Conflict-induced internal displacement in Bangladesh has resulted from the government's failure to manage the country's very high population density and protect the rights of its indigenous people .

Bangladesh is a low-lying, densely-populated country with a population of over 156 million. About 88 per cent of Bangladeshis are Muslim, while Hindus constitute a sizable (11 per cent) minority and there are a small number of Buddhists, Christians, and animists (USDoS, May 2009). This population includes various indigenous groups. The 2001 census report identifies 29 distinct groups but members of ethnic communities maintain that there are more than 45 different ethnic groups (Bangladesh Common Country Assessment, January 2005).

There are 13 distinct indigenous ethnic groups in the Chittagong Hill Tracts (CHT), collectively known as the "Jumma," consisting of Chakma (25 per cent), Marma (15 per cent), Tripura (six per cent), Mro (two per cent), Tanchangya (two per cent), and others (two per cent) (CHARM, February 2006, p.11). The CHT borders India to the north and Myanmar to the east, and makes up approximately ten per cent of the total area of Bangladesh; it is relatively rich in natural resources. Over the past six decades, the Jumma have gone from being 90 per cent of the population of the CHT to 50 per cent (CHARM, February 2006, p.11).

Following Bangladesh's independence in 1971, tensions intensified in the CHT when hill people's demands for constitutional protection and recognition as a separate community within the new state were rejected (Mohsin, 2003, p.22). The indigenous population came to be represented by the Parbatya Chattagram Jana Samhati Samiti (PCJSS) or People's Solidarity Association in 1972. Its armed wing, the Shanti Bahini, was formed in January 1973. From about the middle of 1973 on, the Shanti Bahini began to provide leadership to an armed insurrection in the CHT (Peiris, 1998, p.37) with the support of India, which led to a sharp increase of military forces in the region.

The first parliamentary elections held under a new constitution took place in March 1973, with the Awami League winning a large parliamentary majority. Following a coup in 1975, a military government took over, which equated Bangladeshi identity not only with being Bengali but also with being Islamic (Mohsin, 2003, p.24). This widened the gap between Bangladesh's predominantly Muslim population and the indigenous hill people and intensified the armed conflict (Mohsin, 2003, p.24).

At the height of the conflict, almost one third of the army was deployed in the region. The government also began relocating Bengali residents from the plains to the CHT, with the justification that there was much available land in the CHT (Mohsin, 2003, p.33) Between 1979 and 1983, an estimated 400,000 poor and landless Bengalis were settled in the region and provided with land, cash, rations and other incentives (AITPN, April 1998, pp.20-21).

However, the CHT was anything but scarcely populated prior to the 1970s (Mohsin, 2003, p.31). Although the region was much less densely populated than the rest of the country (Peiris, 1998, p.37), this was largely because of the scarcity of agricultural land. The overwhelmingly indigenous population was already facing the problem of insufficient cultivable land as early as 1960 due to the construction under Pakistani rule of the Kaptai Dam, which submerged much of the best agricultural land (Mohsin, 2003, p.31).

Official figures indicate that more than 8,500 people were killed during the conflict between the Shanti Bahini and government forces, including some 2,500 civilians (AI, February 2000). The conflict was characterised by forced evictions, confiscations of land to establish military camps, attacks on the indigenous population by Bengalis settlers and other human rights abuses (Mohsin, 2003, p.54) which led about 65,000 indigenous people to flee to the neighbouring Indian state of Tripura and at least tens of thousands to become internally displaced (AI, February 2000; JIDRWA, November 2005).

The armed conflict came to an end with the CHT Peace Accord of December 1997 between the Awami League and the PCJSS. The Peace Accord promised land rights to indigenous people; withdrawal of the army from the CHT; and self-government through regional and district councils. However it has never been fully implemented and the clashes between settlers and indigenous peoples have continued (Commonwealth & Comparative Politics, November 2008, p.472). In 2001, a right-wing coalition led by the Bangladesh Nationalist Party (BNP) came to power and halted the implementation of the peace accord. Under the BNP government, intolerance towards indigenous people and religious minorities intensified (Lintner, 2002, p.8).

By the end of the BNP's second mandate and ahead of elections in December 2006, tensions between the BNP and the main opposition party, the Awami League, escalated into demonstrations and strikes. The tense situation was resolved by a military-enforced state of emergency and the installation of a caretaker government issuing extensive emergency rules which imposed severe restrictions on press freedom and several civil and political rights (ICG, April 2008, p.7; AI, January 2008).

The military enforced state of emergency ended with general elections on 29 December 2008. After seven years in the opposition, the Awami League once again assumed power. In its election manifesto it announced that it would fully implement the peace accord and the commitment has been reiterated by Prime Minister Sheikh Hasina on several occasions since the 2008 general elections (Indigenous Portal, 2 June 2009). The government's pledge is welcome, but there is still a need for a concrete time-bound action plan to realise the peace accord.

Displacement has occurred outside of the CHT as a result of human rights violations against religious minorities who have been internally displaced in disproportionately high numbers. The Vested Property Act (VPA) of 1974 has allowed the government to confiscate property from individuals deemed to be an enemy of the state and so has functioned as a tool to dispossess and displace minorities, in particular Hindus. Although in 2001 an Awami League-led government succeeded in repealing the VPA, it is reported that some 44 per cent of the 2.7 million Hindu households in Bangladesh have been affected since 1965 by the seizure of approximately 2.5 million acres of their land (ACHR, February 2009).

Causes of displacement

Causes of displacement

Causes of displacement

There is no clear and recent information on the current scale of internal displacement in Bangladesh but numerous reports suggest that there are many reasons for displacement. One of them appears to be poor management of the over-population of the plains. The relocation of Bengali settlers to the Chittagong Hills Tract (CHT) created tensions between indigenous people and settlers over the scarce cultivable land. Ongoing land-grabbing and displacement reported in the CHT can be seen as a consequence of the relocation programme.

This situation has been further exacerbated by the government's insufficient focus on the rights of the indigenous population. Although there are an estimated 45 distinct indigenous communities in Bangladesh (the 2001 census report identifies 29 distinct groups) making up around two million of its population, the constitution fails to recognise their existence in the country. Bangladesh was also among the 11 countries that abstained from voting for the UN Declaration on the Rights of Indigenous Peoples in 2007 and so missed an opportunity to highlight its support for the rights of indigenous people.

The constitution initially proclaimed secularism as a state principle but this was later amended by proclaiming Islam as the state religion. Most of the indigenous groups are either Hindu or Buddhist. Religious minorities such as Hindus and Christians have also been affected by the declaration of Islam as the state religion and faced discrimination and human rights violations, particularly during the periods when right-wing governments have been in power. The discrimination and violations have led to their forcible displacement.

According to the government (communication with the Bangladesh mission, Geneva, May 2009), internal displacement and its causes were limited to particular situations in the CHT related to the building of the Kaptai Dam (1959-63) and armed conflict which came to an end after the signing of the peace accord in 1997. A number of UN agencies, NGOs and academics have disputed this claim and maintained that internal displacement is ongoing in Bangladesh and many people displaced during the armed conflict remain without durable solutions more than 11 years since the peace accord was signed.

