

Indigenous Navigator: Community Data Gathering Report



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Indigenous Navigator: Community Data Gathering Report

Kapaeeng Foundation
Dhaka, Bangladesh

Indigenous Navigator: Community Data Gathering Report

Published

March 2023

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Acknowledgement

Kishore Kumar Tanchangya

Dr Anurug Chakma

Pallab Chakma

Hiran Mitra Chakma

Hlamraching Chowdhury Rony

Trijinad Chakma

Photo:

Collected from Internet

Cover Photo- Joy Chakma

Supported by:



Published by

Kapaeng Foundation

23/25 Salma Garden, PC Culture Housing

Road 4, Sheikhertek, Mohammadpur, Dhaka-1207

Telephone +88 02 222 243 263

E-mail: kapaeng.foundation@gmail.com

Website: www.kapaengnet.org

Acknowledgment

We want to express our deepest gratitude for the exceptional contribution of Mr. Kishor Kumar Tanchangya as the consultant for the annual country report on the project "Indigenous Navigator". His dedication and expertise have been indispensable in shaping the success of this crucial initiative. We also sincerely thank Dr Anurug Chakma, Pallab Chakma, Hiran Chakma, and Trijinad Chakma for their valuable contributions to this report. Furthermore, we are grateful to the European Commission, the International Work Group for Indigenous Affairs, and the Asian Indigenous Peoples Pact for their continuous support and cooperation.

We also extend our heartfelt thanks to the Dalu, Hodi, Lushai, Khasi, and Kondo communities, as well as the associated organizations – KUBORAJ Inter Punji Development Association, Bangladesh Hodi Khatriyo Kollyan Parishod, Dalu Adivasi Unnayan Songathon, and IPHRD Network of Kapaeeng Foundation. Their unwavering support and collaboration have played a vital role in advancing the objectives of the project and fostering positive change within indigenous communities.

The success of the annual country report stands as a testament to the collective efforts, dedication, and passion demonstrated by each individual and organization involved. We deeply appreciate the commitment, time, and expertise invested in this endeavor.

As we continue our journey toward the full and effective recognition of Indigenous Peoples' rights, the Kapaeeng Foundation remains committed to fostering partnerships and collaborations with entities like yours. Your contributions have significantly contributed to our shared vision, and we look forward to building on this success in future initiatives.

Once again, thank you for your invaluable contributions and unwavering commitment to the cause of Indigenous Peoples' rights.

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Abbreviations

AIPP: Asia Indigenous Peoples Pact

BGB: Border Guard Bangladesh

BIPF: Bangladesh Indigenous Peoples' Forum (BIPF),

CHT: Chittagong Hill Tracts

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

CRC: Convention on the Rights of the Child

DIHR: Danish Institute for Human Rights

FGD: Focus Group Discussion

FPP: Forest Peoples Programme

FPIC: Free, Prior, and Informed Consent

GoB: Government of Bangladesh

ILO: International Labour Organisation

INI: Indigenous Navigator Initiative

IPHRED: Indigenous Peoples' Human Rights Defenders

IWGIA: International Work Group for Indigenous Affairs

KUBORAJ: Inter Punji Development Association Bangladesh

KUBORAJ: Inter Punji Development Association Bangladesh

UNDRIP: UN Declaration on the Rights of Indigenous Peoples

UNPFII: United Nations Permanent Forum on Indigenous Issues

UN: United Nations

SDGs: Sustainable Development Goals

WCIP: World Conference on Indigenous Peoples

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Executive Summary

Developed through the Indigenous Navigator Initiative (INI), a collaborative effort initiated in 2014 by a consortium, including the Asia Indigenous Peoples Pact (AIPP), Forest Peoples Programme (FPP), International Work Group for Indigenous Affairs (IWGIA), Tebtebba Foundation, Danish Institute for Human Rights (DIHR), and the International Labour Organisation (ILO), the Indigenous Navigator has been playing a pivotal role in advocating for and monitoring the recognition and implementation of the rights of Indigenous Peoples globally. This rights-based framework tailored for and by Indigenous Peoples employs over 150 indicators aligned with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), ILO Convention 169, the World Conference on Indigenous Peoples (WCIP), and the Sustainable Development Goals (SDGs). By offering community-generated data, the Indigenous Navigator empowers indigenous organizations, communities, and duty-bearers to document their own situations, enhancing access to justice, development, and the global understanding of Indigenous Peoples' realities. The standardized indicators enable cross-sectoral, cross-community, and cross-country comparisons, fostering a longitudinal perspective to measure progress and identify implementation gaps. The data collected through this project not only strengthens the position of indigenous communities but also informs policymakers, contributes to the Universal Periodic Review process, provides concrete advocacy products at both national and global levels, and offers guidance for countries to achieve their SDGs.

