



BRILL
NIJHOFF

INTERNATIONAL JOURNAL ON MINORITY AND GROUP
RIGHTS (2025) 1–23

INTERNATIONAL JOURNAL
ON MINORITY AND
GROUP RIGHTS



brill.com/ijgr

Civil Society Organisations' Perspectives on the Contemporary Human Rights Situation of Indigenous Peoples in Bangladesh: A Critical Analysis

*Paul Chaney^a; Sarbeswar Sahoo^b; Reenu Punnoose^c and
Muhammed Haneefa^d*

a) Wales Institute of Social and Economic Research and Data,
Cardiff University, Cardiff, Wales, UK

Corresponding author

Chaney.p@cardiff.ac.uk

b) Professor of Sociology, Department of Humanities and Social Sciences,
Indian Institute of Technology, Delhi, India

sarbeswar.sahoo@hss.iitd.ac.in

c) Assistant Professor, Humanities & Social Sciences, Indian Institute of
Technology, Palakkad, India

reenu@iitpkd.ac.in

d) Independent Researcher, Palakkad, India

mudh.haneefa@gmail.com

Received 27 January 2025 | Accepted 6 April 2025 |

Published online 17 June 2025

Abstract

Based on corpus analysis of submissions to the latest United Nations Universal Periodic Review, this study examines civil society organisations' perspectives on the contemporary human rights situation of indigenous peoples in Bangladesh. The analysis confirms how they are subject to discrimination, denial of land rights, exclusion from decision-making, violence and suppression of indigenous languages. We argue that the present constitutes a critical juncture. Whilst it currently falls sort of universal cultural ethnocide, unless there is urgent action by government and other parties, over coming years, this is likely to lead to the socio-cultural and linguistic loss

of some of the more vulnerable indigenous groups in the People's Republic, notably those located in the Chittagong Hill Tracts.

Keywords

civil society – indigenous peoples – human rights – language – culture – land – Bangladesh

1 Introduction

This study examines civil society organisations' (CSOs) perspectives on the contemporary human rights situation of up to 5 million indigenous people (IP) in Bangladesh.¹ It uses thematic analysis of CSOs' written submissions to the 2023 Universal Periodic Review (UPR), the United Nations' five-yearly human rights treaty compliance exercise. This issue matters because, as will be discussed below, Bangladesh has a raft of legal duties on equality, ethnicity and human rights. These are set out in the constitution, domestic legal code and UN human rights treaties.

Despite these obligations, earlier scholarly work has alluded to rights violations amounting to cultural ethnocide. For example, Gerard Clarke focused on 'mainstream development strategies [that] tend to generate conflicts between states and ethnic minorities [... that] are, at times, ethnocidal in their destructive effects'.² Lamia Karim's research found 'the post-colonial politics of Bangladesh have come together in intricate and problematic ways that render the Adivasi invisible in society ... this state-sponsored narrative has become the regulatory mechanism for keeping the Adivasi at the margin of the state'.³ Bhumitra Chakma concluded 'the occurrences of the past few decades in the CHT [Chittagong Hill Tracts] indeed indicate the persistence of a slow-motion process of ethnocide'.⁴ Subsequently, Ala Uddin concluded, 'the indigenous

1 There is a significant variation between official figures and unofficial claims regarding the number of IP in Bangladesh – See discussion in 'Research Context' section.

2 G. Clarke, 'From ethnocide to ethnodevelopment? Ethnic minorities and indigenous peoples in Southeast Asia' 22 (3), *Third World Quarterly*, 413–436, (2001), p.413.

3 L. Karim, 'Pushed to the margins: Adivasi peoples in Bangladesh and the case of Kalpana Chakma', 7(3), *Contemporary South Asia*, 301–316, (1998), p. 301. <https://doi.org/10.1080/09584939808719846>.

4 B. Chakma, 'The post-colonial state and minorities: ethnocide in the Chittagong Hill Tracts, Bangladesh'. *Commonwealth & Comparative Politics*, 48(3), 281–300, (2010). p. 282. See also: R. A. Gray, Genocide in the Chittagong hill tracts of Bangladesh. *Reference Services Review*,

people, already under duress, faced further survival problems in competition with the settler Bengalis, leading to an ongoing conflict situation ... the CHT remains neither peaceful nor secure for the indigenous people'.⁵

All of the foregoing studies pre-date the last UPR of Bangladesh in 2018. Accordingly, we need to know about the direction of travel in the country and whether the rights situation of IP is improving or deteriorating. In response, this study's three research questions are: what do the latest fourth cycle UPR data tell us about (i) the general human rights situation of Indigenous People in Bangladesh? (ii) IP in the Chittagong Hill Tracts (CHT)? And (iii) do the latest UPR data support earlier scholarly assertions of cultural ethnocide?

Definitions of cultural ethnocide vary, here we define it as:

The intentional (or unintentional in order to achieve other goals) destructive targeting of group cultures, heritage, resources and property so as to destroy, weaken and ultimately annihilate them in a process of conquest or domination by systematically eroding, or undermining self-determination and the integrity of the practices and system of values that defines a people and gives them life.⁶

It is in this context that earlier work has observed, 'What is needed ... is more research into the context and manner in which indigenous cultures are 'changing' in the face of continuing settler colonial expansionist projects driven by global capitalism and a "logic of elimination"'.⁷ Damien Short continues, such research should unashamedly utilise the analytical lens of genocide as assaults on the essential foundations of life of national groups'.⁸ Thus, the parameters of this discussion of Bangladesh are to examine the views of civil society organisations working for Indigenous People's rights. This is an appropriate locus of enquiry because such accounts offer an independent

22(4), 59–79, (1994); S. Totten, W. S. Parsons, & R. K. Hitchcock, 'Confronting Genocide and the ethnocide of indigenous peoples', in A. L. Hinton (ed) *Ethnocide of Indigenous Peoples. Annihilating Difference: The Anthropology of Genocide*, (pp.54–91) (2002); J. Arens, 'Genocide in the Chittagong Hill Tracts, Bangladesh'. In *Genocide of Indigenous Peoples* (pp. 117–141) in R. W. Hitchcock (ed) *Genocide of Indigenous Peoples: A Critical Bibliographic Review*, NY: Routledge (2017).

5 A. Uddin, A. 'Dynamics of Strategies for Survival of the Indigenous People in Southeastern Bangladesh'. *Ethnopolitics*, 15(3), 319–338. (2015), p.322.

6 P. Chaney 'Cultural genocide? Civil society perspectives on the contemporary human rights situation of indigenous people in Bolivia: A critical analysis', *Journal of Civil Society*, (2024). p.3. DOI: 10.1080/17448689.2024.2437579

7 D. Short, 'Cultural genocide and indigenous peoples: a sociological approach'. *The International Journal of Human Rights*, 14, 6, 833–848, (2010) p.810.

