



# INDIGENOUS NAVIGATOR

Data by and for Indigenous Peoples



KAPAEENG  
Foundation

FROM INSIGHTS TO TAKING ACTION

# Advocacy for Indigenous Peoples Rights in Bangladesh



## 1. INTRODUCTION

Navigating Bangladesh's Indigenous Peoples rights, socio-economic issues, and political landscape through government documents is challenging. Indigenous groups face marginalization and lack representation in policies. Official records often fail to capture their nuanced challenges. Discrepancies exist between census data and community assertions. This highlights the limitations of official records in portraying Indigenous Peoples realities accurately. Many Indigenous communities globally face similar challenges. The Indigenous Navigator Initiative aims to address this gap by providing a platform for indigenous voices. Since 2017, Kapaeeng Foundation (KF), as a local partner, has helped to generate community data from at least 40 Indigenous Communities including six communities that did data collection in 2023. These communities include Dalu, Hodi, Khasi, Kondo, Lushai and Santal, with Lushai representing the Chittagong Hill Tracts (CHT) and the rest from the plains. This paper is made based on the data of these 6 communities.

Drawing on community-level and national-level data, this paper uncovers current status of indigenous issues, from cultural rights, land and resource rights, legal protections, participation in public affairs, access to justice, cross-border interactions, and media rights to economic and social development, education access, healthcare facilities, employment rights, and right to self-determination.

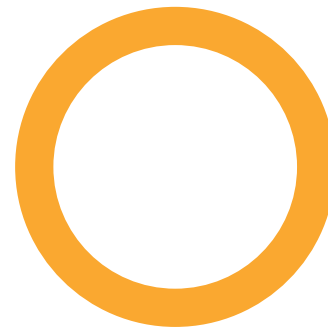
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## 2.1 IDENTITY RECOGNITION & PARTICIPATION

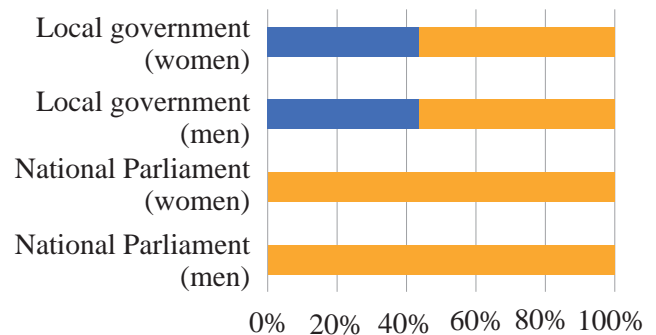
Bangladesh's stance on Indigenous Peoples' identity recognition is complex, with conflicting government positions. While denying their existence officially, laws acknowledge their distinct identity and rights to land and resources. The 1997 CHT Accord addresses land rights. International conventions, including ILO Convention No. 107, pledge protection. The national assessment reveals violations in various thematic areas, including self-government and cultural integrity. Limited recognition exists at the local level, with no provisions for Indigenous Peoples participation in state legislative bodies.

### State recognition of indigenous Identity



■ Yes ■ No

### Political representation by gender

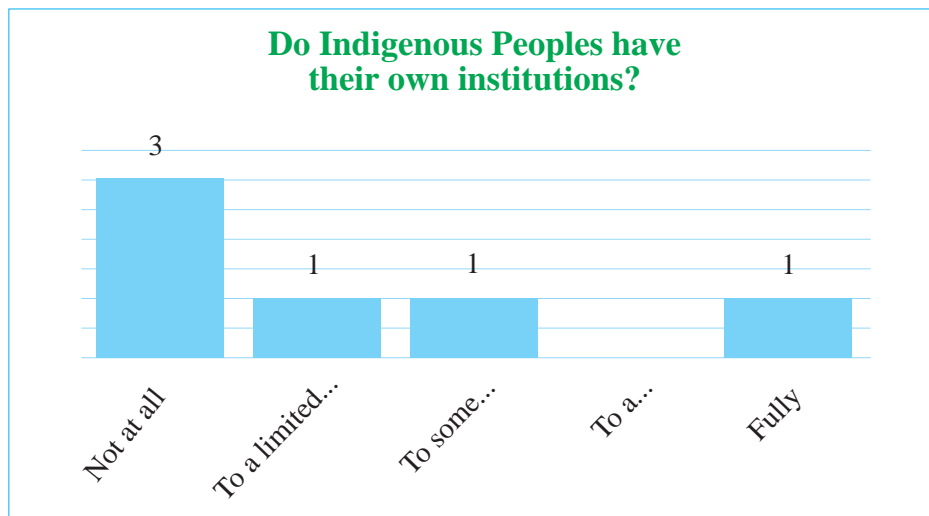


■ Percentage of 'Yes' ■ Percentage of 'No'

