A Joint Submission
On Indigenous rural women situation in Bangladesh
To
The United Nations Committee on the Elimination of Discrimination Against Women
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By

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1. We welcome the CEDAW committee for providing us an opportunity to submit the written statement on the General Recommendation on rural women, and for the ‘Concept Note for the General Recommendation on Article 14 of CEDAW’. In this particular report, we are sharing the experiences of indigenous women in Bangladesh. We organized a national level sharing workshop with Indigenous women right activists and network to address the specific issues and challenges that we have been facing. This report acknowledges the diverse identity of rural women, including rural indigenous women who are generally disadvantaged in multiple ways.

2. We, the Indigenous peoples in Bangladesh are facing a lack of constitutional recognition by Bangladesh government. In this statement, we are referring to peoples who are addressed in Bangladesh constitution under the Article 23a as ‘tribes, minor races, ethnic sects and communities’.

3. We have discussed here multiple forms of discrimination issues that are very important to Bangladesh indigenous women's livelihoods. The issues have been raised by indigenous women groups prior to the meeting of report submission such as health and access to health facilities, land and resource rights, education etc. The issues of indigenous rural women have the potential to influence discourse and global development frameworks, including post MDG 2015 development agendas, and Sustainable Development Goals.
Background:

4. Indigenous peoples (IPs) are living in many parts of Bangladesh. There are more than 54 IP communities in this country. A lot section of IP communities, 11 ethnic groups in total can be found in the south east region of Chittagong Hill Tract (CHT) including 3 hill districts Rangamati, Khagrachari and Bandarban. Indigenous peoples in other parts of ‘plains’ Bangladesh are located mainly in the border regions in the northwest (Rajshahi-Dinajpur), central north (Mymensingh-Tangail), northeast (Greater Sylhet), south and southeast (Chittagong, Cox’s Bazar and Greater Barisal). According to the 2011 census, the indigenous population of Bangladesh in CHT is approximately 1,587,000, around 1.10% of the total population of Bangladesh. It is estimated that around half of the population of the CHT comprises indigenous peoples, thus the number of indigenous peoples is estimated 856,541 in three hill districts.

5. IPs lives are defined by struggle and survival whether from the hill and or the plain land IP. Their stories of deprivation and discrimination for them are similar across the Bangladesh. Discrimination and human rights violation, land grabbing and settlers displacement in the indigenous-inhabited regions, militarization, extractive industries, development initiatives in the name of development such as, dams, eco-parks, national parks, protected forest and even the establishment of military bases on their ancestral and community land are the main factors contribute to increasing the risk of Indigenous Peoples’ lands, territories, resources and livelihood in CHT as well as Bangladesh.

6. Indigenous women are estimated predominantly live in rural and remote areas, and are thus they are the most vulnerable in terms of socio-economic status. As it has often been observed, the vast majority of indigenous women face multiple discriminations because of their sex, race/ethnicity, language, culture, religion and class. Hence, they face multiform various forms of violence and discrimination to the full enjoyment of their human rights living in the Bangladesh.

Violation and discrimination issues Indigenous women in Bangladesh:

7. Since the indigenous women are most disadvantaged and vulnerable group in Bangladesh in terms of almost all development indicators like income and limited access to markets, health care, employment, local government, water environment and sanitation, education and ancestral lands face disproportionately high rates of poverty and are subjected to violence, such as domestic violence and sexual abuse, including in the contexts of trafficking and armed conflict. Continuous marginalization from almost all development sectors has left the group completely vulnerable. The issues are summarized below:

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2 Hana Shams Ahmed, Multiple forms of discrimination, 2011.
Constitutional recognition of indigenous peoples:

8. After the independence of Bangladesh, the 1972 Bangladesh Constitution had no provision for the indigenous peoples. Although the constitution of Bangladesh does not recognize the ethnic, linguistic and cultural minorities of Bangladesh as “indigenous Peoples” a number of articles in the constitution apply to the human rights situation of the indigenous peoples. Articles 27 and 28 of Bangladesh constitution guarantee equalities of all citizens and prohibit discrimination on grounds of religion, sex, caste, race and place of birth; and stipulates measures of ‘affirmative actions’ in favor of the backward section of the citizens.