8 *Ibid.*, p. 844.

viewpoint based on their situated knowledge of indigenous communities across the country.⁹

The remainder of this article is structured thus, next we present a succinct outline of the research context, followed by the study's methodology. Attention then turns to the analysis. This is in two parts. The first presents thematic analysis of different rights issues highlighted in the UPR data in relation to IP across Bangladesh. We then focus on what the data say about the situation of IP in the CHT. We conclude with a discussion of the principal findings and their significance.

2 Research Context

Indigeneity is a contested concept in Bangladesh. Nasir Uddin et al explain the background, 'Whereas definitions of indigenous people in the Americas have been largely undisputed, activists in many parts of Africa and Asia, in contrast, have faced more difficulties because of different historical backgrounds or ethnic settings'.¹⁰ They proceed, 'Many Asian and African states refrain from acknowledging indigenous people as a category of citizens who are eligible for special rights and benefits on the basis of being oppressed ... The arguments employed by these governments often rely on an interpretation of the notion of indigenous people that relates to specifics of the American populations'.¹¹

As the United Nations High Commissioner for Human Rights explains, 'approximately 1.8 per cent of the population are indigenous *Adivasis*, amounting to around 1.6 million'.¹² More recently, census data published by Bangladesh Bureau of Statistics put the figure at 1,650,478.¹³ However, some community representatives and CSOs claim the actual figure is considerably higher, approximately 4 to 5 million.¹⁴ In terms of location, the majority live

9 M. Stoetzler & N. Yuval-Davis, N. 'Standpoint theory situated knowledge and the situated imagination' *Feminist Theory*, 3(3), 37–49 (2002).

10 N. Uddin, E. Gerharz and P. Chakkarath, 'Exploring Indigeneity: Introductory Remarks on a Contested Concept', in E Gerharz, et al. (eds) *Indigeneity on the Move: Varying Manifestations of a Contested Concept*, (pp.34–47), Boston: Berghahn Books, pp. 5, (2018).

11 *Ibid*, p. 6.

12 UNHCR, 'Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples – Bangladesh*', July 2018, available at: <https://www.refworld.org/docid/4954ce6519.html> [accessed 05.01.24].

13 Bangladesh Bureau of Statistics. 'Population and housing census – preliminary report 2022. Dhaka: Government of the Peoples Republic of Bangladesh', <https://bbs.gov.bd/site/page/47856ad0-7e1c-4aab-bd78-892733bc06eb/Population-and-Housing-Census> (2022), p.10 [Last accessed 24.01.25].

14 International Work Group for Indigenous Affairs, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN (2022). p.2.

in the plains of the north and southeast, and the Chittagong Hill Tracts. The predominant indigenous groups include the Chakmas, Marma and Tripura. The Bangladesh government recognizes 27 ethnic groups, but as noted, it does not recognize the concept of indigenous peoples.

Other signifiers used to denote IP include the terms *Adivasi*, tribal peoples and *Jumma* (in CHT). In policy terms, an international milestone came in 2007 with the publication of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The purpose of the Declaration is to identify standards by which governments can recognize the rights of indigenous peoples. Reflecting the contested nature of the term IP, UNDRIP avoids a fixed universal definition. Instead, Article 8 states that (emphasis added), 'Indigenous peoples have a collective and individual right to maintain and develop their distinct identities and characteristics, including *the right to identify themselves as indigenous and to be recognized as such*.'¹⁵

Legal scholarship underlines that, as a UN General Assembly resolution, UNDRIP has far-reaching legal implications in international human rights law.¹⁶ *Inter alia*, it sets the minimum standards for the survival, dignity, and well-being of IP. However, in 2007 Bangladesh was one of 11 countries that abstained from voting on UNDRIP at the UN General Assembly (a further four states voted against). Successive governments of the People's Republic have refused to endorse the Declaration and continue to eschew the term IP. Despite this, there have been some domestic policy developments related to IP. In 2011, the Bangladesh Government enacted the 'Small Ethnic Group Cultural Institute Law', an Act classifying approximately 45 non-Bengali ethnic tribes as 'ethnic minorities'. As Hafis (2021, p. 1) explains, 'On the eve of enactment, the contemporary Foreign Minister, Dipu Moni, said "Bangladesh does not have any indigenous population"; a similar claim had been made by the Bangladeshi delegate to the 9th UN Permanent Forum on Indigenous Issues a year before'.¹⁷

15 United Nations, '*United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*', NY: UN https://chr-observatories.uwazi.io/en/entity/cqfzkyvvc38/toc?gad_source=1&gclid=EAIAIqobChMI3LqRj_SViwMV0JZQBh3DFA6fEAAYAiAAEgJ5oPD_BwE.

16 For example see: S. G. Barnabas, 'The Legal Status of the United Nations Declaration on the Rights of Indigenous Peoples (2007) in Contemporary International Human Rights Law. *International Human Rights Law Review*', 6, (2017) 242–261; and R. Cenerini, R., 'The United Nations Declaration on the Rights of Indigenous People: A Prototype for Reconciliation?' in L. E. Reimer and K. Standish (eds.), *Perspectives on Justice, Indigeneity, Gender, and Security in Human Rights Research*, (pp 108–211) Singapore: Springer (2023). https://doi.org/10.1007/978-981-99-1930-7_6.

17 H. Hafis, 'Bangladesh Has No Indigenous People. – *Jamhoo special issue* (No 5) Borders & Border-making in South Asia', (2021), p.1. <https://www.jamhoo.org/read/bangladesh-has-no-indigenous-people> [accessed 05.01.24].

Hafis continues, 'In 2012, an internal official memo, circulated in the Ministry of Local Government, Rural Development, stated "steps should be taken to publicize/broadcast in the print and electronic media that there are no Indigenous people in Bangladesh".¹⁸

Despite the lack of government recognition of IP, further legal and constitutional protections have been put in place. For example, Article 27 of the Constitution of the Peoples' Republic of Bangladesh states that all citizens are equal before law and are entitled to equal protection of law. The national Constitution also proscribes discrimination on grounds of race, religion and place of birth (Article 28) and provides scope for affirmative action in favour of, what it refers to as, the 'backward section of citizens' (Articles 28, 29). Further laws of direct relevance to the country's indigenous peoples include the Hill District Council Act (1989) and the CHT Regional Council Act (1998), CHT Land Dispute Resolution Commission Act (2001, amended in 2016) and Small Ethnic Groups Cultural Institution Act (2010).

Despite these enactments, a significant gap in the rights framework applying to IP is Bangladesh's failure to ratify the International Labour Organisation's (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). As Chakma (2017, no page) explains, 'In the [Bangladesh Government's] 7th Five Year Plan, the government expressed its "strong commitment" to consider implementing UNDRIP and ratifying ILO Convention no. 169 on Indigenous and Tribal Peoples. Almost the same words were used in the 6th Five Year Plan. Unfortunately, no significant changes have been noticed on the ground, and no subsequent actions have been taken'.

