

Statement of the Conference organised by the
Bangladesh Forum Germany on

**Extreme Poor and Minorities in Bangladesh –
Access to Rights and Development**

10th and 11th April 2008, Berlin

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Preamble

Despite remarkable efforts in terms of economic and human development, Bangladesh still belongs to the group of Least Developed Countries, with an annually per capita income of US\$ 490. About 60 million people live below the poverty line regarding income and calorie intake. 30 million are living under the lower poverty line. They are called “extreme poor”. Most of those poor are not included in development programs. Approximately 36 per cent of the rural population currently belong to the extreme poor people, which mean low consumption, hunger and malnutrition, lack of access to basic health services, illiteracy and other forms of social deprivation including lack of access to political decision making . Extreme poor are not a homogenous group but comprise among others of landless laborers, female headed households or families with a disabled household head. Extreme poor living on less than \$US 0, 50 a day are currently suffering under the recent price hike for essentials. Though they only have 1-2 meager meals per day, they spend 80 per cent of their income for food. Because of the high prices they are even further cutting down on food intake and are selling their valuables - making recovery, when it comes, much harder. The number of extreme poor among religious, ethnic and indigenous minorities is extraordinarily high. These communities are widely affected by exclusion which has severe consequences for their access to developmental benefits. The fact that a large share of the extreme poor population and the minority groups still remain outside the reach of development services of the Government and Non-Governmental organisations (NGOs) is a challenge for all development actors.

The conference of the Bangladesh Forum Germany focused on the diversity of extreme poor and the situation of minorities in Bangladesh. The aim was to explore opportunities to include these groups into mainstream development activities and to ensure access to rights and the legal system. Functioning democratic institutions and rule of law are crucial to ensure access to civic and political rights as well as economic, social and cultural rights for the most vulnerable population. The current Caretaker Government as well as the next Government to be elected is obliged to respect, protect and fulfil access to rights for extreme poor and minorities. The International Community has to take decisive action to contribute significantly to reach the Millennium Development Goals by 2015.

The conference also put the situation of extreme poor and minorities into the current political context. Since assumption of office in January 2007, the Caretaker Government of Bangladesh took important steps to improve the democratic institutions and to fight corruption. The Caretaker Government has put into action election reforms, including the strengthening of an independent Election Commission, the strengthening and formation of an independent Anti-Corruption-Commission and the separation of the judiciary from the executive. The introduction of a Human Rights Commission is currently being implemented, a Right to Information Act has been drafted and there is a will to try the war criminals. Yet, the imposition of the State of Emergency has resulted in the restriction of civil rights accompanied by severe human rights violations by state actors. The conference made attempts to assess and analyze the scope, strengths and the constraints of extreme poor and minorities in terms of their capacity to participate in upcoming elections. The reality of persistence of the Emergency Rule, i.e. the presence of the army at every level of administration, a disappointing human rights record, a sense of selectivity in dealing with corruption, and, above all, the unprecedented price hike of essentials was taken into account.

However, it must be acknowledged that the conference could not do justice to all disadvantaged segments of the society in discussing the specificities of their problems. The situation of the Ahmadiyya community, who has been repeatedly subject to communal attacks and harassment by extremist religious groups, needs to be further taken into consideration. The situation of different Dalit communities, indigenous migrant workers descending from those who were settled in the tea gardens and in the Sundarbans by the British before 1945, the situation of river nomads and people with disabilities or different sexual orientation needs to be addressed into more detail than was possible in the conference. However, the general recommendations of the conference shall contribute to ensuring full participation of all excluded and disadvantaged communities and individuals.

Issue I: Poverty in its Global Context

Context

Bangladesh showed remarkable development progress in the last decades. The percentage of people living below the poverty line was decreasing by one percentage point annually. Despite a lack in targeting extreme poor, development programmes have appeared to be useful and partially have had positive impacts on poverty alleviation. Export sectors like the garment industry have evolved and supply labour opportunities especially for women. The strategies developed to achieve the Millennium Development Goals, as formulated in the PRSP, address the problems of extreme poor more specifically than former papers have done. Since 1987, a policy entitles the landless to a governmental piece of land, pond or lake (Khas-Land). The implementation of this policy can contribute significantly to ensure food security of the extreme poor.

