

Status of Minorities in Bangladesh, 2010

**Annual Report from
SAHR**

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1. Background

Bangladesh has ratified all major international human rights treaties and conventions and is legally bound to comply with these international human rights treaties, but it does not comply with them so far as the minorities are concerned. Bangladesh has an area of 55,126 square miles and a population of 154 million. According to the 2001 census, Sunni Muslims constitute 89.58 percent of the population and Hindus 9.34 percent. The rest of the population is mainly Christian, Buddhist and animists¹. Ethnic and religious minority communities often overlap and are concentrated in the Chittagong Hill Tracts (CHT) and northern regions. Buddhists are predominantly found among the indigenous (non-Bengali) populations of the CHT. Bengali and ethnic minority Christians live in communities across the country. The majority of the Muslims are Sunni, consisting of 95% of the Muslim population, and the remaining are Shi'a and other sects.²

2.1 Religious Minorities

As per the recent judgment of the Bangladesh Supreme Court, the Government has taken legislative measures to revert to the original Constitution of 1972. This, in turn, has reignited demands from indigenous peoples from different parts of Bangladesh for specific and direct recognition of their identity and rights in the forthcoming amendment process, as previous demands on the issue had not been met by successive governments since 1972 to the present time. Although the Eighth Amendment to the Constitution (introduced by a military ruler) establishes Islam as the state religion, it provides for the right to profess, practice, or propagate all religions, subject to law, public order, and morality. There was no change in the status of the government's respect for religious freedom during the reporting period, but several High Court rulings bolstered the country's status as a secular state. There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice, although figures suggested that such incidents declined significantly in comparison to the previous reporting period.

Clashes between religious groups occasionally occurred. In all cases the minority status of the victims played a role, although it should be noted that religious minorities are often at the bottom of the social hierarchy and, therefore, have the least political recourse. Hindu, Christian, and Buddhist minorities experienced discrimination and sometimes violence from the Muslim majority. Harassment of Ahmadis also occurred.

Police frequently were ineffective in upholding law and order and sometimes were slow to assist religious minorities. This attitude promoted a greater atmosphere of impunity for acts of violence against minorities.

¹ Demographics of Bangladesh, Wikipedia http://en.wikipedia.org/wiki/Demographics_of_Bangladesh

² *Ibid*

2.1.1 Status of Hindu community

Attacks against the Hindu community continued, although numbers dropped significantly from the previous year. Hindu places of worship have been ransacked, villages destroyed and scores of Hindu women are reported to have been raped and injured.³

According to the Bangladesh Buddhist-Hindu-Christian Unity Council (BHBCOP), during the period from March 2009 to May 2010 there were at least 150 incidents of repression including land seizures, arson, rape, and at least three killings. Most of the land seizures took place in the districts of Natore, Pirojpur, Chittagong, Narsingdi, Bagerhat, Barisal, Manikganj, Tangail, Satkhira, Pabna, Manikganj, and Munshiganj.⁴

According to the *Times of India*, on February 5, 2010, a group of 30 to 35 men attacked an ancient Hindu temple in Narayanganj's Sonargaon subdivision district. The group vandalized the temple and four houses, injuring at least five persons and destroying six idols. The attack followed an altercation between a devotee and three youths from the village.

According to the *New Age*, a daily English newspaper, between March and May 2010 an individual allegedly attempting to seize land felled forty trees belonging to the Hindu community and occupied the Arpara Bazar Temple land in the Sadar upazila.

According to BHBCOP and the *New Age*, members of the Hindu community of Chitalmari in Bagerhat sought protection against a group of new migrants to the area attempting to seize land by using intimidation.

According to *Naya Diganta*, a daily Bengali newspaper, on April 20, 2010, a group of individuals attempting to seize land, backed by the local Chhatra League, the student wing of the Awami League party, occupied the Shree Shree Rajeshwari Temple in the village of Ambaria. The temple property was still in dispute, and the local Hindu community was unable to worship there.

According to the *Daily Amar Desh* of 21st of May, 2010 powerful perpetrators grabbed cremation grounds and lands belonging to the Hindu Minority at Zia Nagar in Perojpur District.