A rough distinction can be made between the situation in the CHT, where most of the indigenous people live, and the rest of the country in terms of causes of displacement. In the CHT the displacement can be seen as a consequence of:

- I. Construction of the Kaptai Dam
- II. Insurgency and counter-insurgency operations, the settlement policy, repatriation of refugees from India (1972–1997)
- III. Slow implementation of the peace accord (1997–present day)
- IV. Clashes between Jumma political groups: Parbatya Chattagram Jana Samhati Samiti (PCJSS) and United People's Democratic Front (UPDF)

Displacement in Bangladesh is also due to:

- V. Expansion of reserve forests, national parks and "eco-parks"
- VI. The Vested Property Act
- VII. Communal violence

I. Displacement due to the construction of the Kaptai Dam

The building of the Kaptai Hydro-Electric Project during the Pakistani period flooded nearly 40 per cent of the agricultural land in the CHT and displaced about 100,000 people, mostly of the Chakma ethnicity (Commonwealth & Comparative Politics, November 2008, p.472). The

compensation for the victims was inadequate and many did not receive any compensation at all (CHT Commission website, accessed on 13 July 2009). Over 40,000 of them decided to migrate to India where their attempts at getting Indian citizenship have been unsuccessful (Sahni, April 2009,). There is no recent and reliable information on how many of these people have returned and what their present situation in Bangladesh is.

The majority of those displaced by the dam sought refuge in the forest areas of the region. 52 per cent stayed in the vicinity of the reservoir, 29 per cent moved to Kassalong reserve forest, 14 per cent moved to Chengyi-Myani valley and five per cent moved elsewhere in the hills (Chakma, Khisa, Chakma, 2007).

This large-scale displacement damaged the relationship between the indigenous and Bengali populations in the CHT. As the CHT population grew, the competition for scarce land and resources intensified.

II. Displacement due to insurgency and counter-insurgency operations, the settlement policy, repatriation of refugees from India (1972 – 1997)

There were reportedly many attacks on indigenous communities believed to be providing assistance to the Shanti Bahini and forced relocations of indigenous settlements by the army from the mid-1970s to 1991 (Peiris, 1998, p.38).

According to Amnesty International, the insurgency and counter-insurgency activities in the CHT displaced some 60,000 people between August 1975 and 1992 (AI, February 2000; Mohsin, 2003, p.35).

The massive population movement of an estimated 400,000 Bengalis from the plains to the CHT (Mohsin, 2003, p.31; Commonwealth & Comparative Politics, November 2008, p.468;) during the 1970s and 1980s was justified by the government as a response to the overpopulated plain land where population density in 1980 was 1,400 persons per square mile (3,400 people per square kilometre), while the CHT were seen as “empty” land (Mohsin, 2003, p.31). The hill people, however, believed that through settlement the government aimed to bring about a change in demographic composition by increasing the number of the non-indigenous (Bengali Muslim) population and thus shifting power in favour of the pro-government population (Mohsin, 2003, p.33).

The increase in the non-indigenous population in the CHT over six decades is shown in the table below (Commonwealth & Comparative Politics, November 2008, p.477).

Table 1. Increasing trend of non-ethnic Jumma people in CHT (% distribution)

Year	Ethnic Jumma People	Bengali Muslim/Hindu
1941	98	2
1951	91	9
1961	88	12
1974	77	33
1981	59	41
1991	60	39
2003*	51	49

Source: *Talukder (2005).

The relocation programme coincided with the army’s counter-insurgency operations in the CHT and, intentionally or as a side effect, contributed to displacement. As the Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief noted in

2000: "Land-related conflicts between the indigenous people and the newly arrived Bengalis (virtually all of whom were Muslim, unlike the indigenous population, which was largely non-Muslim) represented a source of conflict with the government." (UN GA, 9 August 2000, para.69). As conflict between the security forces and Shanti Bahini escalated, communal harmony between indigenous people and "new" Bengali settlers deteriorated further. Several major incidents of violence after 1980 led to an exodus of the indigenous population to India's Tripura state between 1986 and 1989 (SAFHR, April 2000).

In 1994 a repatriation package was agreed upon between the Bangladesh government and the Jumma Refugee Welfare Association for the repatriation and rehabilitation of refugees sheltered in camps in Tripura. A new agreement was signed three years later which enabled over 12,000 families (around 65,000 individuals) to return. According to the Jumma Refugee Welfare Association the returnees were provided with economic benefits, but land-related issues have not been resolved. Many returnees did not recover their land because they were occupied by the Bengali settlers; and became internally displaced upon return (JIDRWA, November 2005).

III. Slow implementation of the peace accord (1997 – until present day)

The peace accord between the Awami League-led government and the PCJSS, containing several provisions relating to IDP issues, came into effect on 2 December 1997. Although the accord ended the armed conflict, it was received with reluctance, and in some cases rejected by groups from both sides. The main opposition party, the BNP, systematically boycotted the parliamentary debates and voting on Accord-related legislation (AI, 2000, p.8). When it came to power in 2001 it suspended the implementation of the accord. The accord was also rejected by some political groups in the CHT who considered the accord "to have failed to respond to their aspiration of full autonomy" (AI, 2000, p.8; Commonwealth & Comparative Politics, November 2008, p.471).

A drawback of the accord has been the lack of a timeframe for implementation with the exception of two provisions, relating to the surrender of arms by the Shanti Bahini and the return of refugees from India (Mohsin, 2003, p.56). Another weakness, considering the massive violations of human rights committed by the army during the insurgency period, is the absence of any transitional justice clause for the hill people (Mohsin, 2003, pp.54-55).

Provisions of the peace accord that are particularly relevant for the IDPs and would have addressed several causes of displacement had they been implemented are:

1. Land rights to the indigenous people;
2. Rehabilitation of IDPs and repatriated refugees;
3. Withdrawal of the army from the CHT, with the exception of permanent military establishments.

Several mechanisms aimed at addressing and resolving the internal displacement were established. The land commission, for instance, was to function as a special tribunal for property restitution for the indigenous people with "[...] full power to annul all rights of ownership on land and hills which have so far been given illegal settlements or encroached illegally" (Chittagong Hill Tracts Treaty, 1997). Another important mechanism was the establishing of a task force to coordinate rehabilitation for the displaced.

However, a decade later, the land commission has not started to function and the task force has failed to function effectively due to disagreement over whether the Bengali settlers should be considered as IDPs, and over the proposed rehabilitation package for the displaced population (JIDRWA, November 2005).

As of mid-2009, not all temporary military camps have been withdrawn and the militarisation of the CHT and movement of Bengali settlers continues. Evictions and land-grabbing are persisting and indigenous people are still forcibly evicted from their homes and land (SR on indigenous

people, August 2008; The Daily Star, 15 June 2009, AI, 2009, p.23) without receiving any form of compensation or help to find a durable solution.

