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Bangladesh

**Non-implementation of the Right to Food and Nutrition and related
Rights of Indigenous Peoples**

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FIAN International (www.fian.org) is an international human rights organization for the human right to adequate food and nutrition. FIAN has a consultative status to the United Nations Economic and Social

Council (ECOSOC).

Bangladesh's International Obligations and Commitments regarding the Right to Food and Nutrition (RTFN) and Related Rights

1. The Government of Bangladesh (GoB) has ratified most of the international human rights treaties and is thus obliged to respect, protect, and fulfil the RTFN of indigenous people in Bangladesh.
2. Bangladesh also voted in favour of the UN Declaration for the Rights of Peasants and Other People Working in Rural Areas (UNDROP) emphasizing the rights to determine their food and agricultural systems and the production of healthy and adequate food through ecologically sound and sustainable methods that respect their cultures. Furthermore, to respect the individual and collective right to land (access to, use and manage land and water bodies), protect people against arbitrary and unlawful displacement from their land and prohibit the destruction of agricultural areas and expropriation of land.

Socio-economic and Political Conditions of Indigenous Peoples in Bangladesh

3. Indigenous peoples (IPs) in Bangladesh have been subjected to widespread human rights violations for decades. Thousands have been evicted from their lands to make way for mono-plantations (e.g. rubber), road constructions, tourism, Bengali settlement programs, reservoirs and hydroelectric schemes, accompanied by massacres and political killings, unlawful arrest and detentions based on false charges. The Chittagong Hill Tracts Peace Accord (CHT Accord) of 1997, which guarantees the rights of indigenous peoples to their ancestral lands, however, remains largely unimplemented. Today, 25 years after the CHT Accord, indigenous peoples continue to face repression and forcible evictions, and the presence of military and paramilitary is still all-encompassing.ⁱⁱⁱ
4. Bangladesh, once regarded as an international basket case, is now considered a 'development miracle'.ⁱⁱⁱ However, paradoxically, the socio-economic conditions of its minority indigenous peoples (IPs) have remained a major concern in the development and human rights discourse in the country. Currently, the situation of food (in)security, poverty, access to health facilities, credit, water and sanitation and other socio-economic indicators of the indigenous peoples in the Chittagong Hill Tracts (CHT) region and other parts of Bangladesh are far behind the national average. Therefore, indigenous peoples are the most marginalised groups in terms of socio-economic indicators, and political power in the country.^{iv}
5. For rural indigenous peoples, particularly indigenous women, the right to food and nutrition is essentially related to their access to natural resources. Most of them are subsistence farmers, who rely on access to land to sustain their livelihoods. Their cultural practices and beliefs are related to the land, forest and nature. Particularly women are the food producers of their society and traditionally responsible for the

collection and of natural resources such as water, food and fuel.^v

6. Ongoing development in the Chittagong Hill Tracts such as the construction of roads, large scale commercial industrial plants, military bases, the establishment of teak and rubber plantations and tourist resorts, is jeopardizing indigenous peoples' realization of the right to food and nutrition and related human rights. Women suffer most from violations of the right to food since their role and main function is to manage the food balance for their family. Increasingly restricted availability of food items to be dried, or for the preservation of seeds, increases their social vulnerability as they face their powerlessness and their reduced ability to protect the health and well-being of their children. Their traditional role, which has given them self-esteem is seriously undermined by the ongoing hostile conditions that takeover their land and way of life.

Root Causes of the Crises of Indigenous Peoples in Bangladesh

7. The aforementioned socio-economic conditions of IPs in Bangladesh are structural. Since the independence of Bangladesh in 1971, indigenous peoples of CHT have been demanding constitutional recognition of their distinct indigenous identity, tradition, and culture; demands to which all the successive governments responded with militarization and suppression^{vi}. As a result of the long-term oppression and discrimination, armed conflict broke out in CHT^{vii}. To quell this insurgency and resolve the conflict, the CHT Accord was signed in 1997. Among other promises, the CHT Accord guaranteed demilitarization and settlement of land disputes^{viii}. However, till date, these provisions have not been implemented. In fact, CHT remains the most heavily militarized area in Bangladesh with one third of the country's military stationed in an area containing only one percent of the country's population^{ix}.
8. Indigenous peoples are not recognised by the Bangladesh government as distinct communities with different identity, culture, livelihood and other need, and ethnic/racial discrimination has been practiced by successive governments depriving IPs of political voice, social and economic power.¹ Customary land titles have enabled communities for generations to collectively cultivate the land to sustain their livelihoods. Land held for generations by indigenous communities have increasingly been sequestered for industrial non-food plantation crops. Thus, IPs increasingly have to rely on extensive traditional agricultural practices with the result that indigenous peoples are forced into living in remote areas in the CHT and are facing increasing food crises every year.

