

## **BANGLADESH:**

# **Progress on internal displacement response needed**

A profile of the internal displacement situation

30 December, 2011

This Internal Displacement Country Profile is generated from the online IDP database of the Internal Displacement Monitoring Centre (IDMC). It includes an overview and analysis of the internal displacement situation in the country prepared by IDMC. IDMC gathers and analyses data and information from a wide variety of sources. IDMC does not necessarily share the views expressed in the reports cited in this Profile. The Profile is also available online at [www.internal-displacement.org](http://www.internal-displacement.org).

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## OVERVIEW

### **Bangladesh: Progress on internal displacement response needed**

*Twenty years of armed struggle in the Chittagong Hill Tracts (CHT), pitting the armed forces and Bengali settlers against indigenous groups seeking greater autonomy, formally ended in 1997 with the signing of the CHT Peace Accord. The accord granted cultural recognition and a degree of self-government to indigenous groups and foresaw the rehabilitation of internally displaced people (IDPs), but the situation of displaced indigenous people and Bengalis has not been resolved.*

*Insecurity continues to generate new displacements. These go largely undocumented because of restrictions on independent reporting, but some sources suggest that tens of thousands of people have been affected. Insecurity is also preventing IDPs from achieving a durable solution to their displacement. Most who are unable to return to their places of origin cite a combination of insecurity and a lack of guarantees for political activity as their main obstacles.*

*There is disagreement over who should be recognised as an IDP. Under the CHT Peace Accord, all parties recognise displaced indigenous people as IDPs, but the indigenous groups refuse to accept the Bengali settlers they have displaced from recently occupied land as such. Their position is not in line with the common definition of an IDP, which does not require a person to have lived in a place for a long period before they can be recognised as displaced from it. Given the background to the conflict, it may make sense to offer settlers compensation and safe alternatives to their discontinued occupation of the land in question, but any attempt to do so should be on the basis that they too should be recognized as IDPs and treated as such under the accord.*

*There is also a general lack of up-to-date information and monitoring of internal displacement, some of whom were displaced as many as 35 years ago, so it is unclear what their settlement intentions might have been and whether they have achieved a durable solution.*

*Disputed land rights remain the most important issue. Given a context of continuing forced evictions and expropriation of ancestral lands, the commission set up to settle disputes needs to establish land ownership rights prior to undertaking a cadastral survey. By doing so, land would be registered to its original owners rather than the land grabbers.*

### **Background and causes**

Internal displacement in Bangladesh is largely the result of two distinct phenomena: sporadic, massive displacements linked to natural hazards; and continuous but irregular displacement of minority groups marginalised by Bangladesh's nation-building project. This overview focuses on the second phenomenon.

#### *Displacement and ethnic marginalisation*

After the emergence of sovereign Bangladesh in 1971, the country's leaders promoted homogenous Bengali nationalism. Groups which challenged that vision were marginalised by legal, political and military means (CSS, December 2008).

Legal measures, notably the Vested Property Act, served to expel Hindi landowners from their land. The act was a continuation of a Pakistani law passed to take over land owned by Hindus after separation from India in 1947, and was broadly used after the Pakistan-India war in 1965.

One study estimated that the government had appropriated the property of 10.5 million Hindu households by 1997; 5.3 million Hindu landowners fled, mainly to the Indian state of West Bengal between 1964 and 1991 (ISS, 22 July 2011).

Political and later military measures were used to assimilate indigenous groups in the Chittagong Hill Tracts (CHT). This hilly territory covered by dense forest lies along the south-eastern border with Myanmar and India, and accounts for one-tenth of the country's geographical area but only one per cent of its population.

In 1950, 98 per cent of CHT's population belonged to 13 ethnic groups distinct from Bengalis in terms of their language, culture and religion. Similar differences exist among the "hill people", but they are collectively known as *Jumma* as they practice the slash-and-burn cultivation of land or *jhum* (BDI, January 2009; AJSS, 36-2008).

The British restricted the colonisation of indigenous land by outsiders and helped preserve indigenous institutions based on chiefdoms, customary law and common ownership of land. Since 1950, however, CHT has been open to immigration and non-indigenous people have acquired land (CSS, December 2008).