According to the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the army is frequently involved in these episodes by instigating settlers to attack indigenous people's land, directly planning the seizure of lands or asking the administration to provide forged land documents to the settlers (SR on indigenous people, August 2008). Security forces also seize land to expand their military bases (AITPN, December 2008; communication Hotline Human Rights Bangladesh, May 2009) and authorities may be involved in land-grabbing as in cases where Jumma villages lack a title deed over their land, it has been designated as state land and used for settling the Bengali.

It is believed that many of the displacements since 1997 have been of people already displaced during the armed conflict. To a lesser extent, Bengali settlers in the CHT have also been forced to move due to tensions with indigenous people.

IV. Clashes between PCJSS and UPDF

Ongoing sporadic clashes between two opposing Jumma political groups, the Parbatya Chattagram Jana Samhati Samiti (PCJSS) or People's Solidarity Association and the United People's Democratic Front (UPDF), have also displaced an unknown number of hill people.

Owing largely to its leading role in the conflict, the PCJSS now considers itself to be the sole legitimate voice of the hill people. The UPDF was launched in 1998 by Jumma activists in protest of the PCJSS signing the peace accord, and has repeatedly demanded the full autonomy of the CHT (UPDF, January 2000; UNPO, April 2002). The opposing parties have regularly attacked each other, although the clashes have become less frequent over time. Killings, torture and displacement have often accompanied these attacks (communication with ALRC, 8 June 2009).

V. Displacement due to the expansion of Reserve Forests, National and Eco Parks

About 24 per cent of the CHT has been designated as reserve forest (Chakma, Khisa, Chakma, 2007). Traditionally forests in the CHT were considered as common property for "jhum" cultivation (in which plots of land are cultivated temporarily, then abandoned), hunting and grazing. The situation, however, changed with the introduction of reserve forests by the British. These were placed entirely under the management of the Forest Department and their traditional use came to be prohibited. The policy of exclusion from forest resources continued in the state of Pakistan and later in independent Bangladesh. When a tract of forest is declared and appropriated as reserve forest this affects the hill people at least in two ways: through displacement (in practice the government does not provide alternative land to displaced people) and loss of traditional rights, such as respect of cultural tradition and heritage of the people and traditional land rights of the hill people (Mohsin, 2003, pp.25-27, 32).

Although living in reserved forests is illegal and indigenous people are under a constant threat of eviction, this has not stopped the government from relocating Bengali settlers to these areas. Several reports suggest that thousand of Bengalis were to be settled to the Kessalong reserve forest and by the side of the Baghaihat-Sajek road in 2005 (The Daily Star, 4 June 2005).

Indigenous people are also being forcibly driven from their lands due to the establishment of national and eco-parks all across the country. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people has called attention to the case of the Modhupur forest area in Tangail District (HRC, 1 November 2007, para.19) where about 25,000 indigenous Garo and Koch peoples were reportedly displaced (HRC, 24 November 2008, para.49). According to one source the army is often involved in evicting the indigenous people and that the establishment of eco-parks is used merely as a pretext for planned evictions (communication with ALRC, 8 June 2009).

VI. Displacement due to the Vested Property Act

After Bangladesh's independence, the government reinforced the provisions of the 1965 Enemy Property Act (EPA) with the Vested Property Act (VPA) in 1974. The EPA had permitted property, such as land, buildings, companies of Indian nationals and those residing in India to fall under the control and management of the Pakistani government. The VPA continued to function as a tool to dispossess and displace Hindu and other minorities as it allowed the government to confiscate property from individuals it deemed as an enemy of the state (ACHR, 3 February 2009).

Although an Awami League-led government annulled the VPA and passed the Vested Property Return Act (VPRA) in 2001, the following year (after a right-wing coalition led by the BNP came to power) parliament passed an amendment to the VPRA which allowed the government unlimited time to return the vested properties and gave control of the properties, including the right to lease them, to local government employees (USDoS, September 2008).

VII. Displacement due to communal violence

After national elections in 2001 brought the BNP to power, reports of illegal land seizures, killings, sexual assaults, arson, extortion and intimidation of members of religious minorities and sects, such as Hindus, Buddhists, Christians and Ahmadis increased (USCIRF, December 2008).

In 2008 the UN Special Rapporteur on religious intolerance, following a visit to Bangladesh in 2000, reported that the "state appeared to be weakened in its efforts to combat religious extremism to the detriment of Muslims, minorities, and women." A climate of insecurity affected religious minorities and women of all faiths due to attacks against non-Muslim institutions, the stealing of land from minorities or attempts to appropriate assets illegally, and threats against women (HRC, December 2008, para.28).

Inter-communal violence, often accompanied with land-grabbing, was believed to have been fuelled by growing religious intolerance between 2001 and 2006. The BNP's Islamist coalition members were allegedly using their influence to sow the seeds of communal dissent (VOA, 13 July 2005) and the Ahmaddiya community, numbering 100,000, was particularly affected in this period. Intimidation campaigns were organised against this community in order to pressure the government to declare it as non-Muslim and ultimately to change Bangladesh to an Islamic republic (AI, 22 June 2006). Although there have been many reports of inter-communal violence, no survey exists that would verify the scope of resulting displacement.

IDP POPULATION FIGURES

IDP Population Figures

Figures for the CHT

The information available on the number of IDPs in the CHT is contested, limited and dated: the most recent figures available are from 2000.

In 2000, the government task force for the rehabilitation of IDPs and repatriated refugees established a list of over 128,000 families (or approximately 500,000 individuals) comprising over 90,000 Jumma families and 38,000 Bengali settlers families to be assisted (CHT Commission, 2000, p.35).

Districts	Tribal families	Non-tribal Families	Total
Rangamati	35,595	15,516	51,111
Khagrachari	46,570	22,371	68,941
Bandarban	8,043	269	8,312
Grand Total	90,208	38,156	128,364

(Source: Government task force on internal displacement, 2000)

However, the accuracy of the government task force's estimate has been contested by indigenous representatives, NGO workers and academics. The PCJSS vehemently opposed the inclusion of Bengali settlers in the list, fearing that this may lead to the legal recognition of settlers as residents of the CHT and thus as legal owners of the land. Moreover, NGOs have noted that the task force left out some 10,000 internally displaced tribal families (ACHR, February 2009) and the refugees who had become internally displaced after repatriation from India (AITPN, December 2008).

The same year, Amnesty International estimated that there had been 60,000 indigenous people internally displaced between 1975 and 1992. This estimate has also been reported by the US Committee for Refugees and Immigration (USCRI, 2003). According to analyst Shapan Adnan, the conflict in the CHT displaced around 100,000 indigenous people, which included some who had already been displaced earlier following the Kaptai Dam construction (Adnan, 2004, p.52).

Even though the figure of the government task force includes Bengali settlers and is from the year 2000, the difference between the two ranges of estimates remains significant. According to the task force figure, virtually half the CHT's total population in 2000 of approximately 1.1 million people would be considered as internally displaced. This figure was determined following the task force survey carried out after the end of the conflict; therefore the high figures could possibly be the result of a more extensive survey and better access to the CHT's population.

Although land-grabbing has continued in the CHT since 2000 there is no estimate of the number of individuals or families affected by forced displacements.

