

SAHR Annual Minority Report

Status of Minorities in Bangladesh - 2011



Conceptualised, implemented and funded by South Asians for Human Rights; Researched and written by Irfath Iva

1. Background

Though 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 is a country of 142 million¹ population and it is predominantly a Muslim country and the population data, updated by BSS for 2004, shows that 89.52% of the country's population is Muslim, and the remaining 10.48 % consist of religious and ethnic minorities. Of the minorities, the Hindus are the largest group with 9.58% of the population. The Buddhists are the third largest group with 0.46 %, and the Christian the fourth largest group with only 0.26 % of the population. There are also several small factions within the Muslim population – they are the Biharis, the Ahmadiyyas, Ismailis, Shias, Memons etc. The Ahmadiyyas are about 100,000 in number. The Bihari population, on the other hand, is about 800,000. However, the Muslims and the Hindus account for about 99 percent of Bangladesh's population².

2.1 Religious Minority

Societal abuses and discrimination based on religious affiliation, belief, or practice was continued in the 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. From January to December 2011, 183 people belonging to religious minorities become victim of injury, assault, grabbing, attack, rape etc.

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.

Table 1: **Violence against Religious minority, 2011**

Minority groups	Injured	Assaulted	Grabbing		Attack		Looted	Rape	Miscellaneous	Total
			Land	House	Property	Temple Attack				
Religious minority	107	02	06	02	21	25	13	03	04	183

¹ <http://www.bbs.gov.bd/WebTestApplication/userfiles/Image/BBS/PHC2011Preliminary%20Result.pdf>

² Electoral Process of Bangladesh: How Inclusive is it? A study report of SAHR ,Dr. Badiul Alam Majumdar

2.2. Indigenous Communities

Relative to the total population, Bangladesh has a fairly small Adivashi or indigenous population. By some estimates, more than 2 million Adivashis live in several districts (Sylhet, Rajshahi, Dinajpur, Mymensingh, Rangpur, Bogra, Natore, Khulna, Tangail, Jamalpur, Sherpur, Netrokona, Sunamganj) of Bangladesh. However, about a third of them live in three districts – Khagrachori, Bandarban and Rangamati – of Chittagong Hill Tracts. Other districts with a concentration of Adivashi population are: and Chittagong districts.³

The Adivashis or small communities of Bangladesh belong to mainly three religions: Buddhists (43.7 percent), Hindus (24.1 percent) Christians (13.2 percent) and others 19 percent. According to Philip Gain, although government census estimates the number of ethnic communities in 1991 as only 27, the ethnic communities themselves estimate the number to be more than 45.⁴ Mohammad Rafi, on the other hand, identified 73 small ethnic groups. However, Gain estimates the ethnic group number to be around 90, who live in both plain land and in hill areas.

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 in the Chittagong Hill Tracts (CHT) region in Bangladesh. The indigenous communities in Bangladesh are the most deprived of economic, social, cultural and political rights mainly due to their ethnic status. The major problem for all minority communities is land grabbing by influential people from the mainstream population. There are no adequate policies to protect the land of indigenous peoples. The traditional land rights of indigenous peoples are being ignored. The incidents of forcible land-grabbing by Bengali land grabbers and eviction of indigenous peoples from their ancestral land were also seen as common scenario in 2011.

Table 2: **Violence against Ethnic minority, 2011**⁵

Minority groups	Killed	Injured	Abducted	Property damage	Rape	Total
Ethnic minority	40	94	17	40	18	209

In different news sources reported that in 2011 at least 40 people belonging to ethnic minority groups were killed, 94 injured, 17 abducted, 18 raped and 40 families had their houses destroyed. The incidents took place in Khagrachari, Rangamati, Dinajpur and Rajshahi. On the other hand, at least 7,118 acre of land belonging to indigenous Jumma people was grabbed by Bengali

³ Bangladesh Asiatic Society, *Adivashi Jonogosthi*, Dhaka, 2007.

⁴ Philip Gain (ed.), *Survival of the Fringe: Adivasis of Bangladesh* [Dhaka: Society for Environment and Human Development (SEHD), 2011].

⁵ Human Rights report of Odhikar, 2011

settlers in the CHT in 2011. Several attempts have also been made to occupy Jumma's land by the Bengali settlers⁶.

Religious persecution on Indigenous Peoples also continued, particularly in the CHT. This includes destruction of Buddhist temple with the aim to occupy temple's land, harassment of Buddhist monks, destruction of Buddha statues, prevention to construction and repairing of temple etc.