In addition, many Hindus have been unable to recover landholdings lost because of discrimination under the Vested Property Act. The Bangladesh Cabinet has approved the Vested Property Return (Amendment) Act 2009 for restoring property seized from minority groups, mainly from Hindus, during the united Pakistan era.⁵ Leaders of different organisations

³ 2010 Report on International Religious Freedom – Bangladesh, UNHCR, <http://www.unhcr.org/refworld/docid/4cf2d0b52.html>

⁴ 2010 Report on International Religious Freedom – Bangladesh, UNHCR <http://www.unhcr.org/refworld/docid/4cf2d0b52.html>

⁵ Bangladesh Cabinet approves law to return vested property to minorities, *The Hindu*, 3 November 2009 <http://www.hindu.com/2009/11/03/stories/2009110360801000.htm>

expressed their deep concern over placing the bill of Vested Property Return (amendment) Act 2010 in the parliament without necessary amendments and demanded a review of the act to protect the rights of minority communities. The bill has been sent to the parliamentary standing committee on Land Ministry for further scrutiny before its adoption in the parliament, after the necessary amendment recommended by the organisation.⁶ Their recommendations include -- a clear definition of vested property on the basis of the Supreme Court's orders, return of all properties grabbed after 1974 and the formation of tribunals at district levels to dispose of the cases.

2.1.2 Status of Christian Community

Reports of harassment and violence against the Christian community were recorded during the reporting period.

According to the *Daily Star*, an English newspaper, on March 20, 2010, a clash over a land dispute involving a Christian church in the Mithapukur upazila resulted in injuries to 20 of the involved parties. There were calls for action after the dispute, and local Members of Parliament (MPs) worked to defuse the tension and managed to avert further violence.

2.1.3 Status of Buddhists Community

Buddhists are predominantly found among the indigenous (non-Bengali) populations of the CHT. Several attacks to destroy the temple in the CHT region were reported during the reporting period.

2.1.4. Attacks on Ahmadiyas

Attacks on institutions of the Ahmadiya Muslim Community and isolated instances of harassment were reported. There are approximately 100,000 Ahmadis concentrated in Dhaka and several other locales. A series of attacks between June 17 and August 8, 2010, left 20 members of the Ahmadi community in the Ghatail upazila injured and severely damaged homes and religious institutions. Ahmadi community leaders reported the attacks to the police, but there were no arrests.

2.2. Indigenous Communities

2.2.1 Indigenous Communities in Chittagong Hill Tracts

The indigenous communities in Bangladesh are the most deprived of economic, social, cultural and political rights mainly due to their ethnic status. The Government's reluctance to recognize indigenous people is largely politically motivated and an issue of concern. The use of correct terminology is also important because the term necessarily sets the context of and defines the parameters of the rights attached to the concerned group of citizens it refers to, especially

⁶ Minority communities concerned, The Daily Star, 9 December 2010
<http://www.thedailystar.net/newDesign/news-details.php?nid=165367>

under national (Bangladeshi) law and also to an extent under international human rights law. The Adibashi leaders suggested to use 'indigenous' in English and 'adibashi' in Bengali. The Khudro Nrigoshthhi Sanskritik Protisthhan Act of 2010 fails to satisfy the aspirations of those peoples in Bangladesh who regard themselves as indigenous or adibashi.

The Chittagong Hill Tracts Peace Accord (1997) is yet to be implemented, even though the manifesto of the Awami League Party promised its full implementation so as to uphold the rights of ethnic minorities. Pressure continues to build on the Government to announce a timetable for implementation. At the same time, powerful Bengali groups which have benefited by grabbing huge tracts of land from Jummas in CHT, and profited from illegal timber felling and cross-border smuggling have combined together to protest the Peace Accord.

On 13th April, 2010 the High Court (HC) affirmed the validity of the CHT Peace Accord signed between the Government and the erstwhile Shanti Bahini in 1997, but declared unconstitutional the Chittagong Hill Tracts Regional Council Act, 1998. After the judgment, the Additional Attorney General prayed to stay operation of the judgment and for a certificate under the Article 103 (2)(a) so that the Government could appeal to the Appellate Division against the HC Judgment.⁷ The court then issued a stay order on 15th April, 2010 until the problem resolved.⁸

The Government reconstituted the Land Commission to resolve land disputes in the CHT. This was opposed by the local Jumma people, because the land was owned by the community and not registered with the land department, whereas the Bengali settlers had registered their acquired lands. On 7 October 2009, human rights groups urged the Land Commission to scrap its decision to conduct a land survey in CHT before resolving the land disputes at a press conference held at Reporters' Unity auditorium in Dhaka.