9. In the Fifteenth Constitution (Amendment) Bill passed in the parliament on 30 June 2011, the government ignored the demand of indigenous peoples for recognition of their fundamental rights including recognition as indigenous peoples. However, the government recognised the culture of indigenous peoples in the fifteenth amendment stating that “the State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities”. It is mentionable that the terminologies of “tribes, minor races, ethnic sects and communities” are not accepted by the indigenous peoples.

10. Further, fifteenth amendment provides that “the People of Bangladesh shall be known as Bangalees as a nation and the citizens of Bangladesh shall be known as Bangladeshies”. Indigenous peoples rejected this provision arguing that they are Bangladeshis as citizens, but they are not “Bangalee” as a nation. They all are a separate nation possessing separate identity, culture, customs, language and society apart from Bengalis. Indigenous peoples rejected the Fifteenth Amendment of Constitution saying that it undermined the human rights and fundamental freedoms of indigenous peoples.

11. Having this indigenous ethnic minority status in the constitution, indigenous peoples including women is often being treated as “number 2” citizen in public places such as restaurants and job places because of their inferior status as minority group. The concerns regarding racial discrimination faced by indigenous men and women were discussed in many social media in Bangladesh but the issue is remain exist particularly in plain districts.

Lack of government policies and legislations:

12. The National Women’s Development Policy of Bangladesh 2011 succinctly contains some provisions on indigenous women and categorizes indigenous peoples as “backward and small ethnic groups”. However, the policy does not mention anything regarding the state and communal violence perpetrated against indigenous women. Indigenous women were not consulted when the policy was being formulated or amended. Indigenous women demanded to insert a separate chapter for them considering the distinct problems they face. Three separate courts were set up in the CHT in 2008 to try cases of torture of women and children under the Prevention of Women and Children Repression Act 2000. However,

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^3http://www.prothom-alo.com/bangladesh/article/52745/ যেখানে আদিবাসীরা ‘২ নম্বর’
it failed to do anything substantial to stop violence against indigenous women due to prolonged judicial processes, non-cooperation of the police and civil administration and other related authorities, financial constraints to run cases, discriminatory social values, etc\textsuperscript{4}.

**Sexual Violence against indigenous women and their access to justice:**

13. One of the biggest issue in the CHT as well other districts of Bangladesh is the increasing sexual violence against indigenous women and the absolute impunity perpetrators enjoy due to lack of access to justice. According to the Kapaeeng Foundation’s statistics, from January 2007 to July 2013, there were at least 136 reported incidents of violence against indigenous women in Bangladesh of which at least 96% were cases of sexual violence. Most of the sexual harassment such as rape and attempt to rape in CHT has been committed by the Bengali settlers, Bengali peoples and also law-enforcers. For none of these reported cases perpetrators were prosecuted through the formal justice system till date\textsuperscript{5}. Except for one murder case of Moriam Murmu from plain district, and one of the first rape case against indigenous women that was given verdict in Sept 2013 in Chittagong, none of the women victims of violence received justice between 2007-2013.

14. The root causes of VAW in CHT found are communal oppression, non-implementation of CHT Accord, impunity of perpetrators, prolonged and non-cooperative Formal legal system, weak traditional justice system, land grabbing. The gaps of access to justice found for indigenous women in CHT are lack of awareness & complex court procedure, biased/corrupt administration, inadequate of legal aid and support for the victims, lack of follow-up of cases, parallel legal systems, patriarchy, inadequate media coverage, unfriendly, corrupt and chauvinistic court environment, data unavailability, less importance by medical doctors, and lack of systematic documentation of VAW\textsuperscript{6}.