However, the situation in Bangladesh has improved insufficiently despite increasing attention and allocation towards poverty reduction. While the figures of people below the poverty line are falling, the actual number of those going hungry has increased. Furthermore, extreme poverty is on the rise as well. According to the base year of the MDGs (1990), the proportion of the population below the minimum level of dietary energy consumption was 28%. In 2007, the share of the population, which suffers from acute hunger, has risen to 36% with a negative rate of progress to be expected. Accordingly, Bangladesh ranks 4th worldwide regarding the number of people living in poverty – after China, India and Nigeria. The adequate allocation of Khas-Land is not working and often fails because of corruption, the interests of elites and an ineffective legal system. Large-scale multilateral projects e.g. in industrialised agriculture producing for the international market, especially regarding timber and rubber plantations and the industrialized shrimp aquaculture, have led to massive deforestation and/or salting of fertile cropland, resulting in widespread displacement, especially in areas where minorities live. Deforestation in the name of development has increased Bangladesh's vulnerability regarding global warming to a large extent. Plans for development projects such as the Phulbari open-pit mining project (formerly supported by the Asian Development Bank, which has now withdrawn due to public pressure) have shown that corporate interests have been favoured, not considering the needs of affected people. Thus extreme poverty has been generated in areas rich in resources.

Despite the success story of the garment production sector, Bangladesh markets producing for the export sector do not comply with internationally acknowledged labour- and social standards. Wages for garment workers are often not sufficient for the livelihood of the workers and frequently are not being paid. Due to the recent heavy increase of prices for basic goods, workers repeatedly have been demonstrating for a wage that allows them to meet their basic needs. Demonstrations have been violently cracked down by the joint forces.

(iii) Recommendations

1. Internationally supported projects should follow a development paradigm, where the centre of concern should be people's livelihoods, their access and control over their livelihood resources, their right to food as well as their access to basic services such as health care and education. This development paradigm should be based on building human capability based on available development potential.
2. Data bases on poverty as well as any other data bases created in preparation of development projects should be disaggregated to understand and address the situation of women, extreme poor, ethnic, religious, linguistic minorities, Dalits and other socially excluded effectively.
3. Every development project needs prior informed consent of the people involved and people's participation throughout the implementation process. Without such consent, no project should be implemented.
4. The "Agricultural Khas Land Management and Distribution Policy 1987" of the Government of Bangladesh which allows Khas land to be given to the landless people has to be promoted by strong political will and administrative as well as legal reforms.
5. Cropland may not be used for further industrialized shrimp aquaculture. Persons displaced by vested interests during the acquisition of land for shrimp aquaculture, especially victims of acts of violence, have to be rehabilitated; perpetrators have to be brought to justice.
6. Stakeholders involved in international trade have to guarantee wages that ensure the livelihood of the workers, and have to comply with international labour- and social standards including the freedom of association for workers, e.g. in the garment or shipwrecking industry.

Issue II: Official development cooperation: Responsibilities of the international development partners and responsibilities of the Government of Bangladesh as a service provider

Context

One of the hallmarks of official bilateral development cooperation programmes has been a tendency to adopt generalized definitions of poverty reduction which often ignore the specific needs of extreme poor groups. In addition, the Government of Bangladesh has implemented many programmes in the recent past in which negative effects of such projects have adversely affected the extreme poor and disadvantaged groups (see Issue I).

In the “Country Program Evaluation Bangladesh 2006” of the German Ministry for Economic Co-operation and Development it is suggested that further enhancements of the portfolio should include more participatory approaches, stating though that this proceeding will be difficult to implement due to institutional and capacity restrictions with the partner. These restrictions could partly be met by further including the civil society. Moreover, it is claimed that entry points for non-governmental actors, wherever required and needed, should be introduced to coordinate and harmonise governmental and non-governmental development policies. A division of work between state and non-state development actors is supported, since it is acknowledged that locally rooted CBOs and NGOs are able to work more closely with extreme poor.