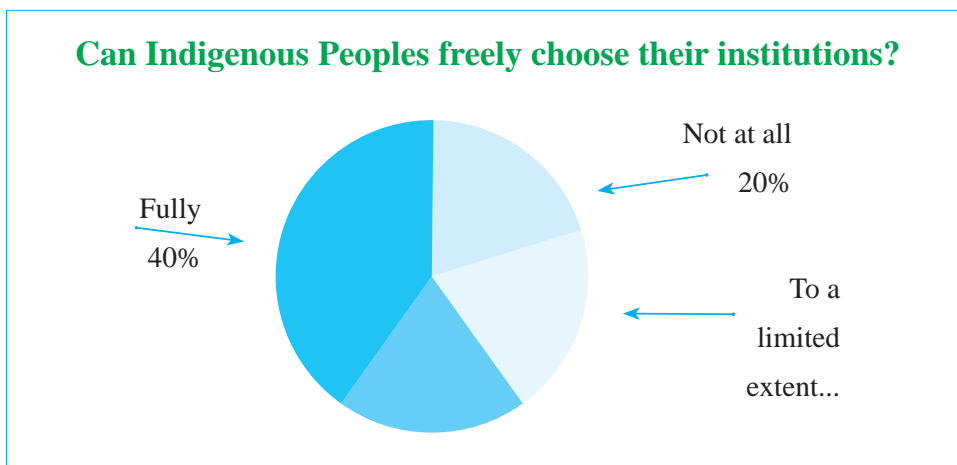


## 2.2 SELF-GOVERNMENT

Bangladesh lacks recognition for Indigenous Peoples' self-determination and self-government rights, except for minor acknowledgments in the CHT due to the CHT Accord. Challenges persist due to the Accord's non-implementation, hindering the effectiveness of bodies like the Chittagong Hill Tracts Regional Council (CHTRC) and three Hill District Councils. Outside the CHT, indigenous political participation and governance face significant hurdles, with traditional institutions receiving inadequate recognition and limited representation in government and development processes, despite promises of capacity strengthening during the 8th Five-Year Plan (2021-2025).



Five out of six groups mentioned above reported that their indigenous institutions or authorities lack official recognition by the State, except for the Lushai community in the CHT.



## 2.3 CONSULTATION & CONSENT

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All six indigenous communities mentioned above reported no consultations from the central government and mostly none from local government institutions before approving any development projects. None received free, prior, and informed consent from either level of government. Two communities cited harmful projects implemented without consent. These findings indicate a significant lack of meaningful consultation and consent, emphasizing the need for improved engagement and rights respect. Advocacy and policy intervention are crucial to address these gaps and ensure inclusive decision-making processes in the future.

The National-level assessment found that national legislation in Bangladesh does not recognize the State's duty to consult with Indigenous Peoples for their free, prior, and informed consent (FPIC) before adopting laws or approving projects affecting their lands, territories and resources. This deficiency in the legal framework raises concerns about indigenous communities' protection and involvement in decision-making processes, leading to potential marginalization and adverse impacts on their lives, lands, and resources. Development initiatives, such as border road construction in the CHT and stone extraction in Bandarban and Netrokona districts, proceed without FPIC, posing significant challenges to Indigenous Peoples livelihoods and the environment.