The constitution drawn up in 1972 did not recognise the distinct *Jumma* identities. Instead, the government opened up CHT for economic development and offered poor Bengali families land to settle there. The construction of the Kaptai dam on the Karnaphuli river in the 1960s inundated from as much as 50 per cent of the region's arable land CHT and displaced more than 100,000 people from their ancestral holdings, both to other areas of CHT and into India. Bengalis from neighbouring districts also seized land which had been collectively used by indigenous population (Bushra Hasina, August 2002; BHDRC, April 2009:2).

The struggles over this land, together with the threat perceived by indigenous groups of their assimilation into the majority culture of Bangladesh, provided the background to the armed conflict which followed.

In 1976, indigenous groups organised under the United Peoples' Organisation of Chittagong Hill Tracts (*Parbatya Chattagram Jana Samhati Samiti* or PCJSS) formed an armed insurgency called *Shanti Bahini*. PCJSS called for constitutional recognition of indigenous rights, full regional autonomy and for all non-indigenous people to be relocated outside CHT (UN - ECOSOC, 18 February 2011).

Successive governments found these claims unacceptable, and they used force to displace the indigenous population from their land and villages and replace them with loyal Bengali households. Hundreds of thousands of poor Bengalis were moved into the area between 1979 and 1985, causing a significant demographic shift. By 1991 the indigenous and Bengali populations were roughly equal in number and the *Jumma* were pitched against the settlers, the latter supported by the army (BHDRC, April 2009:5). The settlement policy violated international law as it "aimed at altering the ethnic composition of the affected population" (BI, 2008:20-22).

The Bangladeshi government understood that it was losing valuable resources in CHT as a result of the disturbances, and when democratic rule replaced 15 years of military rule in 1991, members of the two dominant parties - Awami League and the Bangladesh Nationalist Party, initiated dialogue with PCJSS. The government and PCJSS signed the CHT Peace Accord in 1997, granting cultural recognition and a degree of self-government to CHT indigenous groups and allowing them to form regional and district councils. It foresaw the withdrawal of military installations, the rehabilitation of internally displaced people (IDPs) and the repatriation of refugees (ISS, 22 July 2011; CHTC, August 10-18, 2009). The government established the Land

Commission and the Task Force on Rehabilitation of Returnee Jumma Refugees and Internally Displaced Persons to implement the accord.

Many of the most contentious issues, however, such as the settlement of land disputes, the demilitarisation of CHT and the devolution of authority to local institutions have still not been implemented. Neither did the accord resolve the future of the Bengali settlers. It was specific about return of the land to the *Jumma* but did not clarify the land rights of the settlers (BDI, January 2009; UN - ECOSOC, 18 February 2011).

The Awami League election manifesto of 2008 stated that the accord would be fully implemented during its mandate, but new displacements have continued. According to some reports, tens of thousands of people have been affected (IRIN, 12 May 2011; CHTC, 28 June 2010; Indigenousportal, 20 December 2009).

The government does not formally recognise the collective rights of the indigenous people to communal land and continues to regard it as state-owned, and as such to be given to settlers. That said, the seizure of *Jumma* land does not always result in displacement, at least not directly. Rather than being lived on, the land may be used exclusively for agriculture and its loss may rather affect the long-term sustainability of people's livelihoods (AIPP, August 2007:6).

According to displaced *Jumma*, the militarisation of CHT and the activities of the army have also led to displacement. These have included clashes, killings and other human rights violations committed by the army and its collaborators, military orders obliging people to leave their homes, and joint settler-army attacks involving the burning of homes.

### **Figures and registration**

Figures on displacement in CHT are incomplete due to identification problems, lack of updated information and independent reporting.

#### *Identification*

The main obstacle to resolving the situation of IDPs has been disagreement over who should be recognised as such. In 2000, the Task Force on Refugees and Internally Displaced Persons identified 667,000 IDPs. The total figure was made up of 90,000 indigenous families (or about 470,000 individuals based on an average of 5.2 people per household) and 38,000 Bengali families (198,000 people). As stipulated by the accord, all should benefit from a "rehabilitation package" including restitution of land (AIPP, August 2007:40-41).

PCJSS and other *Jumma* organisations, however, were opposed to the inclusion of Bengali settlers who moved into the region in the 1980s. These organisations claimed that those who had recently occupied land might not qualify as IDPs according to the Guiding Principles on Internal Displacement which hold that people are displaced away from their "homes or habitual place of residence". This position does not accord with a common understanding of the definition of "home", according to which a person with a family and house does not have to have resided in a place for a long period to be considered displaced from it. Bengali settlers should be considered IDPs and treated accordingly.