Despite these failings, Bangladesh has ratified a series of major UN human rights treaties that extend rights to all citizens in the country, including CERD – International Convention on the Elimination of All Forms of Racial Discrimination (circa 11 Jun 1979), CEDAW – Convention on the Elimination of All Forms of Discrimination against Women (circa 06 Nov 1984); CRC – Convention on the Rights of the Child (circa 26 Jan 1990); CESC – International Covenant on Economic, Social and Cultural Rights (circa 05 Oct 1998); CCPR – International Covenant on Civil and Political Rights (circa 06 Sep 2000), CRPD – Convention on the Rights of Persons with Disabilities (circa 09 May 2007) and CED – Convention for the Protection of All Persons from Enforced Disappearance (circa 30 Aug 2024).¹⁹

¹⁸ *Ibid.*, p. 2.

¹⁹ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=14&Lang=EN [Accessed 06.01.25].

Over recent decades civil society has played an important role in seeking to uphold IP s' rights. Yet as commentators explain, this can put activists on a collision course with ruling elites, 'the emergence of indigenous activism can be regarded as a challenge to the modernization efforts of nation-states ... However, the rising number of incidents of collective violence can also be traced back to growing pressure from globalizing forces, which threatens nationalist ideals of cultural purity within nation-states and leads to the reassertion of us/them constructions in ethnic terms'.²⁰ They continue, 'Minorities with cultural differences thus become a problem because they challenge, from the statist perspective, the national narratives of social cohesion, solidarity, and homogeneity. In stark contrast to the universalist claims that unfold in transnational social spaces, we witness the recurrence of nationalist claims to social and cultural homogeneity'.²¹

Reflecting on past patterns of international civil society activism, Sahoo and Chaney conclude, 'it is undeniable that a large majority of CSOs have been playing a vital role in advancing the democratic project. Specifically, in liberal democracies, when the state tries to violate or undermine democratic values, civil society mobilises to resist such hegemonic tendencies and make the state accountable to the public'.²² However, over recent years in Bangladesh, as elsewhere, CSOs' actions have been constrained by government repression.²³ Islam and Sarker explain, 'whilst NGOs and civil society organisations are considered to be independent of the state, market and politics, they are being co-opted, suppressed and intimately drawn into politics and business in Bangladesh'.²⁴

Against this backdrop, this study's analytical framework is shaped by earlier work highlighting oppression and rights denial for indigenous peoples. Our

20 N. Uddin, E. Gerharz, and P. Chakkarath, P. 'Exploring Indigeneity: Introductory Remarks on a Contested Concept', in E Gerharz, et al. (eds) *Indigeneity on the Move: Varying Manifestations of a Contested Concept*, (pp.34–47), (2018) Boston: Berghahn Books, p.6.

21 *Ibid*, p. 6.

22 S. Sahoo & P. Chaney, '*Civil Society and Citizenship in India and Bangladesh*', New Delhi: Bloomsbury India (2021). <http://dx.doi.org/10.5040/9789389812176.0005>, p. 8.

23 P. Chaney, 'Exploring civil society perspectives on the situation of human rights defenders in the Commonwealth of Independent States'. *Central Asian Survey*, 42(2), 293–318, (2022). <https://doi.org/10.1080/02634937.2022.2113034>.

24 M. S. Islam & F. H. Sarker, 'The State, NGOs and Civil Society in Bangladesh: Exploring Diverse Trajectories of Interaction'. In S. Sahoo & P. Chaney (Ed.). *Civil Society and Citizenship in India and Bangladesh*, (2021) (pp. 126–150). New Delhi: Bloomsbury India. P.126.<http://dx.doi.org/10.5040/9789389812176.ch-005>.

specific focus on civil society is grounded in this entreaty from the United Nations Office of the High Commissioner for Human Rights,

Participation in public life by rights holders and organizations that represent them is a fundamental principle of human rights. Participation also improves the efficacy of political systems, as well as policy development and implementation. Civil society space is therefore a threshold issue, not only for human rights, but also for development and peace and security more broadly. When civil society sits at the table, policymaking is more informed, effective and sustainable. Each advance in protecting civic space has a positive ripple effect for communities and individuals and their rights.²⁵

3 Methods

As noted, the dataset for this study comprises CSO submissions to the fourth cycle United Nations Universal Periodic Review (UPR). This was considered by the OHCHR in November 2023. The UPR process originates from a 2006 UN General Assembly resolution (No. 60/251). On a 5-yearly basis it monitors all governments' UN human rights treaty compliance. In assessing state practices, the Working Group examines a range of evidence, including the views and experiences of those outside government. Accordingly, any CSO that registers with the UN and meets its requirements, can submit a report to the UPR. The UN's policy framework is clear. HRC resolution 5/1 of 18 June 2007 states that the UPR should 'ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions'.²⁶ Accordingly, civil society reports submitted to the UPR form the basis of the following analysis. They provide a detailed data source founded upon the situated knowledge of organisations made up of – and working on behalf of, Indigenous People. This complements legal and ethnographic analyses and gives needed insight into rights implementation. CSO submissions to the UN are a robust data source. Submitting CSOs must pre-register with the United Nations ahead of the UPR in a process that establishes their *bona fide* status. An indication of the rigour of the UPR registration and data submission processes

25 Office of the High Commissioner for Human Rights (OHCHR) 'United Nations Human Rights Management Plan 2018–21'. (2018) Geneva: United Nations, unpaginated.

26 See L. Cochrane & K. McNeilly, The United Kingdom, the United Nations Human Rights Council and the first cycle of the Universal Periodic Review. *The International Journal of Human Rights*, 17 (1), 152–177 (2013).

is that CSO submissions constitute the basis of UN assessments of all 180+ UN member states and may be used in legal proceedings against rights violating governments.

The present CSO dataset comprised 37 reports submitted to the UPR. Here it should be noted that this figure under-reports the extent of civil society input because many are joint submissions authored by broad alliances and networks of CSOs. For example, Joint Submission No. 20 is by the 'Coalition of Indigenous Peoples Organizations on UPR' (an alliance of 30 Indigenous Peoples Organisations in Bangladesh), Asia Indigenous Peoples Pact (a network of 15 CSOs) and the International Work Group for Indigenous Affairs. Because the current scientific method focuses on all CSO submissions to the UPR it constitutes an example of corpus analysis,²⁷ a methodology that is concerned with the issues and framings in an entire dataset.

The discourse analysis was operationalised using thematic analysis.²⁸ First, to generate initial codes of Indigenous People's rights violations, a formative exploratory reading was undertaken of the submissions. Subsequently, the texts were re-read. Through this iterative process recurrent themes were identified and related to violations and implementation issues set out in UNDRIP, CESC and CCPR (see 'Rights violations', Table 1). Attention now turns to the study findings.

