



Universal Periodic Review (UPR) of BANGLADESH 44th Session – November 2023

Factsheet on the Situation of Indigenous Peoples in Bangladesh

KEY DEVELOPMENTS SINCE LAST REVIEW Bangladesh accepted twenty-six recommendations related to minority rights and the rights of indigenous peoples during its previous UPR in 2018. However, Bangladesh's indigenous peoples, also known as *Adivasis*, remain among the most vulnerable and marginalized communities in the country. The communities face increasing systematic discrimination, injustices and gross human rights violations. Throughout the country, indigenous peoples face marginalisation, forced assimilation, lack of access to education, food insecurity, poverty, lack of access to land and resources, to health, credit, water and sanitation. In the Chittagong Hill Tracts (CHT), the military controls the whole region where thousands have been evicted from their ancestral lands without their free, prior and informed consent, to make way for Bengali settlement programmes, privately owned luxury tourist hotels resorts, explorative plantations, road construction and other infrastructures. Eviction have been accompanied by pillage, destruction of livelihoods, arbitrary arrest and detentions based on false charges, torture, sexual assault and killing.

LEGAL RECOGNITION AND PROTECTION OF INDIGENOUS PEOPLES

The lack of constitutional recognition and legal protection of indigenous peoples by Bangladesh represents a crucial barrier to the enjoyment of their fundamental rights, as highlighted by the [Human Rights Committee](#) and by the [CESCR](#) in their latest periodic reviews of Bangladesh.

A constitutional amendment adopted in 2011 includes the obligation to protect and develop the 'local culture and tradition of the tribes, minor races, ethnic sects and communities', but failed to use the term 'indigenous peoples', despite calls to use that term carrying specific rights.

On the contrary, the term 'indigenous' was described as 'not constitutionally approved' and its use in the media was

prohibited by a directive of the Ministry of Information and Broadcasting of Bangladesh in 2022.

The rights of indigenous peoples, including their land rights and the requirement of free, prior and informed consent, are not protected under domestic law.

Bangladesh has yet to ratify the ILO Indigenous and Tribal Peoples Convention 169, despite the Government commitment to consider its ratification in its current 8th Five-year plan (2020-2025).

Recognize the legal status of Bangladesh's indigenous peoples and protect their rights, including their land rights, in accordance with international human rights standards.

Ratify ILO Indigenous and Tribal Peoples Convention 169.

PARTICIPATION OF INDIGENOUS PEOPLES AND FREE, PRIOR AND INFORMED CONSENT

Indigenous peoples and their diverse cultural practices are increasingly suppressed by the State and marginalised in the society. One of the manifestations of this has been the exclusion of indigenous peoples from governance bodies and decision-making processes. In particular, indigenous peoples are largely excluded from the development of laws, regulations and policies that have an impact on their existence and livelihoods on their territories. For instance, laws like the Biodiversity Act of 2013, the Wildlife Act of 2012, the amendment of the Forest Act 1927 (still pending), the Forest policy, transit rules of CHT, were all developed and adopted without the meaningful participation of indigenous peoples' representatives, in violation of the principle of free, prior and informed consent.

Establish a mechanism for the meaningful participation of indigenous peoples in decision-making processes, including their right to say no to policies, laws and projects that have an impact on their territories, in line with their right to Free, Prior and Informed Consent (FPIC).

STATUS OF IMPLEMENTATION OF THE CHT ACCORD 1997

The Chittagong Hill Tracts (CHT), located in the south-eastern part of Bangladesh, is the home of 11 distinct indigenous peoples (the Jumma), who have been victims of long-term oppression and discrimination. The CHT Accord, signed between the Government of Bangladesh and indigenous leaders in 1997, was seen as a breakthrough for peace and development for both indigenous peoples and the country. However, over 25 years since its signing, little progress has been made in implementing key elements of the Accord: only 25 sections out of 72 have been fully implemented. The partially implemented and non-implemented core provisions include the creation and operationalisation of a mechanism to solve land disputes and return the dispossessed land to the indigenous owners, the rehabilitation of returning refugees and internally displaced persons in their lands, and the demilitarization of the area with the disbandment of military camps and personnel. Indeed, indigenous peoples continue to face violence from the military, including forcible occupation of lands, eviction from ancestral lands and homesteads (17 families evicted in the first half of 2023), military campaigns resulting e.g. in civilians used as human shields (more than 100 cases reported in the first half of 2023), raids of indigenous villages and monetary extortion, and the presence and control of military and paramilitary is still all-encompassing. Other critical provisions providing for the establishment of the CHT as an indigenous-inhabited special administered area, and granting indigenous peoples the right to determine their own development in a number of subjects, have not been implemented as the Government failed to devolve powers and functions to local Councils in accordance with the Accord.

The Government of Bangladesh has accepted all UPR recommendations to fully implement the CHT Accord since its first UPR in 2009. However, many key provisions have not been implemented yet and a clear action plan or roadmap for its implementation is yet to be adopted.

Fully implement the CHT Accord 1997, including its key provisions regarding land rights, and demilitarize the CHT immediately, transfer adequate authority to Hill District Councils and facilitate democratic elections.

RIGHT TO LIFE, LIBERTY AND SECURITY IN THE CHT

Indigenous peoples in the CHT have been subjected to continuous human rights violations by state security forces and other actors including Intelligence agencies, The army controls and authorises communal and fundamentalist

quarters, Bengali Muslim settlers and land grabbers, and allegedly shelters and uses armed groups to foment further unrest in a strategy of 'divide and rule'. In 2022 alone, out of the [235 reports of alleged human rights violations documented](#) in the CHT by local human rights groups, almost half were reportedly committed by security forces and law enforcement agencies. Indigenous peoples' homes are periodically raided in the name of 'flushing out' so-called 'terrorists', and indigenous human rights defenders are arrested and tortured. Of the 235 incidents reported in 2022, 40 involved illegal occupation of lands, communal and arson attacks, filing of false cases and violence against women by fundamentalist groups instigating communal violence, Muslim Bengali settlers and land grabbers. This has created a climate of fear and insecurity for communities, making it difficult for them to exercise their human rights and maintain sustainable livelihoods. Enforced disappearances, extrajudicial killings, and torture of indigenous activists by law enforcement agencies have also become a regular phenomenon in the CHT. [From January to June 2023, 113 human rights violations have been reported in the CHT area](#) according to local indigenous rights monitors, including indigenous persons being victims of arbitrary arrests, arbitrary detentions, physical violence also following false criminal charges, use of unarmed civilians as human shields in the context of military operations and other alleged crimes.

Indigenous political activists have [reportedly](#) been tortured and arbitrarily killed in military custody. Among them, indigenous women are disproportionately impacted by militarization and have been [reportedly](#) subjected to rape, sexual assault, and other forms of sexual and gender-based violence by state security forces. From January to June 2023, 11 women were victims of serious human rights violations according to local indigenous rights monitors, among them, 1 person was killed, 6 women and girls were raped, 3 were victims of attempted rape, 2 women and girls were abducted and tried for trafficking. However, these figures are likely to be higher as most of these cases are not reported due to fear of retaliation and distrust in the legal system.

Ensure indigenous peoples' access to justice, including to claim in cases of lack of proper implementation of their rights and establish the requirement for adequate remedy mechanisms. In order to ensure access to justice and remedy of indigenous women and girls, the mechanisms shall be gender responsive and adequate to overcome the specific barriers faced by indigenous women and girls in accessing justice.