A further complicating factor lies in the fact that some of the refugees who returned from the Indian province of Tripura after the signing of the accord may have been forced into secondary displacement. According to indigenous rights groups, 79% did not return to their land because it was still being occupied by settlers (AIPP, August 2007:40-41). Some probably ended up in internal displacement, but those who were able to settle in other parts of the same territory because they were unable to return to collectively-owned land would not be counted as IDPs.

### *Information*

In some cases as many as 35 years after the event, there is a lack of up-to-date information regarding the number of people who have achieved a durable solution and the number still displaced.

A survey by the Human Development Research Centre (BHDRC) published in 2009 went some way to shedding more light on demographic changes in CHT. It found that, as of 2007, 31 per cent of the households in rural CHT had been displaced since 1977. It also estimated that a total of 56,000 households (291,200 people) had been displaced within CHT and that as many as 67,500 people had left for other parts of the country “due to alien and inhospitable living conditions”. It suggested that ten per cent of those displaced to other areas - up to a third from some indigenous groups - returned after 1997, mainly due to security improvements.

On the basis of the BHDRC's figures, as many as 323,000 people were internally displaced within or away from CHT between 1997 and 2007, but that as few as 5,000 of those who fled to other areas returned to CHT. Information on the number who might have achieved durable solutions, whether in their place of origin, the place they were displaced to or elsewhere was lacking (BHDRC, April 2009).

### *Reporting of recent displacement*

More recent displacement has largely been undocumented due to the restrictions on independent reporting in the area, but tens of thousands of people have been affected, according to some reports (IRIN, 12 May 2011; CHTC, 28 June 2010; Indigenousportal, 20 December 2009). In February 2010, for example, an attack apparently launched by the army and labourers employed by the military displaced almost 2,700 people (16 per cent of them Bengalis and 84 per cent indigenous) Rangamati district (EU, 26 February 2010). In April 2011, the NGO Survival International reported that more than 500 people were displaced and six indigenous villages razed to the ground amid fighting between *Jumma* and settlers.

### **Patterns of displacement**

Displacement has reportedly affected an equal number of men and women from CHT (CRG, 2006). Most ethnic groups in CHT have had members displaced, but political groups seen as linked to the insurgency were the most affected. According to BHDRC, 22% of the Bengali population, 37% of the indigenous population and up to 72% of the indigenous Chakmas were displaced between 1977 and 2007 ((BHDRC, April 2009:42-43).

Most but not all displacements took place during the 1970s and 1980s. Research from 2007 suggests that the majority of the households affected by dispossession were displaced a long time ago when their fathers owned the land; only 6% were dispossessed when they were the owners (Ibid). Anecdotal evidence from the Calcutta Research Group suggests that indigenous people keep moving from one place to another due to insecurity. Forty per cent of the displaced indigenous population living in settlements inside CHT interviewed in 2006 were displaced after the accord was signed (CRG, 2006; see also CHTC, 28 June 2010).

Most indigenous people, who often have important ties to their territory, sought protection in other areas of CHT rather than further afield. More than 80 per cent of all displacements took place within CHT, according to BHDRC's research. Census data from CHT in 1981 and 1991 supports this finding. The census indicates that the indigenous population in CHT grew from 455,000 in 1981 to 501,000 in 1991 (ten per cent over a decade, similar to the national growth rate). This would suggest that a large number of the IDPs remained within CHT (Adnan, 2004 quoted in chtarchive.com, accessed 20 December 2011).

While two-thirds of the current Bengali population in CHT have been living there for less than 30 years, the displaced Bengalis also chose to flee within CHT, often to areas near military installations where they could enjoy relative safety (BHDRC, April 2009: 42).

The households whose members fled CHT were often fragmented. On average, two members of these households left the territory while three remained. Separation also occurred in families which were forced to flee more than once, a characteristic of 80 per cent of the displaced households in CHT. Displaced indigenous households had to move on average 1.7 times, and Bengalis displaced between 1997 and 2007 on average 1.5 times (BHDRC, April 2009: 42).

### **Protection concerns**

#### *Violence and coercion*

A recent study by the UN Special Rapporteur on Indigenous Issues found that human rights violations continue including "arbitrary arrests, torture, extra-judicial killings, harassment of rights activists and sexual harassment", most of them attributed to the security forces (IRIN, 28 April 2011; IRIN, 12 May 2011; Survival International, 17th of February 2011).