Since 2017, the Kapaeeng Foundation has been serving as the local partner overseeing the implementation of this initiative in Bangladesh. The first phase of the project was implemented between 2017 and 2019. This report encapsulates insights gathered during the subsequent second phase of community consultations and data collection between 2020 and 2022. During this phase, meticulous community consultations and data collection were undertaken involving six distinct indigenous groups, with a purposive selection of their respective indigenous organizations. The comprehensive community-generated data, obtained through the administration of 138 questionnaires across 10 crucial domains, sheds light on these indigenous groups' human rights, cultural, religious, socio-economic, health, and political situations at the grassroots level. The key findings of this report will prove invaluable for indigenous organizations, government entities, policymakers, journalists, and NGO/INGO partners. The report aims to facilitate the assessment and monitoring of the human rights situation of the Indigenous Peoples, the implementation of the UNDRIP, SDGs, and other developmental objectives.

1 Introduction

Navigating the complex landscape of human rights, socio-economic conditions, and political realities concerning Indigenous Peoples in Bangladesh through government documents is a formidable task. Indigenous communities in the country frequently grapple with marginalization, discrimination, and a significant lack of representation in mainstream policies. Government documents often fail to capture these communities' nuanced challenges and perspectives.

A glaring example of this disparity is evident in the 2022 census data,¹ which reports only 386 Dalu individuals (180 males and 206 females) residing in Bangladesh. However, insights from a focused group discussion (FGD) with Dalu community representatives for this report contradict these figures. The representatives asserted that more than 1200 Dalus live in Bangladesh's Sherpur and Mymensingh districts. Such discrepancies highlight the limitations of official records in accurately portraying the realities of indigenous populations.

The challenge of obtaining comprehensive and accurate information on Indigenous Peoples is a common issue worldwide, with many indigenous groups finding themselves underrepresented or their concerns inadequately addressed in government records. However, the Indigenous Navigator Initiative (INI), of which this report is a part, offers a promising solution. It provides a platform for Indigenous Peoples to share their realities in their own words, contributing to a more accurate and up-to-date understanding of their social, economic, and political landscapes.

As a local partner in implementing the INI in Bangladesh, the Kapaeeng Foundation completed the first phase of community-level data collection between 2017 and 2019, working with 25 indigenous communities across the country. However, in the second phase (2020-2022), due to budget and time constraints, data collection and community-level surveys were conducted with only six indigenous communities: Dalu, Hodi, Khasi, Kondo, Lushai, and Santal. Notably, Lushai is the sole representative from the hill region, the Chittagong Hill Tracts (CHT) in southeast Bangladesh, while the other five are recognized as plain land indigenous communities.

This chapter is structured as follows. The initial section briefly introduces the indigenous groups and their status in Bangladesh. The second section outlines the principal objectives of the study. The third section explains the methodology employed in the study, while the fourth section analyzes the ethical considerations. Concluding the chapter, the fifth section discusses the limitations inherent in this study.

1.1 Indigenous Groups and Their Status in Bangladesh

Bangladesh has ratified several multilateral human rights treaties, including ILO Convention No. 107, which directly pertains to the rights of Indigenous Peoples. Despite this, the government

¹ Bangladesh Census 2022 Preliminary Report.

maintains a complex stance regarding the recognition of its indigenous populations' identity. During a discussion on the implementation status of the Chittagong Hill Tracts (CHT) Accord at the United Nations Permanent Forum on Indigenous Issues (UNPFII) session in May 2011, a representative of the Government of Bangladesh (GoB) asserted that there are no indigenous people in Bangladesh. Thus, the Forum had no standing to address the issue. Subsequently, on July 26, 2011, the then Foreign Minister of Bangladesh, Dipu Moni, briefed foreign diplomats and UN agencies in the country, stating that there are no Indigenous Peoples but rather some ethnic minorities.² Additionally, Bangladesh has repeatedly prohibited the use of the term "indigenous" within the country.³

Despite Bangladesh's consistent denial of the presence of indigenous people within its borders, a trend that notably began in 2010 following the UNPFII study on the CHT Accord, the country's laws and official documents have acknowledged the existence of indigenous groups using various terminologies, occasionally even using the term "indigenous". The CHT Regulation of 1900 employs the term "indigenous" to describe the non-Bengali population in CHT.⁴ Different laws related to the Indigenous Peoples of the CHT, such as the Hill District Council Acts of 1989, the CHT Regional Council Act of 1998, and the CHT Regulation (Amendment) Act of 2003, have interchangeably utilized the terms "Upajati" and "Tribal."