Recommendations to the Government of Bangladesh (GoB)

1. The GoB should ensure that PRSP is more participatory and that implementation strategies and mechanisms are more clearly defined.
2. The GoB should adopt a quicker and more effective method for processing development projects directly relating to extreme poverty.
3. The GoB should ensure protection for the extreme poor against human rights violation and also for organizations serving them and be sensitive to the negative ecological impact of development projects.
4. The GoB should ensure better access for the extreme poor to food, health, nutrition, and education; especially those who are not able to work should get access to safety net programmes.

Recommendations to NGOs

1. NGOs should follow structured and collective advocacy and lobbying practices to promote broader concerns of the civil society in Bangladesh such as protection of human rights and the strengthening of democratic structures.
2. Bangladeshi NGOs and international NGOs should conduct continuous dialogues with their respective Governments and official implementing bodies on thematic aspects of poverty reduction.
3. NGOs should conduct campaigns and networks on global issues of poverty reduction together with local partners.

Recommendations to the International Community

1. The International Community should adopt clearer definitions of poverty for extreme poor and disadvantaged groups with specification in targeting and focussing on beneficiaries of projects
2. The International Community should allocate more funds for projects directly benefiting the extreme poor especially through NGOs.
3. The International Community should work in favour of coordinating governmental development programmes on macro- and meso level with NGO-programmes on micro level to improve the living conditions of extreme poor.
4. The International Community should identify and further interact with NGOs on multi-dimensional aspects of poverty.
5. The International Community should invite NGOs in Local Consultative Group (LCG) meetings as guests/observers – on PRSP/multilaterally funded development projects and ensure that such projects follow up coordination practices.
6. The International Community should allocate more funds for evaluation, review and research on past and ongoing projects on extreme poverty.

Issue III: Non-Governmental development cooperation: Contribution, deficits, measures for improvement and rise of efficiency

Context

NGOs have successfully worked in organizing the disadvantaged, raising awareness and promoting education, extending health services, and providing access to capital through micro-credit. This has been widely recognized by the GoB as well as the International Community. In order to improve consultative coordination between Government organizations (GOs) and NGOs, the GO and NGO Coordination Council (GNCC) was established, but is currently non-functional.

Some of the NGOs became an easy target of the people holding state power. It is now over 6 years that the NGO Affairs Bureau has not given any decision regarding the fund clearance of the apex body Association of Development Agencies in Bangladesh, ADAB, despite a High Court's judgment in favour of ADAB.

NGOs in Bangladesh have contributed to alleviate poverty in hard-to-reach areas. Yet, the vulnerability of economically and socially excluded, particularly women and children is still very worrying. They are the ones who are the regular subject to political, economic and social persecution as well as the ones who are organizing for change. Despite all successes, NGO activities were not necessarily located in the poorest or most deprived communities. Evidence shows that the concentration of NGOs per capita was lowest in the poorest of the 35 sub districts sampled for the 2006 World Bank NGO survey, and highest among the middle quintile. Institutionalized micro credit services as monosectoral approaches have not addressed extreme poor.

The current food crisis especially put the extreme poor in a very difficult situation. They are the ones who are suffering most as more than 80% of their daily income needs to be spent for food expenses only.

It is very likely that the GoB alone will not be successful in meeting the MDGs regarding poverty reduction within the given timeframe. Therefore, serious attempts have to be made to improve the development efforts of the GoB, the International Development partners as well as the national civil society and NGO community.

Recommendations towards the Government of Bangladesh

1. A GO-NGO Commission should be established to have a platform for better consultation and coordination.
2. In the scope of the *PRSP Implementation Forum* and other national policies, representatives of the civil society, particularly of those representing excluded communities, have to be consulted in monitoring and evaluation of earlier activities and when decisions about future three year plans are made.
3. Opportunities and space for the NGOs and civil society organizations should be created to work in close cooperation with the local Government functionaries.
4. Civil society organisations should urge the GoB to stop all kind of harassment towards NGOs and to enable them to engage in the above activities freely and without fear.
5. NGOs should be allowed to demand from the GoB to fulfil their obligations to ensure the right to food as well as develop the consciousness that the state is responsible for ensuring food security and -sovereignty.