According to BHDRC, 25 per cent of indigenous households reported an experience of armed violence, compared to 11 per cent of the Bengalis. Seven per cent of indigenous households reported that a member of their family had been wounded or killed (BHDRC, April 2009). Given that IDPs generally chose to remain as close to their homes as possible, this would often mean that they remained in imminent danger of further violence (Xeenews.com, 24 February 2010; Reuters, 21 February 2010). Settlers reportedly killed one displaced man after he provided information about land grabbing to members of the Chittangong Hill Tracts Commission, a group which advocates for the implementation of CHT Peace Accord (Survival International, 22 August 2008).

Displaced settler households have preferred to move to locations close to military facilities over the past decade. In some cases, the security forces facilitated the creation of villages for the displaced settlers near the camps after attacks on them.

Women from displacement-affected communities continue to fear sexual violence. Indigenous rights groups reported in 2007 that members of the security forces and Bengali settlers had raped 36 women, molested 13, kidnapped nine and tortured more than 25 between 1998 and 2006. The situation reportedly worsened between 2006 and 2011 (BDNews24, 26 May 2011; AIPP, 2007: 22), but access to redress for victims and their families was rare (CHTC, August 2009).

Insecurity is also an effective barrier to the freedom of movement of people within CHT. BHDRC found that in 2008, 46 per cent of indigenous people and 38 per cent of Bengalis did not feel safe moving anywhere outside their own community (BHDRC, April 2009: 165). In 2006, the Calcutta Research Group found that one in five displaced people had from restrictions on their freedom of movement (CRG, 2006:41).

#### *Deprivation*

Living conditions for most people have improved over the last few years in CHT. Research which compares access to basic services in CHT and the rest of the country find comparable figures in a number of aspects (UNICEF, 2006). But a number of IDPs and non-IDPs have not yet had their rights fulfilled.

Indigenous and dispossessed people are disproportionately represented among the poor, but the data sources do not differentiate between IDPs and non-IDPs. IDPs have reported that shelter is their primary concern, followed by difficulties in finding viable employment, educating their

children and finding enough food (AIPP, August 2007:12-13; CRG, 2006: 9, 34; The Daily Star, 1 October 2009).

Malnutrition and difficulties in accessing health care services are grave concerns for the CHT population as a whole.

Half of the children in CHT are anaemic, a significantly higher figure than the national average. Bandarban, one of CHT's three districts, has one of the highest infant mortality rates in the country. According to the Bangladesh Bureau of Statistics and UNICEF, only one in fifteen women in CHT gives birth with the assistance of health care workers, compared to one in four women countrywide (BBS/UNICEF, 2009). Insecurity may explain the difference. Fifty per cent of positions in government health care facilities within CHT are vacant, and unrest may be the main reason (IRIN, 14 July 2011).

The scarcity of land for agricultural production limits access to food, leaving people especially vulnerable to crises such as forced displacement. In the Sajek area of CHT, communal clashes during February 2010 led to the closure of Baghaihat, the main market. This and the displacement of households posed serious threats to livelihoods and food security for both tribal and Bengali communities there (WFP, May 2011). In April 2011, assets including seeds and rice were destroyed during clashes which led to nearly 100 *Jumma* houses being burned down, leaving people who had no savings to rent or buy new supplies and equipment without food (IRIN, 12 May 2011).

Anecdotal reports suggest that internally displaced women face more difficulties than internally displaced men. Among other reasons, this is because their education level is generally lower and they face unique health issues (AIPP, August 2007:22; CRG, 2006:34).

### **Durable solutions**

IDMC lacks data which could suggest whether IDPs' have assistance or protection needs linked to their displacement or not, or whether their rights are met on par with other people in the area and without discrimination, criteria for a durable solution.

Sixteen per cent of all displaced indigenous households and three per cent of displaced Bengali households who left CHT returned after 1997. A third of displaced people of Chakma background who left CHT also returned to their home areas. Sixty-three per cent of returnees cited a favourable political environment and 25 per cent referred to security improvements in a 2008 survey (BHDRC, April 2009).