Figures for religious minorities and other indigenous minorities in Bangladesh

Information concerning IDP figures for religious minorities or indigenous minorities in other areas of Bangladesh is almost non-existent.

According to ACHR, some 1.2 million Hindu households in Bangladesh have lost their land under the VPA since 1974 and its occupants could have become internally displaced (ACHR, February 2009).

IDP POPULATION MOVEMENTS AND PATTERNS

IDP Population Movements and Patters

Patterns of movement

There are not many sources available on the patterns of displacement in the Chittagong Hill Tracts (CHT). However, field research undertaken in the CHT between 2005 and 2006 (CRG, 2006) and communications with HDRC in 2008 identify a pattern of multiple displacements.

Between 1977 and 2007 around 31 per cent of households in rural CHT, both indigenous and Bengali, have had to change their usual place of residence; on average a household had to change its address 1.7 times. The maximum number of change of permanent residence reported is nine times. On the whole, about 13 per cent of households have been displaced two or more times within the last 30 years which is roughly one generation (communication with HDRC, September 2008).

Tens of thousands of indigenous people in the CHT were initially displaced due to the building of the Kaptai Dam (1959-1963). After they had rebuilt their homes in villages such as Larmapara, Narankhaiya and Longang in Khagrachari district of the CHT, they were forced to move again due to the insurgency operations by Shanti Bahini and subsequent military response (AI, 2000). While some became internally displaced, many crossed the border into India (AI, 2000) between 1986 and 1989. Most of the refugees returned to Bangladesh by 1997 when the peace accord was signed. Those who had been displaced by the conflict or had been living in India as refugees for a long time were not able to return to their land because it had often been handed over to other people in their absence. Many among this group remain displaced (CRG, 2006, pp.10-11).

The ongoing arrests and attacks against indigenous communities in the CHT by security forces, or by settlers with acquiescence of security forces (HRC, December 2008, para.15), keep people moving from one place to another. Typically, land evictions take place in areas where there is good access to transportation (communication with ALRC, 8 June 2009; Hume, 17 June 2005) and evicted people usually relocate to higher, more remote areas. They either look for shelter in Buddhist temples or build small bamboo huts (communication with ALRC, 8 June 2009).

During displacement, internally displaced people face the problems of physical insecurity, stress due to traumatic experiences, lack of livelihood opportunities, lost documentation, poor access to education, health care services, sanitation and safe drinking water (CRG, 2006, p.11; communication with ALRC, 8 June 2009). The displaced sometimes get help from host communities, relatives or civil society groups (communication with ALRC, 8 June 2009). IDPs have stressed that they have not been assisted by the government (CRG, 2006, p.11).

About 22 per cent of Bengali households in the CHT have had to change their permanent address during the last three decades, and about six per cent of Bengali settlers have had to move more than once. According to HDRC in 2008, about 62 per cent of the Bengali population in rural CHT had been living there for less than 30 years. This implies that almost two-thirds of the CHT's current Bengali population was relocated there by the government during the 1970s and 1980s.

From 1997 to 2007, an average Bengali household had to move from its first permanent residence in the CHT about 1.4 times. In most instances, the settler households preferred to

move to locations close to army camps as they felt it was safer. On some occasions the security forces helped build cluster villages for the settlers near their camps after on settlers (communication with HDRC, September 2008).

There is no information available on patterns of movement of indigenous and religious minority populations displaced outside of the CHT.

PHYSICAL SECURITY, INTEGRITY AND ACCESS TO JUSTICE

Physical Security, Integrity and Access to Justice

Physical security, integrity and access to justice

Available reports focus on the indigenous people in the CHT, without making any distinction between the displaced and the rest of the indigenous population. There is no information available on the situation for indigenous and religious minorities outside the CHT.

Physical security and integrity

Physical security and integrity are at risk for members of indigenous communities in the CHT (i.e. the Marma, Mro, Jumma, Garo) (HRC, December 2008, para.17). Reports claim that the army still holds authority over the general CHT administration, through an administrative order known as "Operation Uttoron" (UNPO, February 2005; SR on indigenous people, November 2007, para.41; Mohsin, 2003, p.96). Although the Bengali communities in the CHT on the whole support the presence of the army, indigenous people seem to be entirely against the army presence and feel intimidated by it (The Daily Star, 22 August 2008).

In addition to losing their property as a result of land-grabbing, (HRC, December 2008, para.28; The Daily Star, 14 June 2009; The Daily Star, 15 June 2009; HRW, 29 January 2009; USCIRF, May 2009, p.218) there are many reported cases of indigenous people facing human rights violations such as arbitrary arrests, unlawful detentions, torture, rape, killings and religious persecution (CHT Commission, February 2009, p.5). There are also reports of their religious objects frequently being looted or destroyed (HRC, 24 November 2008, para.31; SR on freedom of religion, March 2007, para.43).

A number of reports indicate that these violations of the rights of indigenous people by settlers, sometimes with the involvement of security forces, have been systematic (HRC, December 2008, para.17; AITPN, December 2008, p.19, 21).

Access to justice

Indigenous people in the CHT lack physical access to courts as well as funds and legal aid (CHT Commission, February 2009, p.5). The CHT Commission, composed of experts from inside and outside Bangladesh seeking to promote respect for human rights, democracy, participatory development and land rights in the Hill Tracts, found that the lack of information and available lawyers to assist the indigenous people additionally hinder their access to justice.

The CHT Commission notes that the police have reportedly refused to register some cases by indigenous people and have reportedly been reluctant to interfere and prevent or stop violations (The Daily Star, 14 June 2009; SR on indigenous people, November 2007, para.45; SR on indigenous people, August 2008, para.52). Poverty and the length of the process of getting to court are additional obstacles in the way of pursuing any cases the indigenous people have filed (CHT Commission, February 2009, p.5).

PROPERTY, LIVELIHOODS, EDUCATION AND OTHER ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Land, property and durable solutions

Land and property in the Chittagong Hill Tracts

Land and property in the Chittagong Hill Tracts (CHT)

Evictions and land-grabbing continue in the CHT

As noted in previous sections (see section on Causes of Displacement and Patterns of Movement), indigenous people in the Chittagong Hill Tracts (CHT) continue to be forcibly evicted from their homes and land (SR on indigenous people, August 2008) without receiving any form of compensation or assistance in finding a durable solution. Evictions carried out by Bengali settlers continued to be reported as of June 2009 (The Daily Star, 15 June 2009; AI, 2009, p. 23).

Evolution of land policies and land-grabbing in the CHT

Prior to 1860, the CHT was an area practically independent of any external political control. Indigenous people had customary practices for allocating land but these were not written down in the form of legal codes (Adnan, 2004, p.36). In 1860, under the British administration, the CHT Regulation was formulated and provided some basic legal framework in the CHT. It laid down specific rights of entry and residence in the area, and provided special protection to the rights of the hill people. However, many of these rules have been substantially amended during the course of the 20th century.

In 1963, under an amendment to the Pakistani constitution, the special status and the immigration restrictions were eliminated, and systematic misappropriation of land and resources followed. In September 1971 an amendment was made to the CHT Regulation which redefined the category of non-indigenous residents and permitted them to settle on cultivable land in the CHT.