Recommendations towards the NGOs

1. NGOs should focus on extreme poverty in their programs as well as in their advocacy work. Minorities especially the most marginalized should be included in programs and advocacy; empowerment of extreme poor people and minority communities should be supported to establish their rights and capacity to manage challenges. For that NGOs should collect disaggregated data taking vulnerability criteria into consideration
2. In order to be more effective, there is a need to improve the governance of NGOs as accountable and transparent development actors.
3. NGOs should act more united regardless of alleged political affiliation and develop strategies and undertake collective advocacy to address extreme poverty.
4. The Bangladesh Forum Germany and like-minded development partners and networks should influence the international development partners to work in favour of extreme poor and minority communities

Recommendations to the International Community

1. International development agencies should increase the support for NGOs working with extreme poor people and various types of minority communities.
2. International development organizations should include the civil society organizations of Bangladesh into their policy development through a consultative process.
3. The German Government and EU should institutionalise regular consultations with civil society organisation from Bangladesh and Germany and other members states of the European Union.
4. The International Community should support NGOs in developing transparency and accountability through a "NGO Governance Project."

Issue IV: Political Situation and Election with Focus on Extreme Poor, Minorities and Women

Context

On January 11, 2007, a State of Emergency was declared by the President; elections, scheduled for January 22, were postponed and are expected to take place until December 2008. In January 2007, a military-backed Caretaker Government was installed to ensure neutrality in the preparation of the parliamentary elections. The State of Emergency has been upheld since then and has been justified with the aim of giving Bangladesh a free and fair election, acceptable to all, as the situation previous to the imposition of the Emergency Rule failed to do so. In fact, 15 years rule by elected Governments have insufficiently contributed to institutionalise democratic structures and to ensure proper political participation by the citizens of Bangladesh. Extreme poor, religious and ethnic minorities became more and more marginalised with little or no representation, and insufficient policy emphasis. Since the Caretaker Government has assumed office, it took important steps to improve the democratic institutions and to fight corruption. This includes the strengthening of an independent Election Commission (EC) and the compilation of a voters' list, which is considered to be of international standard.

In the meantime the imposition of the State of Emergency has seen the restriction of civil rights accompanied by several human rights violations. Due to curtailment of press freedom and a continuous ban on outdoor political activities the courses of action of civil society representatives in Bangladesh are highly restricted. Especially before, during and after elections the situation of extreme poor, minorities and women has been a matter of serious concern in the past. Bangladesh needs to assess and analyze the scope, strength and the constraints of these groups in terms of their capacity to participate in re-installing the democratic process in Bangladesh taking into account the reality of persistence of the Emergency Rule.

Recommendations to the Government of Bangladesh

1. The GoB is requested to ensure the lifting of emergency for making it possible to have free and fair elections; will ensure that measures are taken for making elections free, fair, transparent, widely participated and acceptable to all.
2. The GoB will ensure that political parties will be able to internally reform their governance structures
3. The GoB will introduce measures that allow free and safe participation of women, elderly, handicapped and minorities before, during and after the elections; to monitor that communal and religiously biased campaigning is not permitted and to make sure there is no intimidation during the entire election process.
4. The Election Commission is given full magistracy powers to act independently against candidates who violate election codes and that any bodies including the army, if required, will work under the EC.

Recommendations towards NGOs and Civil Society

1. The Civil Society should demand that elections are being held in accordance with the road map. This is to ensure that not only elections will take place, democratic rights of the people to express their concerns are taken care of and the parties are able to commit themselves, but also to ensure that no human rights violations will take place in the name of maintaining law and order during elections.
2. The civil society should put pressure on political parties to encourage and put into place democratic party reforms as an agenda. The civil society should demand registration of political parties as per standards commonly agreed upon. It should be demanded and ensured that political parties respond to nominating honest and competent candidates as well as to ensure adequate representation in their nominations.
3. The civil society should create enthusiasm amongst the public and encourage extreme poor, women and minorities to register in the voter list; to participate in elections and vote beyond traditional patterns; to use their collective voting power to get recognition of their concerns and specific needs i.e. expand the notion of block voting as being more effective; to mobilise the poor, minorities and women who constitute a large constituency to elect honest, sensitive and competent candidates; pressure should be put on political parties to include issues of concerns of these groups in their election manifesto.