¹According to Article 6 of the Constitution "the People of Bangladesh shall be known as Bengalese as a nation", the rights of the indigenous people to self-identification are ignored (Government of Bangladesh (GOB) [2010], The Constitution of the Peoples' Republic of Bangladesh (Amended 2011), Dhaka: Ministry of Law, Justice and Parliamentary Affairs).

9. CHT is a militarized area and security forces are key actors in its governance and development. Due to the legacy of the past conflict between the military forces and indigenous peoples, the region is dominated by the active pursuing of a policy of counter insurgency driven development. Besides that, the CHT has become a place of business activities of the military such as luxury tourist spots and resorts, road constructions, bakeries etc.
10. Militarization has greatly impacted on the ability of the IPs in CHT to enjoy their rights. It has particularly affected the enjoyment of the rights to life, liberty and security, freedom from torture, right to land, as well as on a range of economic, social and cultural rights. Further, by quelling dissent, militarization facilitates forced assimilation, for example in instances where indigenous peoples' lands are grabbed and given to non-indigenous peoples or in enforcing policies which force indigenous peoples into marriages with non-indigenous peoples^x.
11. Bengali settlers were used as a part of a counter-insurgency strategy to 'create a defensive perimeter'^{xi}. From 1979 to 1983, more than 400,000 Bengali settlers were given incentives to move to the CHT^{xii}, e.g. by receiving rations of 85-kilo food grains monthly per family and other support. In 2013-2014, a budget of BDT 884.538 million (around 7.5 million Euro) was allocated for these Bengali settlers. In 2012-2013, this budget was BDT 856.158 million, and in 2017-2018, BDT 963.051 million was allocated for them.^{xiii} Contrarily, at present, there are 81777 internally displaced families and 21900 India-returnee refugee families in CHT that are still awaiting rehabilitation^{xiv}.
12. Enforced disappearances, extrajudicial killings, and torture of indigenous people by law enforcement agencies have also become a regular phenomenon in the CHT. Numerous human rights and political activists have been arbitrarily detained and imprisoned. For example, in March 2022, Milon, an indigenous political activist was arrested while recovering from a medical procedure^{xv}. According to witnesses, Milon was beaten by the military for more than an hour before he was taken away in a military vehicle and was pronounced dead four hours later^{xvi}.

Women and militarization

13. Indigenous women in the CHT have been disproportionately affected by the militarization of the region. They have been subjected to a range of human rights violations which have had a severe impact on their physical, emotional, and economic well-being, as well as on their ability to participate in decision-making processes.
14. One of the main ways in which militarization has impacted on the rights of indigenous women in the CHT is through sexual violence. Indigenous women have been subjected to rape, sexual assault, and other forms of sexual violence by state security forces^{xvii}. Numerous cases of gang rapes and defilement have been documented, however, due to fear of retaliation and distrust of the legal system,

most of these cases are not reported and even when the cases are reported, perpetrators are rarely held accountable^{xviii}. This has had a devastating impact on the physical and emotional well-being of many women and has often been used as a tool of repression and control by the State.

15. Additionally, the militarization of the CHT has also led to forced displacement of indigenous women and their families. Many women have been forced to flee their homes and lands as a result of the conflict and violence in the region. This has resulted in the loss of livelihoods, the separation of families, and the denial of access to healthcare and other basic services.
16. Furthermore, indigenous women in the CHT have also been restricted in their freedom of movement. Violence against women and girls limits their freedom of movement. They have been denied the right to travel freely in their own lands and have been prevented from participating in cultural and religious ceremonies and other traditional practices. This has resulted in the erosion of their cultural identity and has had a detrimental impact on their physical and emotional well-being. Restriction of movement also restricts the ability of women and girls to access services that are integral to their wellbeing such as emergency healthcare.

Non-implementation of key aspects of CHT Accord

17. The CHT Accord was seen as a breakthrough for peace and development for indigenous peoples and the country. However, more than 25 years after the agreement no progress has been made regarding the key elements of the CHT Accord. Land ownership, the protection of democratic rights and the demand for regional autonomy through elected regional and district administrations and the disbandment of military camps^{xix} and personnel, have not been implemented. Instead there have been ever increasing incidents of 'land grabbing', non-democratically appointed rather than elected regional and district 'representatives' and councils, and an increase in the number of military camps. Inaction by successive governments means that the CHT Accord and the progress towards peace, democracy and development have been effectively thwarted and in its place a punitive system of underdevelopment was imposed on the indigenous peoples of the CHT.

Exclusion from development including SDGs

18. Bangladesh claims to have adopted a 'whole society' approach including NGOs, CSOs, businesses, development partners, ethnic minorities, professional groups, labour associations, women's networks and media in its SDGs strategy. The reality is that indigenous peoples and their representative leaders, CBOs, NGOs and others are effectively excluded. There is no clear mechanism for indigenous peoples, who are the mostly lagging behind other communities in the country, to participate in the

development planning, implementation and evaluation of development projects. Most importantly, there is no disaggregated data available, to ensure that everyone is included and the concept of 'leave no one behind' is put into practice.