Regarding the Indigenous Peoples of the plains, the East Bengal State Acquisition and Tenancy Act of 1950 (Act XXVIII of 1950) categorizes them as "aboriginal castes and tribes." This classification safeguards them against displacement and imposes restrictions on transferring their land to non-aboriginal individuals. Furthermore, in April 2010, the government enacted the Khudro Nrigoshthhi Sanskritik Protishthhan Act, 2010 (the Small Ethnic Groups Cultural Institution Act, 2010), employing the term "khudro nrigoshthhi" (small ethnic groups) to reference Indigenous Peoples living in the plains and the CHT. The Finance Acts of 1995 and 2010 also use the term "indigenous."

Notably, the Bangladesh government's Poverty Reduction Strategy Paper (PRSP) in 2008 and 2010 also employed the term "indigenous". Furthermore, it is interesting to note that the current Prime Minister, Sheikh Hasina, and two previous heads of government, former Prime Minister Khaleda Zia and former Caretaker government's Chief Adviser Dr Fakhruddin Ahmed, previously utilized the term "adibashi" (the Bengali equivalent of 'indigenous' or 'aboriginal') in their goodwill messages commemorating International Indigenous Peoples Day in Bangladesh.⁵

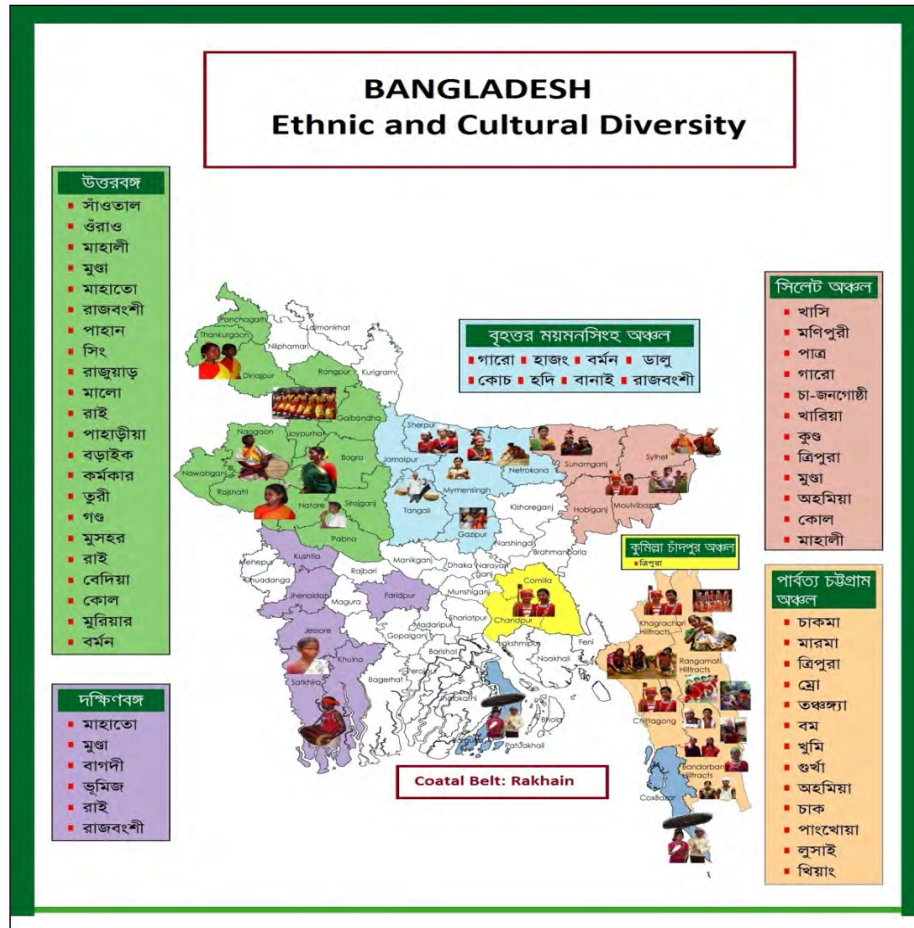
² <https://www.thedailystar.net/news-detail-195963>.