The conflict which began in the CHT in 1972 reportedly gave the government a pretext for large-scale demographic engineering in order to better control the region increasing substantially the proportion of Bengali living in the CHT (Adnan, 2004, pp.46-47).

In 1979, the government amended the CHT Regulation, removing all the restrictions against settlement of outsiders, and launched a massive relocation programme of Bengali settlers from the plains to the CHT. The influx of an estimated 400,000 Bengalis almost doubled the population of the CHT within a decade and put more pressure on land (Adnan, 2004, p.41).

In 1989, the government promulgated the Hill District Local Government Acts which stated: "No land shall be given in settlement without the prior approval of the concerned council and such land cannot be transferred to a person who is not a domicile of the said district without such approval" (Adnan, 2004, pp.41-42). The Hill District Local Government Councils, however, were not given the power to reverse illegal and forcible occupation of the hill people land, and new settlers continued to occupy and grab the land of indigenous people.

The 1997 Peace Accord and land rights in the CHT

The wording of the 1997 peace accord offered the CHT a level of administrative autonomy, including over land. It should have represented a step forward in the recognition of the rights of the indigenous people over land.

Article 26 (1) of the accord stated that no land shall be given, sold, purchased or transferred without prior approval of the three Hill District Councils (HDCs) of Rangamati, Bandarban and Khagrachari. The three HDCs would have authority with regard to land-related matters, with the exception of reserved forest area, Kaptai hydroelectric project areas, and other state-owned lands. It further declared that a new Regional Council (RC) would be established with a remit to oversee the entire CHT.

The land commission established under the accord was to resolve all land disputes and had full authority to annul the rights of ownership of land that had been illegally settled. Further, long-term leases to outsiders for land that had not been utilised for more than ten years would be cancelled.

In addition, the peace accord also stated that the government, in consultation with the RC, shall as soon as possible, carry out a land survey. Moreover, tribal families having no land or land below two acres would receive two acres from the government.

However, the existence of the formal legal constraints of the peace accord has not stopped land-grabbing and evictions, and many critical components of the Accord related to land are not functioning effectively over 11 years after it was signed (USDoS, February 2009; The Daily Star, 8 June 2009 and 12 June 2009).

The legislation enabling the HDCs and the RC to assume their role in land and resource management has still not been adopted (USDoS, February 2009; The Daily Star, 12 June 2009; CHT Commission, February 2009). The RC was established in 1998 but no elections have been held. The HDCs and RC are instead being run by appointees of the authorities in Dhaka (ACHR, February 2009). Decisions made by both remain subject to of the final decision of the national government on all substantive matters (Adnan, 2004, p.33).

The land commission was established in 1999 and, as of May 2003, it had received more than 35,000 applications from both Bengali and indigenous people (AITPN, December 2008; The Daily Star, 8 June 2009). However, the commission has not started to operate as of June 2009. Various difficulties prevent its functioning:

- Firstly, the commission has to resolve land disputes on the basis of existing laws, but in the CHT customary laws coexist with and often contradict national land laws (CHT Commission, 2000, p.38). Thus procedures for land administration services like transfer of land titles can be extremely complicated and may come into conflict with each other unless there is a system of coordination between these different administrative bodies (Raja Devasish Roy/CARE, 2004, pp.27-28).
- Secondly, access to land title documents may also lead to conflicts. Most of the Bengali settlers have papers to prove that they are the owners of land, whereas most indigenous people do not. While the land commission's majority of members of indigenous background might suggest that customary law will be given priority, the chairman must make decisions in the absence of consensus (Raja Devasish Roy/CARE, 2004, p.47).

The lack of demarcation between and clarification of the mandates of the different institutions in the CHT undermines the enjoyment of rights of people there. The Ministry of CHT Affairs (MoCHTA), which should be responsible for coordinating and implementing administrative and development activities for the region, has ordered, as per peace accord, the three HDCs to

cancel the land leases that were given out as long-term leases to non-residents and that had not been utilized for more than ten years, but it appears the order has not been not enforced because orders related to land fall within the responsibility of the Ministry of Land (Raja Devasish Roy/CARE, 2004, p.46). In terms of development and administrative responsibility the areas of authority of the MoCHTA and the government line agencies and administrative units is not clear. The administrative units continue to receive instructions and resources from their respective ministries in Dhaka, and the authority of the MoCHTA remains unconfirmed and unrealised (AITPN, December 2008).

The land survey to be carried out by the government in consultation with the RC has never been undertaken. Indigenous families with less than two acres of land have not received any compensation from the government (Chowdhury, 2002, p.22).

Land and property in other areas of Bangladesh

Land and property in other areas of Bangladesh

Eviction of religious minorities

Violence against religious minorities resulting in loss of land has continued to be reported in 2008 and 2009. From July 2007 to April 2008, 39 incidents of land-grabbing reportedly targeted the Hindu community (USDoS, September 2008).

According to a Dhaka University study, nearly 200,000 Hindu families have lost approximately 40,667 acres of land since 2001, despite the annulment of the VPA that same year (USDoS, September 2008; ACHR, February 2009). Human Right Watch has also underscored that the VPRA has been ineffective and that loss of land has continued at an alarming rate (HRW, January 2009). While the present Awami League government is trying to raise the issue and return land to its real owners, more than 70 per cent of such land is currently illegally occupied (communication with Hotline Human Rights Bangladesh, May 2009).

Other Indigenous minorities

Attacks and evictions of indigenous minorities in different regions of Bangladesh have been reported in 2008 (USDoS, February 2009) and 2009.

In June 2009, 74 families including 56 indigenous families, were evicted from their land in a series of attacks in the north-western sub-district of Porsha. The attacks was led by armed supporters of a BNP adherent, allegedly backed by the police (The Daily Star, 14 June 2009). Some days later, attackers tried to occupy the land of 17 more indigenous families in Nachole sub-district. (The Daily Star, 23 June 2009) On 21 June, indigenous protestors called for the property to be returned to evicted families and the land grabbers arrested (The Daily Star, 22 June 2009)

According to Hotline Human Rights Bangladesh, land grabbing and eviction of Mandy or Garo people continues in Mymensingh district in the north. In the north-western Dinajpur, Rangpur and Rajshahi districts, eviction of minorities and poor marginalised people continue in the name of national development and construction of eco-parks. Almost every day some people are evicted and in the last six months at least four people have been killed over land disputes (communication with Hotline Human Rights Bangladesh, May 2009).

In Sylhet, Srimongal and Maulvibazar districts of north-eastern Bangladesh, the government cooperates with illegal settlers and helps evict the local indigenous minorities who live and work in the local tea gardens. Tea garden authorities are also reportedly illegally occupying land in Maulvibazar district (communication with Hotline Human Rights Bangladesh, May 2009).

Economical, Social and Cultural Rights

Overview

Information on the access to livelihoods, health, food and education of IDPs in the Chittagong Hill Tracts (CHT) is very limited; available reports assess the overall situation of the hill people and settlers, without making any specific reference to IDPs. Information on the conditions of the displaced elsewhere in Bangladesh is also unavailable. In view of the lack of information, the sections below will consider the situation of indigenous people in the CHT in general.