4 Findings

The iterative thematic analysis of the UPR corpus revealed twelve core (non-discrete) human rights pathologies. Each is now considered in turn.

4.1 *Legal/ Constitutional Rights, Legal Redress/ Access to Justice*

As Ahmed Sojol (2024, no page) explains, IP are not fully supported by the legal system, 'Indigenous peoples of Bangladesh ... hold a deep belief that there exists a sacred connection between them and their ancestral lands, which

27 E. Vaughan and A. O'Keeffe, 'Corpus Analysis' in *The International Encyclopaedia of Language and Social Interaction*, (pp.172–179) London: Wiley, (2015) <https://doi.org/10.1002/9781118611463.wbielsi168>.

28 See J. Fereday & E. Muir-Cochrane, 'Demonstrating rigor using thematic analysis: a hybrid approach of inductive and deductive coding and theme development'. *International Journal of Qualitative Methods*, 5 (1), (2006) 80–92; and K. Neuendorf, 'Content analysis and thematic analysis'. In Advanced research methods for applied psychology (pp. 211–223) in P. Brough (ed) *Advanced Research Methods for Applied Psychology*, (2018) Abingdon: Routledge.

TABLE 1 Thematic Analysis of related UNDRIP and International Human Rights Treaty Violations against IP in CSO s’ Fourth Cycle UPR Discourse (c. 2023)

Rights Violation	Principal Related UNDRIP Articles	Principal Related CESCR ¹ Articles	Principal Related CCPR Articles ²
Generic references to discrimination/ rights denial	1,2, 8, 9, 15	1, 2, 5	1, 2, 5, 16, 19, 20, 21, 22
Participation in decision-making / governance / autonomy	18, 4, 5, 14	1	1, 19, 20, 21, 22, 25
Gender equality issues	44	2, 3	1, 2, 3
Violence	7	4, 5,	6, 7, 9
Sustainable Development, Resources & Land Rights	3, 29, 8, 32	1, 25	1 47
Constitutional rights/ Legal redress/ access to justice/ HRD s	1, 27, 28, 34	1, 2	2, 9, 14
Govt. failure to act on previous UPR recommendations	37, 41	1, 16, 17, 18, 19, 20, 21, 22, 23	29, 30, 32–43
Education	14	13, 14	18
Health/ social welfare / poverty	21,	5, 9, 10, 11, 12	8,
Indigenous Languages	13, 14, 15, 16	15	1, 26, 27
Work/ employment	17, 21	6, 7, 8, 11	8,
Religious Freedom/ (in) tolerance	12	2, 13	1, 18

1 International Covenant on Economic, Social and Cultural Rights – ratified by Bangladesh on 05 Oct. 1998

2 International Covenant on Civil and Political Rights – ratified by Bangladesh on 06 Sep 2000.

usually passes through generations in the form of collective ownership. Due to the constitutional non-recognition of this form of ownership, they do not possess any legal right over these lands, and eventually, they have been facing forcible eviction from their ancestral lands'.²⁹ However, it is not only a lack of legal recognition that is problematic. For, as Lamia Karim highlights, indigenous people are often subject to oppressive policing and there is a long history of disappearances of IP human rights defenders (HRD).³⁰ CSOs make repeated references to these issues in their latest UPR submissions. For example, this one complained, 'Bangladesh does not recognize Indigenous peoples as 'Indigenous' (*Adivasis*). The constitution of Bangladesh mentions them as tribes, minor races, ethnic sects and communities. It should also be noted that the constitution only mentions 'to protect and develop their unique local culture and tradition'. This submission continues, 'There is no mention of indigenous peoples' self-governance, political participation, and rights to land, territory and natural resources. On the other hand, constitutionally, 'Bengali' identity has been imposed on the indigenous peoples; the constitution stipulates that "the people of Bangladesh shall be known as Bangalees as a nation".³¹

The need for better access to justice is a further core trope in CSOs' discourse. It is typified by this plea, 'To investigate properly incidents of extrajudicial killings and enforced disappearances of indigenous peoples' human rights defenders and bring those involved to justice'.³² As another CSO explained, even when proceedings are commenced justice remains elusive, 'Indigenous women and girls do not easily get assistance from police and administration in cases of violence. Even when a court case is filed, Indigenous women do not have the ability to continue the case. As a result, perpetrators of violence against indigenous women enjoy impunity'.³³

4.2 *Language*

Shaila Sultana explains the contemporary complexities of use and attitudes towards IPs' languages and concludes it is, 'ideologically infused, layered,

29 A. Sojol, 'The Imperative and Reality of Constitutional Recognition for Indigenous Land Rights in Bangladesh'. *Law and Society Students' Journal*, 2 (1), (2024) <https://lssjbd.org/index.php/lssj/issue/view/3>.

30 Lamia Karim, 'Pushed to the margins: Adivasi peoples in Bangladesh and the case of Kalpana Chakma'. *Contemporary South Asia*, 7(3), 301–316. (1998) <https://doi.org/10.1080/09584939808719846>.

31 Asia Indigenous Peoples Pact, et al, '*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*', NY: UN. (2022), p.5.

32 Indigenous Peoples Rights International et al. '*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*', NY: UN. (2022), p.19.

33 Coalition of Indigenous Peoples Organisations '*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*', NY: UN. (2022), p.11.

value-laden, relational, and paradoxical at the microlevel'.³⁴ To safeguard Bangladesh's indigenous languages Anwar Ahmed argues government must pursue 'a mother-tongue-based multilingual approach to education and [oversee] the creation of territorial niches for protecting and promoting endangered languages'.³⁵ For their part, CSOs' submissions to the fourth cycle UPR express a deeply felt sense of frustration at past and present policy failings. For example, this CSO complained, 'the Government has rolled out primary education stipends, distributed textbooks, ensured mother language education for indigenous peoples ... However, there is inadequate budget and infrastructure and poor-quality education'.³⁶ In a similar vein, this CSO described how 'The government also pledged to implement the 'Small Ethnic Groups Cultural Institutions Act 2010' ... The government introduced mother tongue-based education in 5 indigenous languages but did not allocate an adequate budget, training, instruction, and textbook curriculum for the teachers and students'.³⁷

4.3 Sustainability/Land/Natural Resources

A burgeoning literature charts the capitalism's negative impact on IPs' land and culture, as well as government's failure to introduce effective policies in relation to extractive industries and multinational corporations.³⁸ Mohammad Hasan explains the wider importance of CSOs' activism in this context, 'various components of Indigenous resistance and claims may contribute to the overall

34 S. Sultana, 'Indigenous ethnic languages in Bangladesh: Paradoxes of the multilingual ecology'. *Ethnicities*, 23 (5), 680–705, p.681.