Insecurity, however, continues to be an important obstacle to durable solutions. Eighty-two per cent of displaced indigenous people in CHT interviewed by the Calcutta Research Group reported that they could not return, mainly due to insecurity and the lack of political guarantees (CRG, 2006:34). Insecurity has been driven by armed conflict and communal instability (including between *Jumma* groups), fear of eviction, extortion and abduction. According to some NGOs, the government has continued to support the settlement of Bengalis, increasing competition for scarce resources (BDI, January 2009; IRIN, 1 December 2010). The army has not withdrawn from CHT, and the military, settlers and other groups opposed to the CHT Peace Accord believe that such a measure would expose settlers to attacks by indigenous militias (The Daily Star, 17 August 2009).

Some assistance was given to returning refugees after the signing of the accord, but the availability of assistance was not the crucial factor behind most peoples' decision to return or not. Instead, the most important barrier to durable solutions for IDPs, both indigenous and Bengali, remains their lack of access to land. About 22 per cent of indigenous households lost their land

as a result of communal and armed conflict (BHDRC, April 2009). This prevented some returning refugees from recovering their livelihoods, and so they were still reliant on food handouts and the durability of their return was in doubt as of 2007 (AIPP, August 2007; Hasina Chowdhury, August 2002).

To address land-related problems, the accord provides for the establishment of a land commission to settle disputes, including by the cancelling of leases held by non-tribal and non-local people. The Land Commission remained inactive until 2009, when it announced that a cadastral survey would be carried out before establishing land ownership rights, a call which generated widespread protest among indigenous groups and IDPs, who feared that the land would be registered in the name of the land grabber rather than the original owner. As of 2011, disputed land rights remain the most important outstanding problem, according to a UN study (UN-ECOSOC, 18 February 2011).

### **National response**

The government has not responded to the needs of internally displaced indigenous people in CHT, but, through the army it has provided security to internally displaced Bengalis.

While addressing internal displacement is the government's obligation, the issue has mostly been discussed in relation to the CHT Peace Accord. The Awami League government has not implemented the accord, partly because it has been unable to overcome the argument of the Bangladesh Nationalist Party, supported by the army, that any action which would benefit minorities is anti-nationalist. The Taskforce for Repatriation of Tribal Refugees and the Rehabilitation of Internally Displaced People has taken few steps to address the situation of IDPs. After being inactive for a decade it was reconstituted in 2009, but the UN Special Rapporteur on Indigenous Rights reiterated in 2011 that it had taken no practical steps to help IDPs (UN-ECOSOC, 18 February 2011).

The establishment of constitutional rights for indigenous people has also been blocked, and Foreign Minister stated in September 2011 that "the ethnic Bengali population ... is more indigenous to their land than the tribal peoples" (IRIN, 2 September 2011). In other words, indigenous rights are mere privileges in the eyes of the Bengali political elite.

Many indigenous IDPs have reported that the government has never helped them, though a number interviewed by the Calcutta Research Group said they had received food, shelter and economic support (CRG, 2006:33). Other indigenous people, whether displaced or not, have received assistance from the Ministry of Health and Family Welfare (IRIN, 14 July 2011). The government has, meanwhile, given food rations to thousands of displaced Bengalis in semi-organised settlements for years, and private religious education has been offered to both indigenous and Bengali settlers by Islamic Charities (The Daily Star, 18 March 2010).

### **International response**

The international community, particularly the European Union, has provided political support to the indigenous rights movement in CHT and has offered to fund part of the land swapping needed for displaced indigenous people to return to their home territory.

IDPs have received little direct assistance to help them access basic necessities or achieve durable solutions. Some interventions, the larger led by UN agencies in collaboration with national ministries, have supported the general population in displacement-affected areas. For example, the World Food Programme (WFP) provided food assistance and other programmes over three years to improve the livelihoods and nutritional needs of the most vulnerable groups of

people and support the peace process. Both indigenous and Bengali settlers were included in the project.

WFP has also, in collaboration with the Ministry of Women and Children Affairs (MWCA), provided assistance to help extremely poor women in displacement affected areas overcome food insecurity and acquire skills that encourage financial independence (WFP, 2006, AIPP, August 2007).

# CAUSES AND BACKGROUND

## Background

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### 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 . (see [Causes](#))

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). ( see [Causes](#)) 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). (see [Causes](#))

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). (see [Causes](#), [Land](#)) 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**

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## 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 (see [Background, Land](#))***

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). (see also [Land](#))

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 Patterns**

### **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

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### 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).

## **Economic, Social and Cultural Rights**

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### **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**

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### **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**

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### **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**

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### **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**

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## **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

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### 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

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### 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**

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### **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

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### 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**

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### **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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