Recommendations

19. In order to comply with its international human rights obligations, most prominently the human right to adequate food and nutrition of indigenous peoples, FIAN International calls on the government of Bangladesh:

- Implement the key provisions of the CHT Accord (particularly regarding land rights, rehabilitation of internally displaced and India-returnee indigenous refugees) and demilitarize the CHT immediately, transfer adequate authority to Hill District Councils and facilitate democratic elections;
- Explicitly recognize the identity and rights of indigenous people, with particular focus on customary land rights, as per international human rights provisions, in particular considering General Comment 34 of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Human Rights Council's Universal Periodic Review (UPR), the UN Declaration on the Rights of Peasants and other People Working in Rural Areas (UNDROP), the FAO Guidelines on the Right to Food and on the Responsible Governance of Land, Fisheries and Forests, and ensure that all of Bangladesh's commitments under the Convention on Biological Diversity, the Paris Agreement on climate change, and the 2030 Sustainable Development Goals (SDGs) are prioritized and implemented.
- Establish clear rules for the effective and meaningful participation of indigenous people and their communities in consultations, including their right to say no to policies, laws and projects threatening their human rights, in the framework of their right to Free, Prior and Informed Consent (FPIC) of indigenous peoples;
- Impose prohibitions on large-scale plantations/farms for commercial purpose, tourism, road constructions etc. when required for the protection of human rights;
- 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;
- Establish human rights monitoring of the general situation in the CHT as well as on the specific cases identified, and regularly adopt the needed corrective measures to

ensure that any state conduct in the CHT is in line with Bangladesh's human rights obligations.

ⁱ <https://www.iwgia.org/en/news/4971-chittagong-hill-tracts-peace-accord-25-years-later-indigenous-peoples-still-serious-risk.html>

ⁱⁱ <https://www.ohchr.org/en/press-releases/2022/12/bangladesh-un-expert-concerned-about-non-implementation-chittagong-hill>

ⁱⁱⁱ <https://www.dhakatribune.com/bangladesh/2021/12/06/50-years-of-bangladesh-basket-case-to-development-miracle>

^{iv} Indigenous Navigator & Kapaeeng Foundation; Bangladesh Factsheet on Indigenous People;

<https://indigenoustravel.org/soeq?s=Fact+sheet+Bangladesh>

^v UN WORLD FOOD PROGRAMME (WFP): FORMATIVE RESEARCH ON THE CHITTAGONG HILL TRACTS "Livelihoods, Food Security and Nutrition in the Chittagong Hill Tracts and the Situation of Women, Adolescent Girls and Children: Policy Analysis and Possible Ways Forward", Dhaka, 22 April 2019

^{vi} Panday, P., (2009). Conflict in the Chittagong Hill Tracts of Bangladesh: An Unimplemented Accord and Continued Violence. *Asian Survey*. 49. 10.1525/as.2009.49.6.1052.

^{vii} Ibid.

^{viii} Siddiqi, D., (2017). 'Against Forgetting: Gendered Justice in "Post-conflict" Bangladesh'. In Manchanda, R., 'Women and Politics of Peace: South Asia Narratives on Militarization, Power, and Justice' SAGE Publications, Inc.

^{ix} IWGIA., (2012), 'Bangladesh: Militarization in the Chittagong Hill Tracts. The Slow Demise of the Region's Indigenous Peoples. IWGIA Report 14.

^x Roy, R., (2000), 'Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts, Bangladesh'. IWGIA, Document 9.

^{xi} Choudhury, Z., 2010. *Broken promises*. *Forum*, 3(4). Retrieved from <http://archive.thedailystar.net/forum/2010/april/broken.htm>

^{xii} CHT Commission, 1991, p. 52.

^{xiii} Data obtained from Ministry of Chittagong Hill Tracts Affairs' annual budget reports from the year of 2012-2013, 2013-2014, and 2017-2018.

^{xiv} According to the 'Task Force on Rehabilitation of India-returnee Tribal Refugees and Internally Displaced Persons' meeting held on 25 September 2018.

^{xv} Human Rights Watch, (2022) Bangladesh: Indigenous activists dies in military custody. Human Rights Watch.

<https://www.hrw.org/news/2022/03/30/bangladesh-indigenous-activist-dies-military-custody#:~:text=Nearly%20four%20hours%20later%2C%20soldiers,director%20at%20Human%20Rights%20Watch.>

^{xvi} Ibid

^{xvii} Ibid.

^{xviii} Ibid.

^{xix} There are still more than 400 army camps in the CHT.