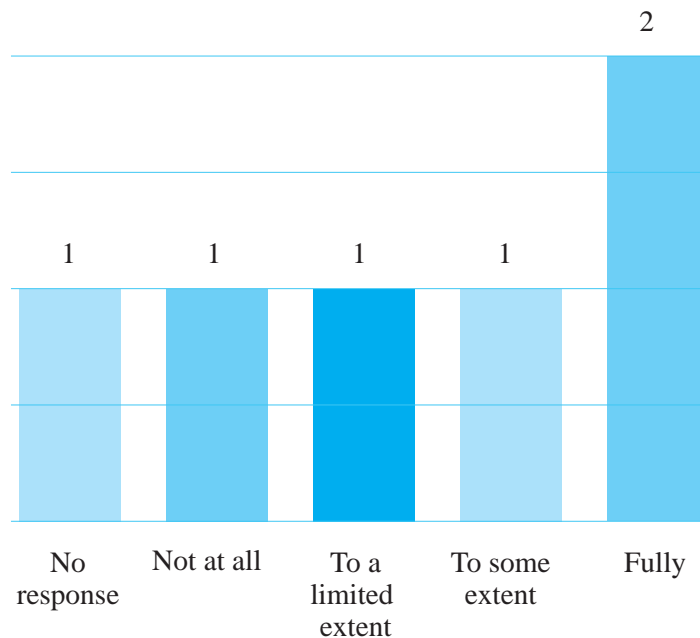
## 2.4 LAND TERRITORIES & RESOURCES

The responses of the Kapaeeng Foundation research team to national-level questionnaires highlight troubling issues regarding land rights for Indigenous Peoples in Bangladesh. National legislation fails to recognize their collective land rights, and incidents of settlements, resource extraction, displacement, and military activities have occurred without their consent since 2008. Forced displacement due to development projects is widespread, reflecting a concerning trend of land rights violations.



As part of the community-level survey, indigenous communities were asked if they faced conflicts over land or resources and if they experienced incidents like settlement, land grabbing, or resource extraction without consent since 2008. Three groups reported such conflicts and incidents, while three did not, highlighting the complex nature of land rights challenges.

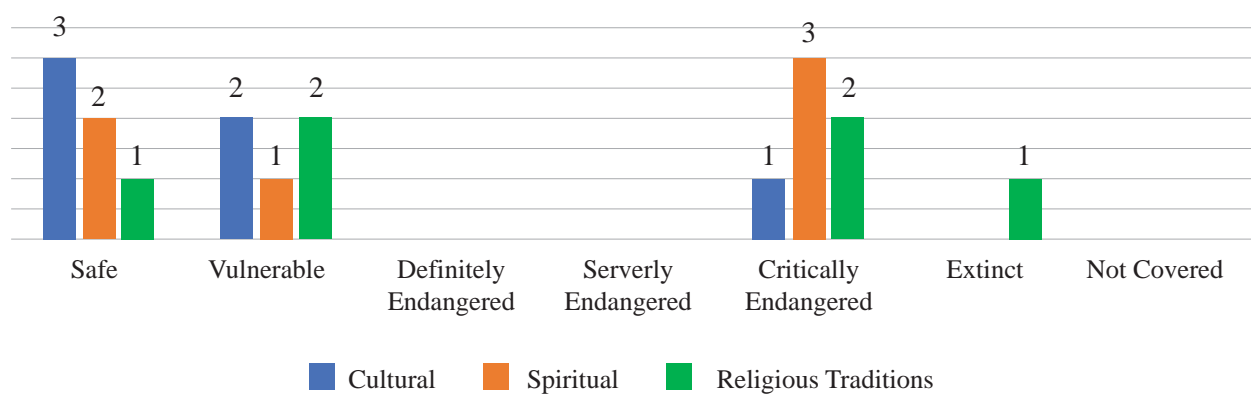
**State's recognition of the rights to lands, territories and resources**



## 2.5 FUNDAMENTAL RIGHTS & FREEDOM

The six communities highlighted above were surveyed about incidents since 2008 where members defending community rights experienced atrocities. None reported killings or torture. However, four communities faced death threats, one reported kidnapping, one reported enforced disappearance, and four experienced arbitrary detention. Although no killings and torture are reported, the presence of other atrocities highlights risks in defending community rights, emphasizing the need to prioritize safety.

**The status of cultural, spiritual, and religious traditions**



Despite Bangladesh's commitment to human rights, indigenous communities face persistent challenges, evident from a national assessment. Since 2008, they have endured atrocities like killings, threats, kidnappings, and torture while defending their rights. Incidents of death and injury during arrests and suppression of peaceful assemblies also highlight violations. Urgent action is needed to safeguard Indigenous Peoples rights and uphold international standards in Bangladesh.