35 Anwar Ahmed, 'Distractive language education policies and the endangerment of Indigenous languages in Bangladesh'. *Current Issues in Language Planning*, [pre-print] (2024) DOI:10.1080/14664208.2024.2370670.

36 Human Rights Forum Bangladesh, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), p.8.

37 CIPO, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), p.4.

38 See for example, R. Datta, 'Implementation of Indigenous environmental heritage rights: an experience with Laitu Khyeng Indigenous community, Chittagong Hill Tracts, Bangladesh'. *AlterNative: An International Journal of Indigenous Peoples*, 15(4), 309–320. (2019) <https://doi-org.abc.cardiff.ac.uk/10.1177/1177180119885199>; P. Barua, S. Hafizur Rahman, A. Mitra, A. & S. Eslamian, 'Sustainable Management of Indigenous Knowledge Responses to Climate Change for Coastal Islands of Bangladesh', in S. C. Rai and P. K. Mishra (eds.), *Sacred Landscapes, Indigenous Knowledge, and Ethno-culture in Natural Resource Management, Advances in Geographical and Environmental Sciences*, (pp. 87–104) Singapore: Springer https://doi.org/10.1007/978-981-97-4206-6_ (2023); S. H. Talukder, T. Islam, H. Asad, K. F. Salahin, U. Sultana & S. Akter, S. 'Indigenous Knowledge and Practice Related to Health, Nutrition, and Environments in Bangladesh' Chapter in D.

goals of the environment justice movement against powerful transnational corporations in the global South'.³⁹ Allied to this, the UPR discourse makes repeated calls for stronger policies to protect IP's lands and natural resources. This CSO called on government, 'To ensure indigenous peoples' traditional land rights in accordance with ILO Convention No. 107 on Indigenous and Tribal Populations and to take special measures to protect indigenous lands from land grabbing by state and non-state land grabbers'.⁴⁰

Others lamented broken political promises. For example, one said, 'Rights Over Land and Resources' – Election Manifesto 2018 (page-73) of the ruling party stated that "the activity started by the Land Commission to ensure the rights of the small ethnic communities in the plain lands has been advanced." It continued, 'However, despite being in power for three consecutive terms since 2009, the present government has not formed this Land Commission and taken any steps to solve the land problem of the indigenous peoples of the plains'.⁴¹

4.4 *Participation in Decision-making/IP Autonomy*

As Tamgid Chowdhury observes, the limited 'opportunity of indigenous people to participate in local decision-making ... is alarming too ... We believe it is the responsibility of the state to formulate a mechanism which will ensure full respect to indigenous rights and their customary laws'.⁴² The denial of a voice for IP in public decision-making is a reoccurring trope in UPR data. For example, this CSO argued that the government needs to 'Ensure meaningful and effective engagement of indigenous peoples prior to formulating, amending,

Pullanikkatil, and K. Hughes (eds.), *Socio-Ecological Systems and Decoloniality*, (pp.142–158), (2022) Singapore: Springer https://doi.org/10.1007/978-3-031-15097-5_10; M. K. Alam, 'Traditional Ecological Knowledge on Non-wood Forest Products Management and Biodiversity Conservation: A Focus on Chittagong Hill Tracts (CHT's), Bangladesh', in A. Z. M. M. Rashid et al. (eds.), *Non-Wood Forest Products of Asia, World Forests* (Chapter 3, pp. 25–42), (2023) https://doi.org/10.1007/978-3-030-99313-9_3.

39 M. M. Hasan, 'Development for whom? an Indigenous environmental justice movement in Bangladesh'. *Local Environment*, 27(7), 863–878. (2022) (p.963) <https://doi.org/10.1080/13549839.2022.2078293>.

40 Indigenous Peoples Rights International at al. '*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*', NY: UN. (2022), p.11.

41 AIPP, '*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*', NY: UN. (2022), p.6.

42 T. Chowdhury, 'Applying and extending the sustainable livelihoods approach: Identifying the livelihood capitals and well-being achievements of indigenous people in Bangladesh', *Journal of Social and Economic Development* (2021) 23: 302–320, p.316. <https://doi.org/10.1007/s40847-021-00163-z>.

or repealing any law concerning their rights and wellbeing'.⁴³ Moreover, this CSO argued, government should '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'.⁴⁴

4.5 *Religious Freedom/(in) tolerance*

As Pallab Chakma explains, 'the indigenous people have a common and rich cultural heritage that can be contrasted to the culture of Bengalis. In the religious context too, the indigenous people clearly contrast with the Bengalis of the plains. The Chakmas, the Marmas, the Chaks, the Khayangs and the Tanchangyas are Buddhists; the Tripuras and the Riangs are Hindus; the Lushais, the Pankhus, and the Banjogis are Christians; and the rest are animists'.⁴⁵ However, as earlier work concludes, despite constitutional and international treaty obligations on religious freedom, over recent years inter-communal tensions and religious intolerance have fuelled religious-based violence.⁴⁶ This assessment is supported by the fourth cycle UPR data. As this CSO reports, 'In recent years, there have been reports of attacks on different religious minority groups and their properties by extremist groups and people connected to the ruling party'. It continued, 'The influence of radical groups in Bangladesh has emboldened attacks on the religious minority community ... in most cases people belong[ing] to Hindu minority has become the target'.⁴⁷

The UPR corpus also testifies to how religious conversion can lead to oppression and rights denial for IP. As this CSO noted, 'Christians also face violence by Hindu and Buddhist extremists. In particular, Bangladeshi Christians who have converted from a Muslim, Hindu, Buddhist or an ethnic/

43 International Work Group for Indigenous Affairs, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), p.4.

44 Food First Information and Action Network International, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), p.7.

45 P. Chakma, 'Fight for indigenous rights in Bangladesh continues', *The Daily Star*, August 8, 2017, p. 283. <https://www.thedailystar.net/opinion/human-rights/fight-indigenous-rights-bangladesh-continues-1445536> [Accessed January 6, 2025].

46 P. Chaney & S. Sahoo, Civil society and the contemporary threat to religious freedom in Bangladesh. *Journal of Civil Society*, 16(3), 191–215. (2020). <https://doi.org/10.1080/17448689.2020.1787629> See also Barau Ibid 2019; J. S. Chowdhury, K. Vadevelu, S. Jamir, P. Singh, M. Saad, M., Rashid & Z. A. Hatta. *The Intersection of Faith, Culture, and Indigenous Community in Malaysia and Bangladesh*, Cham: Springer; 1st ed. (2024).

47 South Asia Forum for Freedom of Religion or Belief and Bangladesh Hindu Buddhist Christian Unity Council, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), p.9.

tribal background suffer the most severe restrictions, discrimination and attacks'.⁴⁸

4.6 *Health/ Social welfare/ Poverty*

A growing literature charts IP's rights violations in relation to health and social welfare.⁴⁹ Writing over two decades ago, Gerard Clarke made a prescient observation that, as the current analysis reveals, holds true today, 'over the past three decades, ethnic minorities and indigenous peoples have suffered enormously and continue to be marginalised from the benefits of economic growth and improvements in social welfare'.⁵⁰ He proceeded, it is '... a neglect which has been at best benign and at worst malevolent ... Often governments do not know the populations of particular indigenous peoples. Rarely do they have statistics on poverty or social exclusion that distinguishes on the basis of ethnicity'.