15. When indigenous women and girls migrate to the cities to look for jobs, they face insecurity and sexual harassment in their working place such as beauty parlors, houses, factories etc. On 19 July 2007, Shupta Chakma, a Jumma female worker in the Chittagong EPZ area was gang raped by 4/5 Bengali Muslims\textsuperscript{7}. In the plain lands area, Bengali Muslim miscreants killed a Garo women leader Gidita Rema in 2001 in Modhupur forest. She was vocal in protecting their lands from Bengali Muslims. Before killing her, the Bengalis abducted her younger sister Namrata Rema and raped her. Cases were filed against the killers, but still no justice has been accorded. This is an example of an extreme event; very little information is available about these kinds of incidents as the indigenous people are most times afraid to take any step against the Bengalis.

\textsuperscript{4} Bipasha Chakma, 2013, Research on Sexual violence against Indigenous women and their access to justice in CHT Bangladesh, Kapaeeng Foundation

\textsuperscript{5} Human Rights Report 2012 on Indigenous Peoples in Bangladesh, Kapaeeng Foundation. www.kapaeeng.org

\textsuperscript{6} Bipasha Chakma, 2013, Research on Sexual violence against Indigenous women and their access to justice in CHT Bangladesh, Kapaeeng Foundation

\textsuperscript{7} The Daily Prothom Alo, 21 July 2007, pg. 3
Domestic violence and marginalization within indigenous communities:

16. Not only in the broader society, indigenous women in Bangladesh are also particularly vulnerable to such violence within their own communities. Domestic violence against indigenous women is increasing, and the patriarchal society is the root cause of domestic violence. Nonetheless, the traditional laws and family roles of indigenous societies still contain significant patriarchal and sexist elements. First, control of property might result in greater financial security for indigenous women, but customary law does not provide for the automatic transfer of property and land to women. In most indigenous communities, parents who decide to pass on land to their daughters must file additional paperwork to designate their daughters as eligible inheritors. The troublesome process has led to protests from some indigenous women, who claim that it is discriminatory. However, many indigenous men claimed that reform might be good for women but bad for the indigenous community as a whole, creating a way for Bengali men to take over indigenous lands by marrying indigenous women.

17. The traditional social structure of the indigenous community is also very male-dominated and patriarchal. Men are by default the circle chiefs (or king) of the three circles (Chakma, Mong and Bomong). Only in the absence of any men, can a woman become a circle chief or queen. The headman or mouza chief [a mouza is a group of villages] is next in line in the traditional hierarchy and karbari [a village chief] thereafter. Over the past centuries only 10 out of the 384 headmen were women in the CHT. Even the matrilineal Khasi and Garo community are no exceptions. The majority of the Montri in Khasi and Nokhma in Garo are male. Same scenario is also found among indigenous peoples of north Bengali like Parganas and Manjhi. Bangladesh Government has taken no proper step in order to increase capacity on women rights to traditional leaders association.

Land grabbing impacts on indigenous women:

18. Land grabbing by settlers, governments, security forces, business companies, Bengali neighbors in indigenous peoples’ land have been often contributing to eviction from their own land. The land grabbers are influential in term of powers and financial aspects that can influence the administration and court. In most cases, violence was committed by Bengali

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10 Montri: Traditional head of a Punji (like mouza head in CHT)
11 Nokhma: Traditional head of a village of Garo people (like Karbari in CHT)
settlers with the intention to make terror to uproot indigenous peoples from their ancestral land in CHT. The authority of Bangladesh should address the current situation as well as violent clashes immediately which are contributing to insecurity and great suffering for the IPs.  

19. Indigenous women have lost their livelihoods due to the impact of land grabbing and globalization on natural resources and as their livelihood are forced to be evicted by so call development plan. There has also been an increase in migration of rural indigenous women for alternative economic income, to cities, where they face the danger of exploitation and inhumane treatment. The forced migration has led to destruction of indigenous women lifestyles and compounded the problems faced by indigenous women.  