According to the Bangladesh National Report prepared for the UN Human Rights Council's Universal Periodic Review (UPR) (HRC, 19 November 2008, para.105), the government intends to address the socio-economic situation of the CHT by introducing the Hill Tracts Village Centre Programme that focuses on the development of education, health, sanitation, nutrition, mother and child care. More detailed information was not provided.

Access to Livelihoods

Livelihood opportunities

Livelihood opportunities

Information on the access to livelihood opportunities of IDPs in the Chittagong Hill Tracts (CHT) is very limited.

In its National Strategy for Accelerated Poverty Reduction (NSAPR) from 2005, the government admitted that over the years indigenous minority communities have experienced economic exclusion, social oppression and loss of cultural identity. In addition, mass relocations of non-indigenous minority people into the traditional indigenous minority areas have caused land-grabbing, leading to displacement among indigenous minority people (Government of Bangladesh, October 2005, para.5.402-5.408). The Committee on the Rights of the Child (CRC) has also found that there is a strong correlation between extreme poverty and membership of an indigenous group or ethnic minority (CRC, October 2008, para.429).

In the CHT, livelihood opportunities for indigenous people are believed to be limited due to the scarcity of cultivable land which is traditionally the main source of survival for the hill people (communication with ALRC, 8 June 2009; ICIMOD website, accessed on 13 July 2009). Opportunities to build secure livelihoods are also limited by the ongoing evictions that force people to leave their homesteads and the orchards upon which they traditionally rely (SR on indigenous people, August 2008, para.52). Moreover, many of them live in the reserve Forests where they are not allowed to collect crops (Mohsin, 2003, p.27).

In its report to the UPR, the government asserted that it has recovered large areas from land-grabbers in the CHT which are now being legally processed for settlement. The report does not, however, specify to whom these areas of land will be allocated (HRC, 19 November 2008, para.112). Positive developments can also come if a parliamentary body's recommendation for allocating two acres of land to each landless indigenous family among the permanent inhabitants in CHT is implemented (The Daily Star, 25 June, 2009).

Access to Health

Access to health

Health

Information on the access to health of IDPs in the Chittagong Hill Tracts (CHT) is very limited. The remote areas in which IDPs often live have poor access to health services, medicine and medical personnel (communication with ALRC, 8 June 2009). An additional obstacle is the lack of civic amenities including shortage of electricity and safe water, which in turn makes health workers reluctant to join services there (UNDP, 3 September 2008). The main health problems in the three Hill districts – Rangamati, Bandarban and Khagrachari - are malaria, diarrhoea, skin diseases, hepatitis and some sexually transmitted diseases (UNDP, 3 September 2008). The prevalence of tuberculosis in the CHT is higher than in other districts of the country (The New Nation, 14 June 2009). A 2007 UNICEF survey revealed that anaemia is a severe public health problem in the CHT, particularly affecting children under five, adolescents and pregnant women (UNICEF website, accessed 13 July 2009; CRC, October 2008, para.47).

Access to Food

Food Security

Food security

Information on the access to food of IDPs in the Chittagong Hill Tracts (CHT) is very limited.

Most of the people who fled to India between 1986 and 1989 returned to Bangladesh between 1994 and 1997. From 1994 until June 2007, the government provided food rations for the indigenous people who returned after living as refugees in India's Tripura state.

In 2003 the rations to 65,000 indigenous people stopped although about 26,000 Bengali settlers continued to receive them (The Daily Star, 2 September 2003). After strong protests from indigenous organisations, rations to the returnees were resumed (AITPN, December 2008, p.17). No such rations have been provided for the indigenous population remaining displaced within the CHT since the years of the armed conflict.

Access to Education

Access to education and language

Education and language

Information on the access to education of IDPs in the Chittagong Hill Tracts (CHT) is very limited.

Since the internally displaced people often live in remote locations with poor roads they are likely to face difficulties in accessing schools. The National Strategy for Accelerated Poverty Reduction emphasises that existing regulations on setting up schools in the CHT do not take into consideration the dispersed and remote nature of the indigenous people's settlements (government of Bangladesh, October 2005, para.5.406; UN website, accessed on 13 July 2009). As a consequence, the indigenous people enjoy fewer opportunities for education and skills-development than the rest of the population; and the illiteracy rate among them is very high (government of Bangladesh, October 2005, para.5.406).

Indigenous displaced children also face a language barrier at school (The Daily Star, 14 May 2009). The language used is Bangla which they often do not understand. As a result, the school drop-out rate in the CHT is high (IDP, 21 February 2007; UN website, accessed on 13 July 2009). Article 33 of the CHT peace accord stipulated that the government should ensure primary education of all indigenous children in their mother tongue. Eight years later, the National Strategy for Accelerated Poverty Reduction reiterated the need to provide ethnic minority people with a curriculum that allows learning in their own language at primary level.

PROTECTION OF SPECIAL CATEGORIES OF IDPS (AGE, GENDER, DIVERSITY)

Gender-Women and Men

Women

Protection of special categories: women

Women in the Chittagong Hills Tract (CHT) seem to be particularly affected by displacement. Under the traditional “jhum” farming system, they enjoyed a more or less equal position with men in terms of work distribution, which was also a source for their empowerment (Mohsin, 2003, p.28). With the loss of access to traditional resources (for example where they have been displaced due to expansion of reserve forests or establishment of eco-parks), some women must perform both “private and public chores” to sustain their families (Mohsin, 2003, p.28). Evidence suggests that there is a correlation between impoverishment and violence against women (Mohsin, 2003, p.28).

Displaced women’s perception of physical security and consequently their freedom of movement seems to be seriously threatened by the extensive presence of army personnel in the CHT (CRG, 2006, p.11). They have reportedly experienced intimidation and sexual assaults by soldiers and settlers (Survival International, 27 November 2007). A lack of education, health care, and access to potable water and sanitation are also reportedly more prevalent among displaced women (CRG, 2006, p.11).

UNDP has found that among the CHT population, woman are more marginalised and vulnerable due to their lower rates of literacy, lower wages and personal resources, and the limited decision-making power both within family and society and access to capacity-building initiatives and information (Third Quarterly Progress Report UNDP-CHTDF, 2008, p.43).

Indigenous women as well as those belonging to religious minorities, particularly Hindu, have reportedly been victims of sexual assaults, rape, forcible confinement and forced conversions (Survival International, 27 November 2007; HRC, 24 November 2008, para.15; SR on indigenous people, November 2007, para.45).

Boys, Girls and Adolescents

Boys, Girls and Adolescents

Protection of special categories: internally displaced children

The government has confirmed that children of displaced people are among those groups of children in the CHT that live in particularly difficult circumstances. According to the government, there are altogether 1947 children in the CHT who have been associated with armed forces (CRC, 2006). The impact of the conflict in CHT on children is illustrated in the following table from 2006:

Type of Children	Number of children affected
Displaced	-
Orphans	-
Combatants	1947

(Source: Ministry of Hill Tracts Affairs – from CRC, January 2006)

The CRC has noted in its 2007 report that indigenous children have less access to their rights to food, health care, education, survival and development and protection from abuse, violence and discrimination (CRC, October 2008, para.430). The table below compares indicators of children's well-being in "national situations" and "tribal situations".