The biggest concern in rape and other violence against indigenous women is the lack of access to justice and absolute impunity that perpetrators enjoy. In 2011, 5 indigenous women, of them 3 from the CHT and 2 from the plain lands, were killed after rape while 11 indigenous women were raped. In addition, attempts to rape were made on 8 indigenous women. Almost all violence against indigenous Jumma women in the CHT has allegedly been committed by Bengali settlers. Only one incident of attempted rape was reported to have been allegedly committed by security personnel⁷. Deprivation of access to quality education is a major factor contributing to social marginalization, poverty and dispossession of Indigenous Peoples.

Ignoring strong demands of the indigenous peoples and civic groups of mainstream population of the country, the present Ruling Party government has denied the constitutional recognition of fundamental rights of indigenous peoples in the 15th amendment of the Constitution in 2011.

Despite of passing 14 years of signing of the CHT Accord still the Peace Accord did not implemented, except reconstitution of some committees and appointment to the some posts, the government has not taken any effective measures towards implementation of the Accord. Although it was a priority commitments of the Majority party in the election manifesto. Hence, dissatisfaction and grievance has been mounting among the Jumma peoples and permanent Bengali residents in CHT over the years. 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.⁸ The court then issued a stay order on 15th April, 2010 until the problem resolved.⁹ There is no significant progress in this regard until December, 2011.

⁶ Annual Report of Kapeeng Foundation, 2011

⁷ Bangladesh: Human Rights Report 2011 on Indigenous People , Kapeang Foundation

⁸ <http://www.southasianrights.org/wp-content/uploads/2009/10/Bangladesh.pdf>

⁹ CHT commission, Bangladesh Office

Above all, a significant discrimination has been observed in the budgetary allocation between the indigenous and the mainstream Bengali people. It is observed that about 2 per cent of the country's population is indigenous peoples, but the allocation for them is below 0.5 per cent of the total budgetary allocation.

2.3 Dalit and Low caste Communities

In 2011, violence and discrimination to the Dalit and low caste communities by higher caste in Hindu and influential Muslims communities has been increased than previous years. Different news sources reported that there were 20 incidents occurred. There are remarkable number of violence occurred towards Dalits like murder, rape, access denied from public places (temple, restaurants, police station, cremation ground, market and social services etc), physical torture, land grabbing, forcefully conversion, attacked & looting in Dalit houses, religious fundamentalism, discrimination in school etc. Statistics replicates that for cleaner position about 56% job (171 permanent and 126 temporary jobs) in GOs/ NGOs were availed by the people of Harijion community. Dalits' communities in Bangladesh are protesting all sorts of discrimination and violation against them and gradually united and strengthened Dalit movement through leading of national & regional platform of Dalit. Bangladesh Dalit Parishad, Bangladesh Harijion Oikkya Parishad, Antoj Parishad are collaboratively working for the movement of national federation for Dalit. It was reported that different Municipality increases monthly salary of 335 Harijion staffs in the reporting period¹⁰.

3. Some Institutional Developments in 2011

As per the election manifesto of the Awami League some measures have been taken to promote the rights of the minority community.

- The new Government included 05 non-Muslims among the 46 ministerial positions. Members of minority communities were also appointed to other senior government and diplomatic positions.
- In keeping with constitutional guarantee the Cabinet endorsed the proposal for preserving one percent quota for the physically challenged in Bangladesh Civil Service cadre and all first and second-class public servant positions.¹¹
- As per National Human Right commission has started its functioning as the National Human Rights Commission Act. Though in 2011 the National Human Rights Commission filled 453 cases and disposed 209 cases, but the investigation of human rights violation on indigenous/ Adibashi and ethnic minorities by the army and law enforcement agencies remained out of jurisdiction of the National Human Rights Commission.

¹⁰ Annual Report of Paritran & FAIR, 2011

¹¹ The daily star, Tuesday, December 20, 2011

Recommendation:

- All intimidation and harassment of Indigenous Peoples and to prosecute all those responsible for attacks and intimidation against Indigenous Peoples should be stopped.
- Measures should be taken to fulfill by the Majority party as per electoral pledge (Implementation of the CHT Accord with a declared time-frame for a road map and providing a forum for solving land disputes of Indigenous Peoples in CHT and plain lands).
- To stop the systematic and forcible displacement of Indigenous Peoples from their ancestral lands and to develop legal mechanisms to save the illegal land dispossessions of Indigenous Peoples.
- Establish a separate land commission for plain land Indigenous Peoples for restoration of dispossessed land.
- To stop communal violence and physical abuse against indigenous women and to conduct judicial inquiries into the communal violence and abuses against indigenous women.
- To allocate adequate budget for Indigenous Peoples and to ensure full and effective participation of Indigenous Peoples in major decision-making processes in all development programmes.
- The NHRC should investigate human rights violations against Indigenous Peoples.
- Bangladesh and its donors must ensure that these Urdu speakers are not discriminated against particularly during the government's issuance of new identity documents, in obtaining passports or access to education.