20. Non-implementation of CHT Accord 1997 is the main causes of indigenous women’s migration and displacement from their lands. As a whole, most of the provisions, especially the main issues of the CHT Accord 1997, such as, introduction of special governance system in CHT with the CHT Regional Council and three Hill District Councils (HDCs), demilitarization of the region, resolution of land disputes, rehabilitation of returnee Jumma refugees and internally displaced persons have either left unimplemented or partially implemented. Some positive steps were taken by the present government in the early period of its rule concerning the implementation of the CHT Accord. But the government did not stepped up effective measure towards implementation of the main provisions of the Accord. Non-implementation of the Accord contributes to VAIW in CHT.  

21. The CHT Accord, for example, stipulates formation of a Land Commission headed by a retired justice to resolve the land disputes in accordance existing laws, customs and practices in CHT. Land Commission was formed, but land disputes are yet to be resolved since more than 16 years have passed after signing the Accord. It is because of non-amendment of contradictory provisions of the CHT Land Commission Act, non-settlement of the disputes over the lands, every now and then, conflicts and communal riots are being occurred in CHT centering the issue of the land disputes and the process of forcible occupation of lands belonging to the Jummas is going on unabated. Violation centering land issues is contributing to alarming VAIW.  

22. In the CHT region, huge tracts of lands, which are used for traditional shifting cultivation and for sustainable use of forest resources, were being leased out to non-indigenous outsiders for rubber plantation and other commercial purposes. This generated food insecurity among Jumma people and made an adverse impact on livelihood of indigenous villagers. On the other, the potential destruction of extensive farmland and other natural resources, covering around 15,000 acres, by the Phulbari coalmine project in

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17 Kapaeeng Foundation research report 2013; CHT commission, Bangladesh Office
Dinajpur district is a serious case for concern and the affected people are currently food insecure and live below the nutrition poverty line. It is estimated that 50,000 indigenous persons, belonging to 23 different indigenous peoples, would be evicted or impoverished by the mine.

**Inequality in wage rates: economic struggle and indigenous women’s fragility**

23. Since Indigenous people are losing their traditional land and their including women’s livelihood became limited access to land, some of rural indigenous women from the hill and or the plains are now working as day labourers in agricultural farms where a gender pay gap is significantly clear between men and women in per day payment process in labor market. It is found that when a man labour gets 120 taka per day, an indigenous woman gets only BDT 80-100 (BDT 80 = $US 1) per day. On the other hand, in plain districts, generally, indigenous labourers and agricultural workers of greater north-Bengal get paid less than Bangali laborer. While a Bangali labour in the tea estates in greater Sylhet area is paid 25 Tk. per day, an indigenous tea labour gets only 15 to 20 taka and indigenous woman labour gets only 5 to 7 taka for the same work. Sometimes they are paid in kind instead of cash for certain kind of contractual jobs. In that case, according to contract indigenous women get almost half of the amount of that the indigenous men get.\(^{19}\) Indigenous women face work and wage related discriminations in various other ways. Often their payments are delayed for indefinite period, and if ask the dues they are treated badly, face physical harassment. Sometimes their payments are denied completely or partially.

24. Indigenous women face lack occupational opportunity in the remote areas of their habitat places, widespread livelihood insecurity, unresolved political issues, widening social injustice, massive eviction from traditional land. So, many of them decide to migrate to the cities as there are many livelihood options available. For instance, a good number of Garo young girls have migrated to cities and are working in the beauty parlors. These young girls often face discrimination and harassment at work place. They are low paid (most of them get taka 2,000-4,000 per month), which are also irregular. They work for almost 10-12 hours per day; in many parlors they do not even have weekly holidays. The Garo girls merely get the permission to meet their relatives or go out with friends. Sometimes the girls are battered by their employers for minimal mistakes.\(^{20}\) This internal migration of the indigenous people is contributing to their economic advancement but many also face various sorts of discrimination, like, abuse, mental and physical assault etc.\(^{21}\)