³ <https://intercontinentalcry.org/celebration-of-indigenous-day-in-bangladesh-amidst-governments-imposed-restriction/> also statement from the CHT Commission <https://www.iwgia.org/en/news/4886-international-cht-commission-government-bans-term-indigenous-on-international-day-of-the-world%E2%80%99s-indigenous-peoples-2022.html>

⁴ See the Rule 4,6 and 52 of CHT Regulation, 1900.

⁵ Sanjeeb Drong (ed), *Solidarity 2008: Economic and Social Rights of Indigenous Peoples*, Bangladesh Indigenous Peoples Forum, Dhaka, 2008, p. 8.

Map 1: The geographical locations of Indigenous Peoples of Bangladesh.



Source: Kapaeng Foundation.

Based on the 2022 primary census report, Bangladesh's population is 165,158,616, with Indigenous Peoples constituting approximately 1%, totalling 1,650,159 individuals. Notably, this census marked the first instance of the government incorporating ethnically disaggregated data since Bangladesh's establishment. Credit is due to the indigenous organizations and their networks in Bangladesh, which exerted significant efforts and conducted numerous advocacy meetings with relevant government entities to ensure the inclusion of such data.

Despite these strides, indigenous leaders argue that the census data still fails to represent the actual number of Indigenous Peoples in Bangladesh accurately. According to the Bangladesh Indigenous Peoples' Forum (BIPF), the apex rights-based organization dedicated to advancing the rights of Indigenous Peoples in Bangladesh, the actual number is estimated to surpass 3 million. The most recent census data identified 50 indigenous groups in Bangladesh called 'ethnic minorities.'

Among these, 12 groups were listed from the CHT, while the remaining 38 groups were identified in the plainland region. They are located in the mountainous CHT region, in the northwest (Rajshahi-Dinajpur), central north (Mymensingh-Tangail), northeast (Greater Sylhet), and southwest and southeast (Chittagong-Cox's Bazar, Patuakhali, and Barisal). However, there is disagreement on the precise number of indigenous groups in Bangladesh, with conflicting information from various sources and even the government itself. The Small Ethnic Minority Cultural Institution Act of 2010 initially recognized 27 indigenous groups. Still, in its revised edition in 2019, aligning with the census report, the government expanded the list to include 50 indigenous groups residing in Bangladesh.

1.2 Objectives of the Study

The principal aim of this study is to strengthen the human rights and development situations of Indigenous Peoples by empowering indigenous organizations, communities, and duty-bearers by utilizing community-generated data. Focused on providing targeted interventions for a comprehensive understanding of indigenous issues, the study is guided by the following specific objectives.

- To examine the status of human rights and fundamental freedoms among Indigenous Peoples.
- To assess the cultural rights of Indigenous Peoples.
- To understand the rights of Indigenous Peoples concerning lands, territories, and natural resources.
- To scrutinize the fundamental rights and freedoms of Indigenous Peoples.
- To elucidate the participation of Indigenous Peoples in public affairs.
- To evaluate the legal protection, access to justice, and remedies available to Indigenous Peoples.
- To appraise the cross-border interactions of Indigenous Peoples.
- To elucidate the freedom of expression and media rights of Indigenous Peoples.
- To gain insights into the economic and social development status of Indigenous Peoples.
- To assess the access to and level of education among Indigenous Peoples.
- To provide explanations regarding the health facilities available to Indigenous Peoples.
- To offer an overview of the rights of IPs in relation to employment and occupation.
- To conduct an assessment of the right to self-determination of Indigenous Peoples.

These objectives collectively aim to provide a comprehensive and nuanced understanding of the multifaceted challenges and opportunities faced by Indigenous Peoples, laying the groundwork for informed policy, advocacy, and development initiatives.

1.3 Methodology

This study has employed two distinct sets of questionnaires: one specifically tailored for the community level and the other for the national level (refer to annexes 1 and 1). Both questionnaires were collaboratively prepared by the ILO and the International Work Group for Indigenous Affairs (IWGIA) to conduct country-specific investigations into the human rights and development situations of Indigenous Peoples.