Recommendation towards the International Community/Development Partners

1. The International Community should support the GoB in implementing a party reform package (financing, registration, internal democracy, disclosure of candidate's personal information) through technical support.
2. The International Community should provide support for holding fair and credible elections including offering of election monitoring before, during and after the election. EU is expected to send an exploratory mission as soon as possible. The EU is asked to give special attention to the inclusion of not registered people such as minorities and other excluded groups in their regular monitoring of the preparation of the voter's list.

Issue V: Indigenous Peoples with particular reference on the situation in the Plain Lands

Context

Bangladesh is a country where more than 45 indigenous communities of different ethnic origin are living with a population of nearly three million. The Constitution of Bangladesh does not directly mention the Indigenous Peoples (IPs), but it is understood that the IPs form part of the disadvantaged segment of the citizenry, which the constitution terms 'backward section of citizens'.

IPs have been evicted, or threatened with eviction, from their traditional homes and lands, in the name of development projects, such as dams, eco-parks, national parks, protected forest and even the establishment of military bases on their ancestral and community land. Indigenous women are targeted by rape and sexual harassment. Particularly the leadership of the indigenous communities is subject to severe human rights violations. A prominent case is the killing of the Garo leader Cholesh Ritchil, who was tortured to death in custody by joint forces on March 18, 2007.

Moreover, the Vested Property Restoration Act was enacted in 2001, repealing the Vested Property Act which had been the vehicle for significant dispossession of land from both indigenous and religious minorities in previous years. The new act is yet to be properly implemented. These and other major problems faced by the IPs continue to be neglected by succeeding Governments and are worsened on account of the very limited participation of IPs in major decision-making processes.

There is a serious lack of knowledge among majority Bengalis about indigenous culture. Non-recognition of IPs' existence in Bangladesh in the Constitution is one of the root causes for the marginalization of IPs and denial of their rights.

The European Commission has shown a strong commitment to develop global frameworks for policies and programmes for IPs. By supporting the United Nations systems and other international fora of IPs, the EU has been active in protecting and promoting their rights. The role of local, national and international NGOs in promoting IPs rights has to be highly appreciated.

Recommendations towards the GoB and the International Community

1. The International Community should encourage the GoB to review the national Constitution concerning the recognition and existence of IPs as well as the fundamental rights, the rights to land, forest and other natural resources, customs and traditions, and rights to self-determination, with the effective participation by the IPs; a separate land commission for plain land minorities should be formed.
2. The International Community should encourage the GoB, to support, accept and introduce as working and operational guidelines in national level the adopted UN Declaration on the Rights of Indigenous Peoples (UNDRIP) by UN General Assembly, the ILO Convention 169 as well as other working definitions by international agencies in the context of IPs; to implement ILO Convention 107.
3. Consultative prerogatives to IPs and other minority representatives at national, district and sub-district levels for facilitating development programmes should be provided, preventing land alienation, restitution of alienated lands and recognition of customary land rights; this includes access for IPs to decision making processes in development programs; to encourage and support the GoB to establish an independent commission and/or institution at national level with the effective participation of IPs for research and study on demography, land and human rights as well as other relevant issues. This institution should train and conduct capacity building and awareness-raising programmes for Government functionaries and other development stakeholders to sensitize them on IPs and their specific needs.
4. The Vested Property Restoration Act 2001 should be properly implemented, and experts and civil society representatives should be consulted regarding further proposed amendments to the same.
5. Protection and promotion of diverse languages and cultures of IPs and other minorities including education of the IPs and other minorities in their respective mother language should be ensured; Access of IPs to basic services such as health awareness and facilities and education in remote areas need be ensured; Protection of biological diversity and indigenous knowledge should be guaranteed.
6. Stop widespread violations of Human Rights of IPs immediately, investigate committed Human Rights violations against IPs by independent commissions including the killing of Cholesh Ritchil; to encourage the GoB and international communities to create an enabling environment for smooth function of the Human Rights Defenders' Groups.
7. Eco-Parks in the Modhupur forest and the Khasi Hills should be cancelled; the forests again made accessible for indigenous peoples and false forest cases against minorities should be withdrawn.