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25. Besides the violence against women by the military forces, indigenous Jumma women in CHT are under risk of sexual assault from Bengali settlers, forest guards and abuser of drug and alcohol, which is growing. Those indigenous women who come to the market to sell products are facing difficulties. Unlike in the plains region, rural indigenous Jumma women are used to marketing their product independently of their male partners and relatives. However, Bengali settlers and traders are hampering this age-old tradition and rights to sell-produce due to violence against indigenous women. Moreover, the indigenous women are encountering severe economic hardship due to poverty, dislocation, loss of forestland and globalization. For example, the Khasi women in greater Sylhet district, who traditionally for centuries are selling betel leaf, are being deprived of getting the actual market value for betel leafs due to their non-access to the market directly. The whole marketing process is controlled by the non-indigenous Bengali middlemen in such a manner that Khasis are bound to sell their products to these middlemen with very cheap rate.22

26. A large number of Indigenous rural women are moving to big cities of Bangladesh for alternative occupation and economic diversification to earn their livelihood. They now work as domestic workers, care takers, sales-girls, beauticians, sales girls, garments workers, nurse etc. in the urban areas. Although there has not been any survey or research on the actual number of Indigenous labors in formal and informal sector yet, the participants informed an estimated figure on ILO’s tripartite consultation meeting in Bangladesh that there are more than 13,000 indigenous women are working in garments industries in Dhaka and Chittagong with average wage of $ 20 per month where they face multiple forms of discrimination from Bengali colleagues and employers23. ILO highlighted that voices of indigenous men and women have very little scope to be heard as garments industries’ trade unions are dominated by non-indigenous workers.

Discrimination at different levels of education:

27. As a whole, the net enrolment rate in Bangladesh has been increased from 71.2% in 1990 to 86.6% in 2001, with gender equality. But in the CHT, only 56.8% of the indigenous children from 6-10 years aged group enrolled in schools, and 60% of the enrolled children drop out in early primary education life every year. As a result the education rate has been drastically decreasing among the indigenous children here24. The UNPO noted that indigenous children in Bangladesh from the southeast CHT are among the country’s least literate and at heightened risk of dropping out of school. Indigenous children from plain districts face discrimination in government-run schools where they are often badly treated by teachers and students from the country’s largest ethnic group25.

23 ILO- National Tripartite meeting in July 2013 Bangladesh.
25 http://www.unpo.org/article/13437
28. The root causes of not achieving education by the local IPs are far reaching area, irrelevance in curriculum with the local culture and social context; language barriers between teachers and students, teachers are appointed from outside community; less school facility for indigenous groups in remote areas. Further, there is lack of interest of government in indigenous children education and right. The deprivation of access to quality education is a major factor contributing to social marginalization, poverty and dispossession of Indigenous women.

29. The MDG report 2012 of UNDP stated that in 2009, the average literacy rate for females aged between 15-24 years in the CHT was 49%, well below the national average of 72%. Likewise, the 1991 census showed that the literacy rate in the CHT for females aged 7 years and above was 18%, much lower than the national average of 26%. However, in 2010, a National Education Policy was approved by the Government which includes recommendations by indigenous peoples such as the introduction of mother-tongue-based education for indigenous children. It is expected that this should increase the number of indigenous girls attending primary school.

**Indigenous women health and Access to health care services:**

30. There is no segregated data regarding indigenous women health status in Bangladesh. According to the survey of UNICEF (1998:72) indigenous women’s health is at risk particularly at the time of childbirth. Malnutrition, Anaemia, malaria is the common diseases of hill indigenous women. UNPO also reported in 2009 that Six out of 10 households in CHT - irrespective of ethnicity - live below the national absolute poverty line where each member consumes less than 2,100 calories per day; the other four households live in extreme poverty (less than 1,800 calories per day). UNDP reported that in the CHT has very limited, access to basic primary health services and the maternal mortality rate in the CHT was 2 or 3 times higher than the national average which is one of the highest in South Asia.