## 2.6 ACCESS TO JUSTICE

The surveyed communities face interconnected challenges spanning legal, economic, informational, and geographic domains. Non-recognition of rights within the national legal framework, low awareness about legal avenues, financial constraints, limited access to legal aid, language barriers, and distance to judicial institutions hinder equitable access to justice. Addressing these obstacles is vital to ensuring fair legal recourse for these communities.



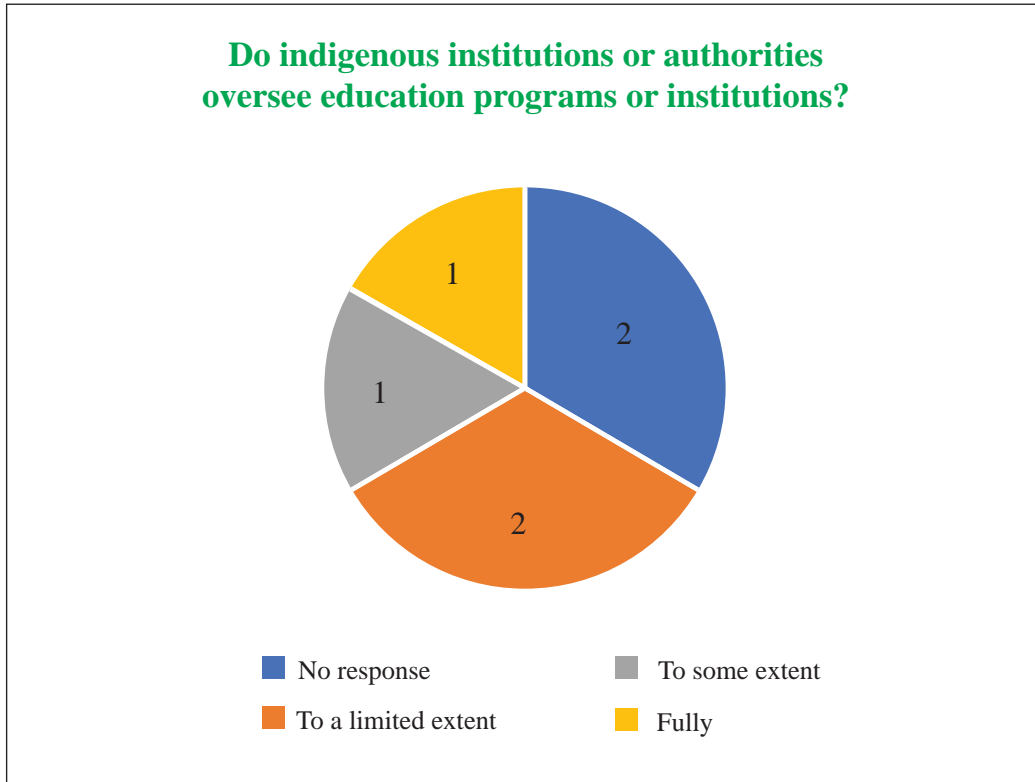
The Kapaeeng Foundation team's assessment reveals limited recognition of Indigenous Peoples' legal status, granting them rights but lacking consideration of customary law or remedies for collective rights violations since 2008. No training provided for justice officials, highlighting gaps in ensuring Indigenous Peoples access to justice and rights protection. Moreover, State initiatives to promote the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) awareness among officials are absent.



## 2.7 EDUCATION

The community-level assessment has found that indigenous boys showed higher participation rates compared to indigenous girls. Primary school completion rates varied for boys, while most girls completed primary school. Secondary school completion rates were consistent for boys but varied for girls. Enrolment in tertiary education was notably low for both genders. Responses indicated systemic barriers requiring comprehensive interventions for equitable access to higher education.

Kapaeeng Foundation’s research highlights obstacles in indigenous education access in Bangladesh. National laws do not acknowledge their right to culturally relevant education. The State lacks measures for equitable education access or training bilingual teachers. Despite efforts to create Indigenous Peoples language textbooks, poor planning hampers distribution. These gaps worsen the limited access to culturally appropriate education for Indigenous children in Bangladesh.