Furthermore, incidents on human rights violations including torture, killings, harassment of Buddhist monks, sexual violence against women and children and the dispossession of indigenous peoples' lands by Bengali settlers and military personnel were regularly reported both in the CHT.

On 19-20 February about 14 villages under Sajek Union were set on fire, approximately 500 minority homesteads and a Buddhist pagoda were destroyed or damaged. At least three persons died in the attacks including two members of minorities.

The Government of Bangladesh has so far denied access to journalists or human rights activists to the sites. It was reported that the Bangladesh army personnel have prevented journalists from visiting the affected areas. The police further arrested the indigenous peoples who came to obtain medical treatment for their bullet injuries sustained in the firing by the Bangladesh army personnel.⁹

⁷ Status of minorities in Bangladesh in 2009, Annual report from SAHR
<http://www.southasianrights.org/wp-content/uploads/2009/10/Bangladesh.pdf>

⁸ CHT commission, Bangladesh Office

⁹ Bangladesh burns more tribal villages: Government asked to give access to massacre sites, ACHR, 23 February 2010 <http://www.achrweb.org/press/2010/BD02-2010.html>

Although indigenous peoples are 1.13% of the total population of the country, only 0.32% Annual Development Programme (ADP) has been allocated for them in the fiscal year 2009-2010. During the fiscal year 2009-2010, per capita ADP allocation for overall Bangladesh has been taka 1,996.98; whereas indigenous peoples of CHT received per capita ADP of taka 1652.67 and for indigenous peoples of plain land the amount was taka 83.64 only.

2.2.2 Indigenous Communities in Plain Lands

About 22 lakhs of indigenous people are estimated to live in the plains, mainly in northern districts, and greater Mymensingh, Sylhet districts and the plain Adibashis have not received much attention in terms of a poverty profile, socio-economic standing and access to services.

Most of the plain land Adibashis suffered from insecurity of their right to land or property. Landlessness is very high among the plain land ethnic minorities although the larger portion of them depends on agriculture for survival. The forest department grabbed the largest area of land by different influential quarters, which evicted the rightful owners from their ancestral lands by forging documents. Besides, most of the development projects were imposed on the indigenous people against their will and at the cost of their habitats and livelihoods.

In the plain lands there were around 2,000 indigenous families in 10 districts in the border regions. During 2009-2010¹⁰ 216 families of indigenous peoples in the plain lands have been attacked and their houses have been looted and destroyed by the influential groups of mainstream populations with the intention to grab the ancestral lands of Adibashis. In these attacks, four indigenous persons have been killed. Besides, 13 indigenous families have been evicted from their ancestral lands and homesteads in 2009-10 and indigenous peoples face an uncertain future on their ancestral land.¹¹

Besides, more than a thousand Khasi families are in threat of eviction from their ancestral land. Due to the initiative of the Government to develop an eco- park, thousands of people will be landless where land is the only source of their income. After the Eco-park movement, the land issues have not been solved. The main livelihood of the Khasis depends on cultivating betel leaf on trees. The Environment and Forest Ministry gave permission to cut down 4,000 trees from the Khasi land and the tea company has already cut down 1,200 trees. The indigenous organisations organised protest rallies to stop cutting down trees.

As a result of the movement by the Khasi people, logging on their lands has been overturned by a High Court decision issued in late February 2010. Four indigenous villages in Bangladesh, with their 500 Khasi residents, will be destroyed if logging by a local tea estate owner is allowed to continue.¹²

¹⁰ Bangladesh: Human Rights Report 2009-2010 on Indigenous People, Kapeng Foundation

¹¹ *Ibid*

¹² Video on Bangladeshi Khasi and Garo Peoples now on Youtube, Missionary Oblates of Mary Immaculate, 12 April 2011 <http://omiusajpic.org/topics/khasi/>

2.3 Dalit and Low caste Communities

Dalit Communities in Bangladesh are very often subject to systematic humiliation by their own Hindu minority community as well as by the wider Muslim public. They constitute a minority within a minority. Due to the social structure, women of Bangladeshi Dalit communities are the worst victims of harassment. Gradually the Dalit communities have been working together and strengthened by mobilization by both local and national Non Governmental Organisations.