Issue VI: The Situation in the Chittagong Hill Tracts (CHT)

Context

The armed conflict between Indigenous Peoples (IPs) and the state in the CHT spanned over three decades until a Peace Accord was signed between the Jana Sanghati Samiti (JSS) and the GoB in 1997. This Accord negotiated by the GoB was a positive step towards settlement of the conflict. A Land Commission was to be established to settle all disputed titles, and a new and comprehensive land ownership survey was to be undertaken. The GoB in cooperation with UNDP made efforts to increase income-generating opportunities and to strengthen the capacity of CHT institutions. There has been increased support from civil society organizations and the media for Indigenous Peoples' demands for self-determination, constitutional recognition and right to local resources. There is increasing understanding within civil society of the value of ethnic, linguistic and cultural diversity.

The EU Resolution 1996¹ is one of the most momentous and significant as taken up by the EU parliament to protect and promote the rights of CHT Indigenous Peoples. After the CHT Accord has been signed, the EU extended support for socio-economic development programme through UNDP.

Despite the existing Peace Accord of 1997, the human rights situation of the IPs in the CHT has hardly improved during the last years. Continued militarization of the CHT contradicts the Accord. Refugees and internally displaced people are not rehabilitated. The resolution of land disputes remains unaddressed, with the Land Commission yet to become operational.

Contrary to general expectations the human rights situation has deteriorated since the army-backed Caretaker Government has come into power. Due to the declaration of Emergency Rule, arrests, illegal detentions, extra-judicial killings, torture, rape, abduction by security forces with impunity have increased.

A new escalation of the CHT situation is the fact that approx. 50 leaders of the indigenous communities have been arrested or accused with false charges since emergency has been imposed. Particularly, political activists, traditional leaders such as village headmen are targeted. This has to be understood as a systematic move to weaken and destroy as well as divide indigenous leadership. A famous case is Ranglai Mro who was arrested on 23rd February 2007, as he had protested against land eviction for the purpose of an army firing range in his home area. He was severely tortured and convicted to 17 years imprisonment. JSS General Secretary Satyabir Dewan was also convicted to 17 years rigorous imprisonment. General Secretary of Returnee Jumma Refugee Welfare Association Santoshita Chakma Bakul, who is vocal against the land grabbing by Bengali settlers is now jailed. Organizing Secretary of JSS Shaktipada Tripura also is living under threat and is charged with false cases against him. Furthermore, five NGO leaders of Danida-funded local NGOs in Bandarban are still jailed, allegedly related to the kidnapping of Danida staff last year. Sexual harassment and violence against women is extremely high and is used as a strategic tool to threaten indigenous communities.

The Rangamati and Bandarban districts in the CHT are currently infested with a large rat population, which destroys local harvests and causes acute famine. The GoB is downplaying the situation, which will make more IPs suffer from hunger. UNDP has started some relief work.

Recommendations towards the GoB and the International Community

1. Immediate action needs to be taken by the Caretaker Government and any successive Government in order to properly implement the CHT Peace Accord.
2. The European Commission should be supportive to conduct a detailed study on the impact on IPs of militarization, land dispossession, transmigration of the mainstream population to Indigenous Peoples' territories in CHT and other regions of Bangladesh as well.
3. The International Community should encourage the GoB to implement the concerns and recommendations made by the UN Committee on the Elimination all forms of Racial Discrimination (CERD)² with regard to the CHT Indigenous Peoples on 27 April 2001. The Committee on CERD urges the Government to intensify its efforts to implement the CHT Peace Accord along with the improvement of the economic and social status of all ethnic, religious and tribal minorities etc.
4. The International Community should contribute to establish an international monitoring committee to supervise the implementation of the CHT Peace Accord and the development of IPs of CHT, including international donor country representatives as well as representatives of international civil society.