## 2.8 HEALTH

Dalu and Hodi Communities have easily accessible healthcare facilities with short distances and no cost. Santal communities find facilities reasonably accessible in terms of distance and affordability. However, Khasi and Kondo face moderate challenges due to distance or costs, while Lushai encounter significant barriers primarily due to distance and costs.

### Do indigenous institutions or authorities manage health programs or institutions?

	Not at all	To a limited extent	To some extent	To a considerable extent	Fully
Hodi	X	√	X	X	X
Khasi	X	X	X	√	X
Kondo	X	√	X	X	X
Lushai	X	X	X	X	√
Santal	√	X	X	X	X
Dalu	√	X	X	X	X

National laws do not recognize their right to maintain traditional health practices, and tailored health programs for these communities are lacking. This absence implies barriers to preserving traditional health methods, leading to health disparities. Recurring epidemics like malaria and measles outbreaks emphasize the need for better healthcare infrastructure and vaccination access. Tragically, a 2017 measles outbreak claimed the lives of nine indigenous Tripura children, underscoring the consequences of insufficient vaccination coverage.

## 2.9 EMPLOYMENT & OCCUPATIONS

Most communities reported limited involvement in Development Plans and Receipt of Public Funds, indicating hurdles in self-governance and financial support for Indigenous Peoples initiatives. While some fully manage Lands, Territories, and Resources, others have no involvement. Despite barriers like climate change and limited market access, traditional occupations' importance remains consistent for both genders.

### Development plans by indigenous institutions/authorities

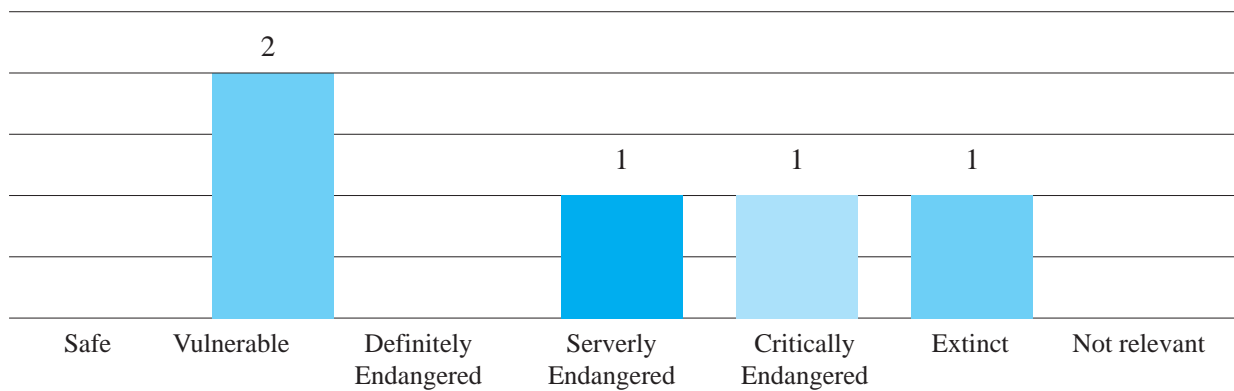
	Not at all	To a limited extent	To some extent	To a considerable extent	Fully
Hodi	√	X	X	X	X
Khasi	X	√	X	X	X
Kondo	X	√	X	X	X
Lushai	X	√	X	X	X
Santal	X	√	X	X	X
Dalu	√	X	X	X	X

Kapaeeng Foundation's research reveals substantial gaps in employment and economic support for Bangladesh's Indigenous Peoples. National laws lack provisions against employment discrimination based on indigenous identity. Additionally, the government lacks initiatives to promote indigenous youth employment, eradicate forced and child labor, provide tailored vocational training, and include indigenous-specific measures in poverty reduction and social protection programs.

## 2.10 LANGUAGES

The analysis reveals a notable absence of indigenous language literacy and instruction in Bangladesh's formal education system, posing concerns for cultural preservation. This disconnect between formal education and indigenous cultures risks eroding cultural heritage. Urgent interventions are required to integrate indigenous languages into education, ensuring the preservation of cultural identity and linguistic diversity.

**Community opinions about the status of languages**



Kapaeeng's research reveals disparities in indigenous language usage in Bangladesh. While radio broadcasts include indigenous languages, TV and internet platforms lack representation. Additionally, indigenous languages are overlooked in essential domains like signposting and official communications, indicating a lack of recognition. The absence of official designation underscores their marginalized status, emphasizing the urgent need for inclusive linguistic policies to address these disparities.