In 2010 after continuous lobbying the Government issued an order to the concerned Ministries to recruit more cleaners from the Harijan community.

2.4 Biharis (Stranded Pakistanis)

Approximately 160,000-200,000 non-Bengali Bihari Muslims who migrated to the former East Pakistan during the 1947 partition, were supposed to have supported Pakistan during the war of independence in 1971. After 1972, Pakistan agreed to take those who opted for Pakistani citizenship, but this commitment has not been fully complied with and those who have been left behind are stateless and continue to live in camps in several cities. According to Refugees International, many of these persons live in camps in unsanitary conditions with little access to education and medical resources. Some Biharis declined citizenship in 1972, and a minority awaited repatriation to Pakistan, where the government was reluctant to accept them. Many in the Bihari community were born after 1971, and the vast majority of this population has now been assimilated into the mainstream Bengali-speaking environment, although social barriers to upward mobility remained. Approximately 80 percent of all adult Biharis, or 184,000 persons, were registered as voters following voter registration drives ahead of the December 2008 elections.¹³ On May 19, 2008 the Dhaka High court approved citizenship and voting rights for about 150,000 refugees who were minors at the time of Bangladesh's war of independence in 1971, and those who were born after would also gain the right to vote.¹⁴

In March 2010, the Bangladesh Government took a massive project to construct 45 high-rise buildings to rehabilitate the stranded Pakistanis who are now living in squalid camps.¹⁵ It was reported that 38,667 stranded Pakistani families residing in the capital's Mohammadpur area would get permanent housing under the Taka 350 crore project as decades of negotiations yielded little results for their repatriation.

¹³ Bangladesh: International Religious Freedom Report 2009, United States Department of State, 26 October 2009 <http://www.state.gov/g/drl/rls/irf/2009/127363.htm>

¹⁴ Stranded Pakistanis, Wikipedia http://en.wikipedia.org/wiki/Stranded_Pakistanis

¹⁵ Bangladesh ready to offer nationality to stranded Pakistanis, Zeenews.com, 28 August 2010 <http://www.zeenews.com/news651270.html>

2.5 Persons with Disabilities

Anecdotal information and a number of micro studies generally suggest a disability prevalence rate of between 5 to 12 per cent. This is close to the World Health Organisation estimate, which states that 10 per cent of any given population can be considered to have some form of disability. It was reported that in most of the cases physically challenged people were deprived from their fundamental rights and often became victims of sexual harassment.

3. Some Institutional Developments in 2010

As per the election manifesto of the Awami League some measures have been taken to promote the rights of the minority community as well as to implement the 1997 Peace Accord.

- The new Government included 4 non-Muslims among the 40 ministerial positions. Members of minority communities were also appointed to other senior government and diplomatic positions.
- In keeping with constitutional guarantee the Cabinet approved the Disability Inclusive National Education Policy 2010, Disability Inclusive questionnaire for upcoming census, Disability inclusive National Child Policy 2011 (Draft), Disability inclusive National Disaster Management Plan 2010, and Quota for children with disabilities etc. Furthermore, the Budget allocation for persons with disabilities has been increased in the fiscal year 2010-11. 1560 million taka was allocated for different development programs and projects by the Government for persons with disabilities:
- The National Parliament passed the National Human Rights Commission Act on 9 July 2009. Investigation of human rights violation on indigenous and ethnic minorities by the army and law enforcement agencies remained out of jurisdiction of the National Human Rights Commission.
- Eighteen indigenous communities of the country will be left out of the next population census. The finalised questionnaire, now being printed for the census, which will be held on 15-19 March 2011, mentions only 27 indigenous communities.
- The implementation of the CHT Accord is crucial for unhindered development of the country, for good governance and rule of law to prevail in the CHT and there is no option but to ensure that the CHT Accord is implemented effectively.