¹ The EU Resolution on Bangladesh in 1996. file number is B4- 1109, 1151, 1176, 1185 and 1201/96.

² CERD/C/304/Add.118. (Concluding Observations/Comments), CERD/C/304/Add.118, 27 April 2001.

5. All clauses regarding the reallocation of land in the Peace Accord need to be implemented with immediate effect.
- Stop land alienation; stop acquisition of any land in the CHT for purposes of the security forces; stop forcible reallocation of IPs` common lands for private leaseholds given to non-resident Bengalis and Bengali settlers for commercial purposes such as plantations etc.; Land titles and leaseholds of all land given to non-local individuals for rubber plantation and other plantations should be reviewed.
 - District Commissioners should not issue any further leasehold to members of non-resident Bengali elite.
 - Fraudulent transfer and false registration of IPs` land in the name of Bengali settlers and Bengali moneylenders/traders should be prevented.
 - All illegally occupied IPs` land should be restituted to the original owners, if possible. If not possible, land of equivalent size and quality need to be given to the affected indigenous persons/their heirs/successors; in particular, the land of the returned refugees and the IPs should be restituted on priority basis as per provision of the Peace Accord.
 - The Land Commission has to be made functional by rectifying the Land Commission Act; GoB needs to provide adequate funds and staff; no survey of land rights should be undertaken until the Land Commission has comprehensively dealt with all cases of illegal occupation of IPs` land as per Peace Accord.
 - Land occupied by military camps and garrisons should be returned to the original indigenous owners as per Peace Accord.
6. Bengali Settlements
- Stop further in-migration of Bengali settlers into the CHT.
 - Stop distribution of free rations and further benefits to Bengali settlers, both new migrants as well as settlers who have come in earlier.
 - Promote voluntary withdrawal of settlers from the region³.
7. Human Rights violations
- All IPs` leaders who have been detained in jail should be released immediately; all charges and cases should be reviewed by an independent judiciary under the auspices of the High Court; activities by special courts under the Emergency Rule need to be brought to an immediate end and all cases have to be brought under regular courts; impartial and independent and effective investigation of all incidents of human rights abuses, and prosecution and punishment of those responsible, should be ensured; in order to facilitate access to justice, the judiciary needs to be made entirely separate and independent from the executive on all levels.
 - Stop rape and sexual harassment of indigenous women and investigate Human Rights violations against indigenous women.
8. Elections
- Only permanent residents of the CHT in the voters list should be enrolled as per CHT Peace Accord.
 - Due to intimidation of indigenous communities by the army in the past, the Election Commission needs to ensure that registration of voters in the CHT is done by staff from indigenous communities without army accompaniment.
 - EU should put special emphasis on election monitoring in the CHT region, before, during and after the election, EU is requested to monitor the process of voters` registration in the CHT very closely.
 - Civil society delegation with participation from IPs should approach the Election Commissioner and discuss the procedures of election in the CHT.
9. Local NGOs
- NGO Affairs Bureau- and Social Welfare Department registration should be provided to Indigenous Peoples` NGOs in a non-discriminatory manner and harassment of organizations of IPs such as regular surveillance by secret service institutions has to stop.
 - Development projects should ensure active participation of Indigenous Peoples` organisations.
10. The GoB as well as the EU is requested to look into the matter of rat infestation immediately and provide humanitarian aid. Furthermore, long term strategies have to be researched in order to strengthen the right to grow and consume their own food for the indigenous communities with a long term perspective.
11. Promote and strengthen indigenous women`s organisations and ensure representation of indigenous women in the national parliament and local Government.