National vis-à-vis tribal situations, MICS 2006 (in percent)

Serial	Indicator	National situation	Tribal situation
01	Primary school net enrolment rate	70.0	59.0
02	Initial breast feeding		
	Breast fed within an hour	35.6	29.9
	Breastfed within one day	81.5	78.9
03	Vitamin A supplementation	84.9	77.8
04	Low birth weight (below 2.5 kg)	26.7	24.1
05	Vaccination (all)	83.7	76.2
06	Drinking water		
	Improved source	97.6	78.5
	Water on premises	68.0	24.2
07	Use sanitary latrine	39.2	17.2
08	Antenatal care		
	No antenatal care	43.8	65.2
	Delivery in health facilities	16.0	4.2
09	Birth registered	9.8	5.0
10	Child labour prevalence	12.8	17.6

(Source: MICS 2006 – from CRC, October 2008)

There is no information available on the protection situation for children outside the CHT.

DURABLE SOLUTIONS (RETURN, LOCAL INTEGRATION, SETTLEMENT ELSEWHERE IN THE COUNTRY)

Durable Solutions

Durable Solutions

Durable solutions

On paper, the 1997 Peace Accord provided for the rehabilitation of all returned refugees and people internally displaced by the conflict in the Chittagong Hills Tract (CHT), but in 2002 fewer than half of the returnees from India could go back to their land and homesteads (Chowdhury, 2002). In 2003, AITPN stated that about 40 villages of the returnees were still occupied by the Bengali settlers and over 3,000 families did not recover their land (CHR, 17 March 2003, p.3). According to ACHR a total of 9,780 families out of 12,222 Jumma families who had returned from India had not recovered their land or housing by 2009 (ACHR, February 2009).

The Peace Accord has not led to durable solutions for returned refugees or IDPs, nor has it addressed the dispossession of indigenous people from their land through the settlement programmes. No solution or compensation has been provided to people who have been or are currently displaced as a result of Bengali settlers living on their land (see for example OMCT, August 2008). PCJSS members have claimed that the government had verbally agreed to resettle the Bengali outside the CHT, but the Awami League government party to the Peace Accord has denied this agreement (Raja Devasish Roy/CARE, 2002, p.46).

In December 2008, AITPN further noted that “for indigenous people the challenge is no longer ensuring the return of the appropriated land, the challenge is to protect the lands which are theirs and under their possession.” Since most of their original lands are occupied by settlers, security forces or other indigenous people, the return of IDPs and former refugees to their land could further intensify land disputes and conflicts (AITPN, December 2008). The CHT Commission in its mission report of February 2009 recommended that the government evaluate the possibility of relocating Bengali settlers to the plains, in order to release the pressure on land. Many Bengali have expressed their willingness to return to the plain districts if provided assistance by the government (CHT Commission, February 2009, p.6)

There is no information on any form of compensation or durable solution for religious minorities or other indigenous minorities who have been evicted from their land.

For more information see section on land and property.

NATIONAL AND INTERNATIONAL RESPONSE

National Response

National Response

National response

Bangladesh has no national policies to address conflict-induced displacement. Furthermore, according to the government, there is no conflict-induced displacement in the Chittagong Hills Tracts (CHT) or in other areas of Bangladesh (communication with the Bangladesh Mission, Geneva, May 2009).

In its national report for the UPR process of the UN Human Rights Council, the government does not mention IDPs or situations of displacements due to forced evictions and reference to indigenous people is merely in one paragraph of the report (HRC, 19 November 2008; Indigenous Peoples' Team on the UPR of the Government of Bangladesh, February 2009). However, various sources have affirmed that evictions and forced displacements are going on as of June 2009 in the CHT and that evictions still take place in other parts of Bangladesh (The Daily Star, 12 June 2009; 14 June 2009 and 15 June 2009 ; AI, 2009, p.23; communication with Hotline Human Rights Bangladesh, May 2009).

National response in the CHT

Previous governments

The previous governments failed to address the situation of displacement in the CHT and lacked the will to implement the 1997 peace accord. As noted in other sections on causes of displacement and on land and property, various institutions set up under the accord have stopped working or never started functioning.

- The Ministry of CHT Affairs (MoCHTA) failed at least until December 2008 (AITPN, December 2008) to end the ongoing Bengali migration to the CHT. Not all the temporary military camps were withdrawn from the CHT, in violation of the terms of the peace accord. Some sources stated that no more than 35 (Commonwealth and Comparative Politics, November 2008, p. 474; AITPN, December 2008) out of a total of 500 camps had been withdrawn from the CHT by the end of 2008, whereas others (USDoS, February 2009) noted that 212 camps had been withdrawn.

- According to various sources (The Daily Star, 12 June 2009; AITPN, December 2008; OMCT, August 2008), the presence of the army has increased in the CHT since 2007 and according to AITPN (December 2008), more new camps have been established in the Bandarban district. As of June 2009, the government has still not taken any steps or set any time-limits to withdraw all military camps (The Daily Star, 12 June 2009).

National NGOs were established in the CHT after the signing of the Peace Accord. However, MoCHTA has established direct control over NGO activities. NGOs with foreign funds need to get

a No Objection Certificate (NOC) from the MoCHTA, and according to AITPN (AITPN, December 2008), since 2006 the Ministry has blocked NOCs to NGOs using the words “indigenous people” in the project document. According to the US Department of State (USDoS, February 2009) after the government declared a State of Emergency in 2007, national NGOs also came under heightened scrutiny by the caretaker government and the army.

In September 2008 the National Human Rights Commission was established to receive and investigate allegations of human rights abuses and 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 operational capacity to serve the interests of children in the country (CRC concluding observations, June 2009 para 19).

Present Government

Since coming to power in December 2008, the current Awami League government has repeatedly insisted upon its commitment to fully implement the peace accord. In February 2009, it announced that the land commission would be revived (News Network, 17 February 2009) and the following month, a new Chairman had been appointed to the task force of the India returned refugees and IDPs (Indigenous Portal, 2 June 2009). In April 2009, the Minister of CHT Affairs maintained that the government had begun to form a committee to work out ways to implement the accord (Survival International, 8 April 2009).

In a seminar held in Dhaka in April 2009 the chairman of the task force and ruling party MP from Khagrachari District of the CHT said that the land commission would be reconstituted and he would rehabilitate the IDPs according to the terms of the peace accord (Kapaeeng New Release, 1 April 2009). In May 2009, a Parliamentary Standing Committee on CHT Affairs said that the land commission was being reconstituted to address land settlement issues (The Daily Star, 22 May 2009), but that key posts such as the commission’s Chairman and Registrar remained vacant (The Daily Star, 8 June, 2009). The following month, Prime Minister Sheik Hasina reiterated her commitment to fully implementing the peace accord to a delegation from the European Union. The Prime Minister also explained that the Government had reconstituted the Peace Accord Implementation Committee and had appointed a chairman (The Daily Star, 20 May 2009 and 21 May 2009).