Ongoing failings in healthcare are a core human rights violation highlighted by CSOs in the fourth cycle UPR discourse. Ayan Saha et al's research shows how policy failings and poverty lead to self-medication by IP with all the inherent dangers this brings, 'Particular concern is the misuse of antibiotics and analgesic drugs. Increasing awareness among the population of the negative effect of self-medication and implementation of proper policies and actions are urgently needed to prevent self-medication among indigenous population in Bangladesh'.⁵¹

This CSO's UPR submission points to the harsh realities of welfare rights violations of IP, '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

48 ECLJ, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), p.2.

49 Akter, S.; Davies, K.; Rich, J.; Inder, K; Brownie, S., & Brownie, S. 'Barriers to accessing maternal health care services in the Chittagong Hill Tracts, Bangladesh: A qualitative descriptive study of Indigenous women's experiences', *PLoS one*, 15 (8), p.e0237002-e0237002 (2020); M. Faruk & H. Tasdik. 'Mental health of indigenous people: is Bangladesh paying enough attention?' *BJPsych International*, 19 (4), 92–95 (2022); M. Faruk and S. Rosenbaum. 'Mental illness stigma among indigenous communities in Bangladesh: a cross-sectional study'. *BMC Psychology*, 11 (1), 216–216, Article 216 (2023).

50 G. Clarke, 'From ethnocide to ethnodevelopment? Ethnic minorities and indigenous peoples in Southeast Asia'. *Third World Quarterly*, 22 (3), 413–436 (2001), p. 433.

51 A. Saha, K. Marma, A. Rashid, N. Tarannum, S. Das, T. Chowdhury, T. et al. Risk factors associated with self-medication among the indigenous communities of Chittagong Hill Tracts, Bangladesh. *PLoS ONE* 17(6): e0269622 (2022) <https://doi.org/10.1371/journal.pone.0269622> (p. 2).

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'.⁵² In a similar vein, this UPR submission paints a tragic picture, 'People, especially women and girls, are being deprived of healthcare services in hard-to-reach areas. Consequently, they suffer from various sexually transmitted diseases unexpected pregnancy, pregnancy complications and death, child morbidity and death, poor menstrual health management, economic loss for wrong treatment due to dependency, reliant on (ineffective) traditional healers (*oja, baidya*) ... All of these issues lead to poor and unsafe health for the various tribal communities'.⁵³ The compounding effect of the recent global pandemic on welfare is another core trope in the corpus, 'IP areas were underserved during the Pandemic with food shortages and lack of medical services in remote places'.⁵⁴

4.7 Education

As Profulla Sarker and Gareth Davey conclude, in addition to policy failings, 'poverty, child labour, and other factors such as ignorance toward education, language problems, cultural alienation, and parents' seasonal migration account for the low rates of school attendance. Urgent action is needed to reverse the exclusion of indigenous children from primary education in northwestern Bangladesh'.⁵⁵ CSOs' UPR submissions show how such concerns extend across the country. For example, this CSO observed, the 'Bangladesh government has already taken the initiative to provide primary education to children of five indigenous communities (Chakma, Marma, Tripura, Garo, and Sadri) in their mother tongue'. It continued, 'Though mother tongue textbooks of these 5 languages were provided, no initiative has been taken to arrange training for the indigenous teachers. There is also shortage of teachers. As a result, the decision to provide education in their mother tongue is facing many crises'.⁵⁶ In turn, this CSO called on government, 'To implement mother tongue-based primary education for all indigenous children in Bangladesh,

52 FIAN International, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), p.2.

53 Simavi, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), p.3.

54 HRFB, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), p.4.

55 P. Sarker & G. Davey, 'Exclusion of indigenous children from primary education in the Rajshahi Division of northwestern Bangladesh. *International Journal of Inclusive Education*, 13(1), 1–11 (2009) (p.1). <https://doi.org/10.1080/13603110701201775>.

56 AIPP, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), (p.5).

ensuring the recruitment of linguist teachers and conducting proper training for them'.⁵⁷

4.8 *Generic References to Discrimination/ Rights denial*

Md. Omar Faruk et al note, 'Worldwide, there is a reason to believe that indigenous people are particularly vulnerable to mental health issues. Around them there is rapid cultural change, they become marginalised, they can be left with little autonomy, and identity is challenged ... There can be childhood adversity and trauma, perceived discrimination as they develop, poverty, unemployment, sub-standard housing, food insecurity, social exclusion.⁵⁸ The present analysis supports this assessment. For example, as this CSO submission explains, 'Discrimination and inequality perpetrated by state and non-state actors against indigenous peoples on ethnic, religious, and cultural grounds in Bangladesh are widespread. In this context, the 3rd cycle [UPR in 2018] recommended expediting the work of formulating the Elimination of Discrimination Act. But in the last 5 years, the government has taken no initiative in this regard'.⁵⁹

4.9 *Gender Equality*

A recent ILO report refers to 'social barriers affecting indigenous women's participation and organization includ[ing] gender norms and roles, discrimination, violence and harassment, lack of government support, limited political participation and lack of solidarity'.⁶⁰ Our analysis of the fourth cycle UPR data supports concurs with this. For example, one CSO report said, 'It is still very far to achieve political participation of indigenous women. Although 50 seats are reserved for women in the Parliament, and seats are also reserved for women in local government councils at all levels, there is no separate

57 Asia Indigenous Peoples Pact, et al, '*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*', NY: UN. (2022), (p.8).

58 M. Faruk, R. Nijhum, M. Khatun & G. Powell, 'Anxiety and depression in two indigenous communities in Bangladesh. *Global Mental Health*, 8, p.e34-e34, Article e34 (2021), (p.2). See also S. K. Chowdhury & I. Sarmiento, 'Racism and access to maternal health care among garo indigenous women in Bangladesh: A qualitative descriptive study'. *PloS one*, 18 (11), p.e0294710-e0294710 (2021).

59 Asia Indigenous Peoples Pact, et al. '*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*', NY: UN. (2022), (p.4).