**Lack of political participation of indigenous women:**

31. The indigenous women lag behind their male counterparts in politics as well as political organizations. In both types of the political organizations, the indigenous and the state’s political structures, the indigenous women are excluded from important roles. For example, out of the 345 seats in the national parliament, 45 are reserved for women to increase representation of women in the political process. None are reserved for any special women’s group in Bangladesh. From 54 indigenous groups no one so far has been directly elected the member of the Parliament. Only Ms. Malati Tanchangya from CHT region in 80s and Ms Ethin from Cox’s Bazar at present have the privilege to capture a seat

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27 The adult literacy rate for indigenous people of the Chittagong Hill Tracts (CHT) is 42% for males and 20% for females. See Bangladesh case study pg. 13
28 http://www.unpo.org/article/13437
in the Parliament as a selected member. Getting nomination in the reserved seats for indigenous woman in the Parliament depends mainly on the political favor.

32. Although there are reserved seats for women in the local government bodies, such as, Union Parishad, Upazila Parishad and Pourasova, there are no reserved seats exclusively for the indigenous women. Consequently while indigenous women in the CHT get the scope to a certain extent for being elected in the reserved seats, but indigenous women in the plains are virtually deprived from that opportunity. It is true not only for indigenous women but generally also for the whole indigenous communities of the plains irrespective of their gender because of the exclusively demographic domination of Bengali community. Even in CHT also indigenous Jumma peoples do not have the opportunity to be elected in the Chairman and other posts including the reserved seats for women in those local government bodies where the population of Bengali settlers dominate over that of the indigenous communities. In this background the indigenous peoples organizations have been demanding reserved seats exclusively for indigenous peoples including women particularly in those local government bodies where their population is tiny.\(^30\)

33. In the CHT Accord and laws concerned, 3 out of 34 members in each Hill District Councils (HDCs) and 3 out of 22 members of CHT Regional Council (CHTRC) are reserved for women. However, except Rangamati Hill District Council, there is no women representative in current interim bodies of three HDCs, composed of 5 members each. It is noteworthy that women impact on decision-making is yet not felt strongly in both CHTRC and HDCs.

**Recommendations:**

34. In light of the above situation, the following recommendations could be specifically important and highlighted by the committee in the drafting of the General Recommendation on rural women:

a. Take effective measures for immediate and full implementation of CHT Accord of 1997 to ensure lasting peace, security and development for rural indigenous women in the CHT.

b. Form a special body to inquire into the sexual cases against indigenous women and bring the perpetrators into justice, ensuring exemplary punishment for the violators.

c. To create enabling environment, state parties should ensure personal security and safety for rural women of CHT and other parts of Bangladesh, and that can be included in article 14.

d. Develop laws, policies and measures to protect and promote rural women’s diverse local agricultural methods and products, and thus ensure a diversity of crops and medicinal resources in order to increase health and food security.

e. Ensure the inheritance right for indigenous women

f. Ensure all fundamental rights including education, healthcare, employment, equal wage of indigenous women

\(^{30}\) The Status of Adivasi Hill Women in Light of the CHT Accord, Mangal Kumar Chakma, Bangladesh Nari Pragati Sangha, September-October 2009, Dhaka
g. Taking effective measures for implementation of the CEDAW and ILO Convention No.107 especially on sensitizing the government bureaucracy and the public and monitoring progress of VAW cases.

h. Ensure constitutional recognition of fundamental rights of indigenous peoples of the country, including their own national identities, languages and cultures;

i. Ensure indigenous women's representations and partnership in all aspects including parliament and local government bodies

j. Stop the systematic and forcible displacement of Indigenous Peoples from their ancestral lands and develop legal mechanisms to save the illegal land dispossessions of Indigenous Peoples

k. Establish a separate land commission for plain land Indigenous Peoples for restoration of dispossessed land.

l. Allocate adequate budget for Indigenous women and to ensure full and effective participation of Indigenous women in major decision-making processes in all development programmes.

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