### 3. COMPARATIVE ANALYSIS AND DISCUSSION

Assessments at community and national levels shed light on challenges Indigenous Peoples face in Bangladesh. Locally, limited self-governance affects development planning and breeds discrimination. Nationally, legal gaps hinder self-determination, especially for plains indigenous groups. Land rights disputes lead to displacement and grabbing. Persistent human rights violations underscore vulnerabilities.

#### DEVELOPMENT FOCUS ANALYSIS

Community and national assessments highlight critical challenges for Indigenous Peoples in Bangladesh. Despite strides in poverty reduction and healthcare, indigenous communities face marginalization. Lack of recognition in governance hampers inclusive development. Development projects are implemented in the Indigenous Peoples area without Free, Prior and Informed Consent (FPIC) of the communities. Furthermore, there is data gap between the government and community people's data. Such as, only 386 Dalu Indigenous Peoples are shown in 2022 census report but the Community People claim that it should be more than 1200. Moreover, Issues like land rights and displacement impede sustainability, while barriers in justice and healthcare perpetuate poverty cycles. Addressing these are crucial for sustainable, inclusive development.

#### RIGHTS-BASED ANALYSIS

Bangladesh's constitutional commitment to equal rights lacks adequate implementation for Indigenous Peoples, exposing disparities between legal promises and realities. While initiatives like the CHT Accord address some concerns, indigenous communities still face challenges in land rights, access to justice, education, and healthcare. Aligning national laws with international standards, notably UNDRIP, is crucial for upholding Indigenous Peoples rights and dignity.



## 4. CONCLUSION

Community and national assessments reveal the daunting challenges faced by Indigenous communities in Bangladesh across various domains. These assessments underscore the urgent need for systemic reforms to address Indigenous Peoples rights, governance, and development issues in Bangladesh.

### To the Government of Bangladesh

- Ensure the constitutional recognition of Indigenous Peoples.
- Generate disaggregated data by ethnicity.
- Ensure Indigenous Peoples meaningful participation in decision-making process.
- Recognise Indigenous Peoples self-governance and autonomy rights to preserve their cultures and traditions.
- Ensure Indigenous Peoples FPIC in regard to policy adoption and designing and implementing development projects for Indigenous Peoples.
- Recognise and protect the customary land rights of Indigenous Peoples and prevent land encroachment.
- Ensure access to justice and provide legal aid for indigenous communities.
- Establish mother tongue based primary education for Indigenous Children.
- Improve healthcare facilities and respecting Indigenous traditional healing practices.
- Promote economic development and employment opportunities for Indigenous Peoples.
- Take effective steps to promote, project and preserve the Indigenous Languages.

### UN Agencies and Development Partners

- Take steps for promotion and implementation of UNDRIP
- Diplomatically raise global awareness and support for Indigenous Peoples rights.
- Support preserving indigenous languages, arts, and customs for cultural heritage.
- Support Bangladesh Government to promote and protect human rights and rights to land, territories and resources.
- Encourage Bangladesh Government to prevent atrocities against Indigenous Peoples to end culture of impunity.
- Empower Indigenous Communities through capacity-building and knowledge-sharing programs.

## To Media and Civil Society

- Launch awareness campaigns to educate the public about indigenous rights and issues.
- Advocate for implementing inclusive policies to address the needs and concerns of indigenous communities.
- Establish mechanisms for the documentation and reporting human rights violations against Indigenous Peoples.
- Foster collaboration with indigenous organizations to ensure their meaningful participation in decision-making processes.
- Develop and enforce ethical reporting guidelines to ensure fair and accurate representation of Indigenous Peoples in media and other platforms.

## Indigenous Peoples' organizations

- Engage in policy advocacy and collaborate internationally to advance Indigenous Peoples rights.
- Conduct documentation and research to better understand the needs and challenges of indigenous communities.
- Foster networking and engage with media to raise awareness about indigenous issues and amplify their voices.
- Invest in capacity-building and promote knowledge-sharing initiatives to empower indigenous communities economically, socially, and politically.
- Document the case of human rights violation against Indigenous Peoples.





This paper is prepared by Kapaeng Foundation in March 2024  
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