60 International Labour Organisation (2021). *Exploring and Tackling Barriers to Indigenous Women's Participation and Organization: A Study Based on Qualitative Research in Bangladesh, the Plurinational State of Bolivia, Cameroon and Guatemala*. Genève: International Labour Organisation. (p.7).

reservation for indigenous women.’⁶¹ It continued, ‘Indigenous women remain in a backward position in all aspects. Numerically, the indigenous peoples are the minority in Bangladesh. Hence, it becomes difficult for indigenous women to be elected to local government councils or Parliament through a democratic voting system.’⁶²

The UPR discourse highlighted repeated accounts of violence, harassment and rape. For example, ‘Reports of human rights violations including arbitrary arrest, rape of indigenous women and girls and other violence continue’⁶³ and, ‘Women journalists, and journalists from other marginalised groups like the indigenous population or refugees, face additional challenges ... [they] faced sexual harassment, online harassment and abuse, and other forms of gendered violence ... increased surveillance and risk of killing and disappearance.’⁶⁴

4.10 *Violence/ Security of the Person*

As Ashrafuzzaman Khan and Mrinmoy Samadder explain, violence is a common fact of life for IP in Bangladesh, ‘The community has experienced evictions, physical assaults and violence at the hands of various agencies including the forest department, political parties and local influential persons. The females of this community are also the victims of various forms of injustices, such as physical assaults, rape, dowry deaths and so on.’⁶⁵ Our analysis shows that this litany is repeated throughout the UPR data. For example, ‘The security and law enforcement forces are continuing activities of anti-humanity and anti-interest of indigenous peoples including military operations upon the indigenous people, searching houses, arbitrary arrests, extra-judicial killings in the name of cross-fire, filing up fabricated cases, violence against women, forcible land occupation ... at least 779 persons have fallen prey to the 110 incidents of human rights violations perpetrated by the security forces in 2022.’⁶⁶

As this CSO observes, government has employed smear tactics to undermine the credibility of IP s’ CSOs, ‘The government has been criminalizing and

61 Asia Indigenous Peoples Pact et al, ‘*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*’, NY: UN. (2022), (p.12).

62 *Ibid.*, (p.12).

63 Human Rights Forum Bangladesh, ‘*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*’, NY: UN. (2022), (para 122).

64 Article 19, ‘*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*’, NY: UN. (2022), (p.4).

65 A. Khan & M. Samadder, ‘Weeping of the Forest: Unheard Voices of Garo Adivasi in Bangladesh’. *International Journal on Minority and Group Rights*, 19. 317–326. (p. 318).

66 Indigenous Peoples Rights International, Campaign for Humanity Protection and Chittagong Hill Tracts Jumma Refugees Welfare Association, ‘*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*’, NY: UN. (2022), (p.8).

labelling the rights activists and organizations as 'separatists', 'extortionists', 'armed terrorists', etc., Various anti-indigenous programs, including military operations against the indigenous people, search and raid of their houses, arbitrary arrests, extra-judicial killings in the name of cross-fire ...'⁶⁷

The CSO discourse also highlights how violence is often driven by a desire to seize IP s' land and resources. For example, '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'.⁶⁸ In response, as this CSO asserts, government must 'Fully implement the human rights provisions of the Chittagong Hill Tracts Peace Accord, by de-militarizing the region, prosecuting those responsible for violence against Indigenous leaders and individuals in the region and protecting the rights of the Indigenous peoples over their traditional land'.⁶⁹

4.11 *Poverty/ Work/ Employment*

As Tamgid Chowdhury explains, 'studies revealed that around 80% of world's indigenous population are somehow poor, and these people represent 15% of extreme poor in the globe ... [the] Unemployment rate among indigenous people is much higher than non-indigenous communities, and these people have less access to basic utilities compared to national average ... It can reasonably be argued that poverty reduction rate is significantly lower among indigenous people'.⁷⁰ The UPR data are consistent with this assessment. For example, this CSO highlighted that, 'the socio-economic conditions of its minority indigenous peoples have remained a major concern in the development and human rights discourse in the country'. It continued, 'Currently, the situation of food (in)security, poverty ... 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'.⁷¹

67 Coalition of Indigenous Peoples Organisations et al. 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), (para 32).

68 FIAN International, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), (para 12).

69 Amnesty International, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), (p.5).

70 T. Chowdhury, 'Applying and extending the sustainable livelihoods approach: Identifying the livelihood capitals and well-being achievements of indigenous people in Bangladesh', *Journal of Social and Economic Development* (2021) 23: 302–320, (p.303).
<https://doi.org/10.1007/s40847-021-00163-z>.

71 Food First Information and Action Network International, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), (para 4).

As this submission explained, exploitative practices by some in the military is compounding the problem, ‘The army are still continuing various kinds of persecution on indigenous peoples in CHT, such as, forced labor without pay for the construction of army camps and clearing the jungle around the camp, free supply of trees and bamboos for the construction of camps, fetching drinking water from springs in camps built on hilltop every day by turns, carrying ammunition and goods of army during operations without pay, supply of cow-goat-poultry at low price or without pay.’⁷²

4.12 *Govt. Failure to Act on Previous UPR Recommendations*

A key issue identified in CSOs’ UPR submissions was government failure to implement the recommendations it had accepted in previous UPR cycles. For example, this CSO complained that ‘Discrimination and inequality perpetrated by state and non-state actors against indigenous peoples on ethnic, religious, and cultural grounds in Bangladesh are widespread.’⁷³ It proceeded to explain, ‘In this context, the 3rd cycle [UPR] recommended expediting the work of formulating the Elimination of Discrimination Act. But in the last 5 years, the government has taken no initiative in this regard. Similarly, the government did not take any measures to amend ‘Acquisition and Requisition of Immovable Property Act 2017’ and ‘CHT (Land Acquisition) Regulation 1958’ to make them in consonance with the individual and collective rights of indigenous peoples over land, territory, and natural resources.’⁷⁴

5 The Rights Situation of IP in the CHT

As noted, earlier research has alluded to cultural ethnocide in relation to the Chittagong Hill Tracts.⁷⁵ The ongoing seriousness of the situation facing IP in the region is reflected in the fact that there are almost 200 references to CHT in the CSO discourse submitted to the 2023 fourth Cycle UPR. Over recent years the malaise has been compounded by ongoing militarisation and the Rohingya crisis which has increased the pressure on local peoples and the natural environment.⁷⁶ The latest UPR data detail widespread and serious

72 Indigenous Peoples Rights International et al, ‘*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*’, NY: UN. (2022), (para 6).

73 Coalition of Indigenous Peoples Organisations et al, ‘*Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group*’, NY: UN. (2022), (p. 9).

74 *Ibid.*, (p.9).