Despite these promises and the appointment of new people in different committees and task forces, 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 and local institutions such as the HDCs and the RC are still unable to work. The Daily Star states that “the practical situation in the CHT is extremely uncertain and human rights violations including (...) dispossession of indigenous peoples’ lands by Bengali settlers and military personnel are regularly reported” (The Daily Star, 12 June 2009).

Indigenous people in Bangladesh remain unrecognised in the country’s constitution (The Daily Star, 12 June 2009; HRC, 24 November 2008, para 46) as of June 2009.

National response concerning evictions of religious minorities

Violence against religious minorities continues to be reported and the police have often been ineffective in upholding law and order or slow to assist victims, thus promoting the impunity of perpetrators (USDoS, September 2008). The US Department of State, however, has noted that in 2008 the government’s protection of the Ahmaddiya community improved, although social discrimination persisted (USDoS, February 2009). Moreover, in 2009 Bangladesh was dropped

from the US Commission on International Religious Freedom's Watch List of countries deemed to violate the right of minorities to religious freedom (The Daily Star, 5 May 2009).

In 2007 and 2008, according to the US Department of State, the government did not take any measures to implement the 2001 VPRA providing for property restitution to the Hindu minority (USDoS, February 2009) and failed to prepare the list of the properties to be restituted. However, there were no reports in 2008 of the army conducting evictions of Hindus, as it had in 2007 (USDoS, September 2008).

The current government has reiterated its commitment to ensure protection of freedom of all religions. On 30 April 2009, the Prime Minister said her government would repeal all laws and rules which discriminate against minority communities (Bangladesh Awami League, 30 April 2009).

International Response

International Response

International response

International development response

After the signing of the peace accord in 1997, many donor governments expressed interest in funding development projects in the Chittagong Hill Tracts (CHT). In response, in 1998 the government submitted a CHT development plan, mainly covering infrastructure, but donors rejected this plan since it had not been formulated in cooperation with Jumma organisations and representatives. The non-implementation of the peace accord has further delayed donor engagement. However, some donor governments and international development agencies have not had the same reservations and have financed various development schemes (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. The projects do not focus in particular on IDPs, but IDPs are among the beneficiaries.

In 2005, UNDP in collaboration with the government started the first operational phase of the CHT Development Facility (CHTDF). The project, funded by the European Commission, Australia, Canada, The United States, Norway, Japan, UNDP's Bureau for Crisis Prevention and Recovery and implemented with the help of the MoCHTA as well as various local NGOs, is designed to reduce poverty and strengthen local institutions and communities.

The CHTDF provides health and education services to people in the CHT. In parallel it works on a number of cross-cutting themes such as the empowerment of women, natural resource management, and capacity to respond to natural disasters, while focusing on confidence-building and seeking to improve tolerance among diverse groups (UNDP, Annual Report 2008, 2009).

In 2008, a partnership agreement between CHTDF and the International Centre for Integrated Mountain Development (ICIMOD) allowed the implementation of a project on "Promoting livelihoods through income and employment generation in the CHT," aimed at making available a

range of sustainable income and employment generating activities, based on the context of the site and population (ICIMOD website, accessed on 13 July 2009).

WFP has been implementing food aid programmes in the CHT since 1998. Currently, the WFP runs four programmes. The “Vulnerable Group Development Programme” implemented in partnership with the government, aims at promoting self-reliance among the most vulnerable women by providing them with food assistance and training in alternative livelihoods. The “Food for Education Programmes”, conducted in partnership with UNICEF and the government, provide micronutrient fortified biscuits to pre-school children attending the early learning centres of UNICEF. The “Emergency School Feeding Programme,” launched in June 2009, is a short-term programme in response to high food prices, which is only implemented in some sub-districts in the CHT.

WFP also runs a programme to respond to the rodent crisis in six severely affected sub-districts. Since May 2008, WFP has assisted families in the CHT who are struggling to feed themselves after the area was overrun by millions of rats – a phenomenon known locally as a “rat flood”. The rat flood, caused by seasonal flowering of bamboo, has destroyed the crops and livelihoods of people in CHT (WFP, 13 July 2008).

In recent years, government, international and national NGOs have jointly launched several projects aimed at improving educational opportunities for indigenous people in the CHT. In its project UNDP has also been focusing on indigenous children in under-served areas and, inter alia, on developing a multilingual pre-primary curriculum in seven of the indigenous languages (UN website, accessed on 13 July 2009). A local NGO Zabarang Kalyan Samity has been working jointly with Save the Children and has actively supported 60 schools in remote CHT areas, providing children with learning in their own language (UNPO, August 2007). UNICEF and the government have been setting up local pre-school and healthcare centres (Para Kendras) in remote hilly areas where, for example, pre-school education and parenting education are offered (The Daily Star, 21 May 2009).

Recommendations by governments in Bangladesh’s 2008 UPR session at the UN Human Rights Council

In the UPR session held on the human rights record of Bangladesh in February 2009, various governments advocated for improvement in the situation of indigenous and religious minorities. Norway and Australia recommended the government fully implement the peace accord as a matter of priority within a specific timeframe. The Holy See asked for an investigation of complaints concerning discrimination against members of minority religions. The UK called upon the government to take further steps to address discrimination against vulnerable groups. Italy proposed enhancement of the protection of religious freedom through the adoption of legislative measures and through awareness-raising campaigns (HRC, May 2009).

Recommendations by Special Procedures of the UN Human Rights Council and the Committee on the Rights of the Child

Human rights institutions have repeatedly advocated on behalf of the CHT’s indigenous population. In April 2008, for example, the Special Rapporteur on the situation of human rights and fundamental freedom of indigenous people together with the Special Rapporteur on adequate housing sent a joint communication calling the attention of the government to the reported illegal seizure of the traditional lands of indigenous communities in the CHT and to the supposed involvement of the army in such cases.

The Rapporteurs expressed concern about the possibility of such action being part of a systematic campaign to support the settlement of non-indigenous families in the CHT, with the active support of the security forces, and the ultimate aim of displacing the indigenous

communities. The government acknowledged receipt of the letter but had not provided a response as of August 2008 (SR on indigenous people, August 2008, para 50).

In June 2009, the CRC recommended that the Government of Bangladesh adopt specific measures to ensure that minority and indigenous children are not discriminated against in the enjoyment of their right to access basic and specialised health services. It also recommended the government consider making multi-lingual education available for minority and indigenous children in remote areas. Finally it urged the government to ensure the independence and the operational capacity of the national human rights commission (CRC, June 2009, para 19).

Recommendation by the European Union

In June 2009, the European Union urged the government of Bangladesh to fully implement the peace accord and activate the land commission as over 11 years after its signing, many tribal people displaced by the conflict have still not been able to return to their land (Thaindian News, 10 June 2009). Following this recommendation, the government reiterated its commitment to take measures for the full implementation of the Accord (The New Nation, 10 June 2009).

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