³ See 10 point policy package for voluntary withdrawal of Bengali settlers from the CHT in: Shapan Adnan: Migration, Land Alienation and Ethnic Conflict, Dhaka 2004, page 172

Issue VII: Relevance of Human Rights Declarations to protect Human Rights in Bangladesh

Context

As a member of the UN, Bangladesh is obliged to follow the directives enshrined in the international instruments for the protection of human rights. This is more so as Bangladesh is one of the 47 members of the UN Human Rights Council and is reconfirming its commitment to and respect for the basic principles of Human Rights in relevant sections of the Constitution. Additionally, Bangladesh has signed most of the core Human Rights Conventions, such as the International Human Rights Declaration (IHRD), the International Covenant on Economic, Social and Cultural Rights (ICESC), the International Covenant on Political and Civil Rights, the Convention on the Elimination of All Kinds of Discrimination against Women (CEDAW) (with reservation on clause 2 and 16 (c)), the Convention against Torture CAT and the Convention on Disabled People. Still, Bangladesh has not signed the Optional Protocol of the Covenant of the Political and Civil Rights, the Optional Protocol of the Convention against Torture, the International Convention on the International Criminal Court (ICICC), and the FAO Guidelines on the Right to Food as well as the Convention on the Protection of Indigenous People.

The problem is the implementation in the domestic legislation. As the conventions do not contradict the provisions of the Bangladesh Constitution, there is no reason for not translating the principle into national laws. In the process of ratifying the Conventions and of implementing those in national laws there should be an obligatory consultation in the parliament and with the civil society. An obligatory reporting system should be installed.

The EU has given itself strong Guidelines on the protection of Human Rights Defenders, on human rights dialogues, on the abolition of the death penalty, on the abolition of torture and on the rights of children. These Human Rights Clauses are a good basis for dialogue with the GoB which should be reflected in their interaction with the GoB.

Recommendation towards the Government of Bangladesh

1. The GoB should maintain the international standards of human rights.
2. The GoB should ratify and implement all UN Human Rights Conventions fully including the Convention on the protection of the Indigenous Peoples and the UN Convention against Capital Punishment and implement them. During the legislation process there must be consultations in the parliament and with the civil society.
3. The GoB should to submit the initial state reports under the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the GoB should fully implement the recommendations by UN Special Rapporteurs and Treaty Bodies, in particular the Special Rapporteur on the Right to Food, the Committee on the Rights of Women (last report was due on 6 Dec. 2005), the Committee on the Elimination of Racial Discrimination (last report was due on 11 Jul. 2006).
4. The GoB should ratify the Statute of the International Criminal Court.
5. The GoB should install a standing invitation to all UN Special Rapporteurs related to people's rights.
6. Candidates from Bangladesh to the National Human Rights Commission should show significant efforts to install human rights in their own country.
7. Bangladesh should work to implement the human rights pledges made as part of securing membership of the UN Human Rights Council.
8. The GoB should ensure full constitutional recognition and rights to the Indigenous Peoples.
9. The Vested Restoration Property Act should be properly implemented.

Recommendations towards the International Community

1. The International Community should support the GoB to implement human rights in national law. They should offer all technical assistance necessary including support to relevant NGOs. The development partnership gives the International Community the responsibility to see that the development assistance provided by them relates to Bangladesh Government's efforts to develop a basis for democracy, human rights and good governance.

2. The assistance of the International Community must go to organizations and individuals who go along the guidelines on their own human rights' policy. They should work with the national Government to ensure security and protection of human rights defenders.
3. Especially the German Government and the EU should ensure that the planned National Human Rights Commission is on the line with the international standards ensuring independence, capacity, competence and transparency and the demands of the civil society in Bangladesh. The German Government as well as the EU should offer technical assistance.

Recommendations towards NGOs and Civil Society:

1. NGOs should be fully aware of all these instruments, develop a sense of ownership and use them for the promotion and protection of human rights and also of the human rights defenders and should try to enhance the capacity for human rights activism (training, exchange, monitoring) among the general population.
2. The NGOs should make people aware of the human rights instruments. They should cooperate with each other and strengthen the alliances to be able to work as pressure groups on the Government.
3. NGOs should maintain regular contact with the newspapers and the electronic media.
4. NGOs should mobilize tolerance relating to minorities including gays, lesbians and transsexuals.
5. NGOs should monitor the votes and statements of Bangladesh's representatives in the UN and make them public.