75 Gray 1994 *ibid*; Totten, Parsons and Hitchcock, 2002 *ibid*; Arens, 2017 *ibid*; Chakma, 2010, *ibid*.

76 N. Uddin, ‘*Voices of the Rohingya people: a case of genocide, ethnocide and ‘subhuman’ life*’, Cham, Switzerland: Springer (2022).

rights violations against Indigenous Peoples. A core theme is government's failure to implement previously agreed measures to address the situation. For example, speaking of the revised governance arrangements set out in the CHT Accord that was signed in 1997 between the Bangladesh government and *Parbatya Chattagram Jana Samhati Samiti* (PCJSS), this CSO concluded, "Two-third provisions of the Accord, including core issues, such as, legal and administrative measures to preserve tribal-inhabited characteristics of the CHT ... have not been implemented properly and precisely".⁷⁷

This CSO reflected the wider view amongst CSOs when it complained about how central government was overriding previously agreed devolved governance arrangements, effectively, 'by-passing the CHT Regional Council and Hill District Councils, [in consequence] the unique governance system of CHT is getting wrecked ...'.⁷⁸ This submission also captured the general sentiment when it explained that under the power of *de facto* military rule, 'Indigenous Peoples Human Rights Defenders (IPHRRDs) [have been] labell[ed ...] as 'separatists', 'extortionists', 'terrorists', 'miscreants' etc. which is having a huge negative impact on the life, freedom and security of the indigenous peoples in CHT'.⁷⁹ Several UPR submissions also referred to the oppressive actions of security and law enforcement forces, as well as military operations against indigenous people, searching houses, arbitrary arrests, extra-judicial killings, and forcible land occupation.

The CSO discourse also alluded to ongoing land rights violations stemming from the construction of roads, and building of major industrial plants, military bases, teak and rubber plantations and tourist resorts. Others referred to the authorities' curtailing of freedom of speech and freedom of association. Notably, they spoke of state censoring of news of human rights violations. As one CSO explained, the 'Bangladesh government has shut down five indigenous and human rights-related news portals. Consequently, the news on atrocities of the security forces and law enforcement forces remains unexposed to the national media and the country's people. The government has banned a total of 178 online news portals across the country'.⁸⁰

77 Peoples Rights International et al., 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), (p. 9).

78 Asia Indigenous Peoples Pact, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), (p. 4).

79 Peoples' Rights International et al., 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), (p. 8).

80 Coalition of Indigenous Peoples Organisations on UPR, Kapaeeng Foundation et al, 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), (p. 9).

Religious intolerance was a further trope in CSOs' UPR submissions. For example, this CSO said, 'In June 2019, the targeted communal attack in Langadu, a remote area of CHT populated with ethnic minority and Buddhist population, claimed more than 250 houses, including shops, belonging to Indigenous inhabitants. At least one elderly Chakma woman was killed in the arson. Accounts were given of looting, rape and beatings as the local authorities turned a blind eye'.⁸¹

6 Discussion

The present analysis of fourth cycle UPR data tells us that the human rights situation of Indigenous People across Bangladesh is poor and, in some cases, critical. There are extensive accounts of manifold violations spanning the articles set out in UNDRIP, as well as two legally binding international human rights treaties ratified by Bangladesh, CESC and CCPR. The UPR data detail violence, atrocities and disappearances. It reveals that land and resource grabbing by the authorities and corporations is routine. It tells us that social welfare and education for IP is inadequate, and that cultural and language support from the state is virtually non-existent. Moreover, discrimination is rife, and poverty is acute in many indigenous communities.

Our second research aim was to examine specific references to the rights situation of IP in the CHT. The analysis shows it to be critical. There are several reasons for this, including the extensive militarization of the area. As Bhumitra Chakma proceeds to observe, 'The process of marginalisation in the CHT accelerated in the aftermath of the independence of Bangladesh, which gradually turned into a process of ethnocide'.⁸² Subsequently, this had led to violence and oppression of IP by the army and other actors. In the UPR dataset there are numerous reports of violence, murders and disappearances. Rohingya refugee camps and the associated environmental disaster and extensive new roads and extractive industries are other factors impacting IP. All these issues are being played out in a confined geographical area; CHT covers just 13,184 km². In addition, the relatively small populations of some Indigenous groups in the area increases their vulnerability (e.g., the Tanchangya number 45,000, the Bawm 13,000 and the Chak just 2,000 people – or approximately 380 families).⁸³

81 South Asia Forum for Freedom of Religion or Belief (SAFFoRB) and Bangladesh Hindu Buddhist Christian Unity Council (BHCUC), 'Submission to the Universal Periodic Review of Bangladesh 44th Session of the Working Group', NY: UN. (2022), (p. 2).

82 *Ibid.*, (p. 286).

83 https://en.banglapedia.org/index.php/Chak_The [Accessed 09.01.25].

Our third research aim was to examine whether the CSO submissions to the UPR provide evidence to support earlier scholarly assertions of cultural ethnocide. We argue not in the case of IP in Bangladesh as a whole. Whilst the CSO s' UPR submissions reveal some issues to indeed be grave, thus far, the size of IP populations in the plains of the north and southeast are affording them resilience in the face of oppression and their overall existence is not presently under threat. However, in the CHT the ongoing intensity and extensive nature of rights violations meted on IP, combined with their tiny populations, does confirm cultural ethnocide to be ongoing. The result will be the disappearance of diverse and ancient cultures.⁸⁴

Our analysis reveals politics to be a key part of the ongoing rights violations in the country. A core strand of CSO s' UPR submissions condemns the policy failings of successive administrations under the premiership of Sheik Hassina between January 2009 to August 2024. Repeated reference is made to government's policy implementation gaps, U-turns, procrastination, duplicity, and broken (election) promises. The CHT Accord is a key example. Another is the failure of successive Hassina governments to fully respond to the recommendations of earlier UPR cycles. In turn, this links to the flawed way that the UPR operates.⁸⁵ It allows governments to accept recommendations from the OHCHR Working Group but offers little in the way of sanctions when they subsequently fail to act, a practice that the Hassina governments adopted at an early stage in their tenure. A further compounding factor in Bangladesh's IP rights malaise is state repression of civil society (through surveillance, foreign agent laws, threats and intimidation). This, in tandem with the de-politicisation of CSO s and a shift to service delivery roles seen over recent decades,⁸⁶ is a key threat. Without civil society activism to hold government to account for rights violations the future for Bangladesh's Indigenous Peoples looks bleak.

Acknowledgements

We gratefully acknowledge of grant funding for this study by the Economic and Social Research Council under Award No: UKR1264 and the Academy of Medical Sciences Award No. NGR1\1042.

84 See also Yan Yan, R. (2023). Despair among the indigenous peoples of Bangladesh's Chittagong Hill Tracts. *Melbourne Asia Review*, July 20, 2023, Edition 15. <https://melbourneasiareview.edu.au/interview-despair-among-the-indigenous-peoples-of-bangladeshs-chittagong-hill-tracts/?print=pdf> [accessed 05.01.24].

85 W. Kälin, 'Ritual and ritualism at the Universal Periodic Review: a preliminary appraisal', in H. Charlesworth and E. Larking (eds.) *Human Rights and the Universal Periodic Review: Rituals and Ritualism*, (pp. 26–41), Cambridge: Cambridge University Press (2015).

86 Islam and Sarker, *ibid.*, (2021).