During the community-level assessment, a total of 138 questionnaires in the 10 following domains were used to assess the ground-level situation of the 6 indigenous groups.

- **Recognition of identity and participation in public life**
- **Self-government**
- **Consultation and consent**
- **Land territories and resources**
- **Fundamental rights and freedom**
- **Access to justice**
- **Education**
- **Health**
- **Employment, occupation, and economic development**
- **Language**

The national-level questionnaire addresses the exact 10 domains. The community-level data collection involved FGD with members of the six indigenous communities. To ensure inclusivity, both men and women, as well as youth and elderly individuals, actively participated in the FGDs. For the national-level questionnaire, Kapaeeng team members completed surveys through desk research. Field Data Collectors, supervised by a Field Supervisor and assisted by grassroots indigenous organizations, collected community-level data. Additionally, informal interviews and consultations were conducted with indigenous rights activists and experts. This methodological approach, combining quantitative and qualitative data collection methods, enhances the robustness and depth of the findings, ensuring a nuanced understanding of the situation of Indigenous Peoples in Bangladesh.

Data analysis and interpretation for this study involved inputting collected data into the Indigenous Navigator database, meticulously developed and maintained by the ILO. The analysis primarily employs a combination of frequency distribution and percentage calculations to present the findings. The percentage calculation is straightforward, with the formula expressed as:

Percentage of Responses (%) = (Part / Whole) * 100

To illustrate this, let's consider a hypothetical example. When asked about access to justice, 15 out of 25 community-level consultations reported that they do not have access to justice. Using the formula, we can calculate the percentage of indigenous people who lack access to justice as follows:

$$(15 / 25) * 100 = 60\%$$

This means that 60% of community-level consultations, or 6 out of 10 consultations, identified "the lack of access to justice" as a significant concern.

In addition to these percentage calculations, the study employs various graphical representations and provides descriptive statistics in tables. These visual aids help convey patterns and trends in community-level responses across different variables covered in the questionnaires, allowing for a more comprehensive understanding of the data.

Our analytical approach primarily relied on utilizing frequency distribution and percentage calculations to present the research findings effectively.

To illustrate the percentage calculation method, consider a hypothetical scenario. When examining the question of access to essential services, our data revealed that 35 out of 50 surveyed respondents reported limited access to these services. Applying the percentage formula, we can determine that:

$$(35 / 50) * 100 = 70\%$$

In this case, 70% of the respondents, or 7 out of 10 individuals, expressed concerns about restricted access to essential services.

In addition to percentage calculations, our study utilized diverse graphical representations and included multiple descriptive statistics tables. These visual aids were instrumental in conveying nuanced patterns and insights drawn from the community-level responses across various questionnaire variables, enhancing the overall comprehension of the data's significance.

1.4 Ethical Considerations

This study prioritized ethical standards and considerations to ensure the responsible and respectful conduct of research involving Indigenous Peoples in Bangladesh. The following ethical principles guided the entire research process:

- **Informed consent:** Prioritizing the principles of free, prior, and informed consent (FPIC), all participants at both the community and national levels were provided with detailed information about the study's objectives, procedures, and potential implications. Participants were given ample time and space to comprehend the information and make voluntary decisions about their involvement.
- **Cultural sensitivity:** Valuing the rich cultural diversity of the indigenous communities under study, the research was approached with cultural sensitivity. This involved close collaboration with community leaders, respect for traditional norms, and ensuring that the research process did not infringe upon cultural values or practices.

- **Community engagement:** The study actively engaged with community members through transparent communication, collaboration, and participation. The inclusion of men, women, youth, and elderly individuals in FGDs aimed to capture a holistic understanding of community perspectives, ensuring that no single group was marginalized in the research process.
- **Privacy and anonymity:** Measures were implemented to protect the privacy and confidentiality of participants. All data collected was anonymized, and any identifiable information was carefully handled to prevent potential harm or stigmatization.
- **Benefit and reciprocity:** The study prioritized ensuring that the research process contributed positively to the well-being of the indigenous communities. Efforts were made to establish a reciprocal relationship whereby the communities could benefit from the research findings, and the study, in turn, aimed to raise awareness and advocate for their rights.
- **Collaborative approach:** The collaboration with the Kapaeeng Foundation and grassroots indigenous organizations ensured that the research was conducted in partnership with those who have an understanding of the local context. This collaborative approach aimed to empower indigenous communities and amplify their voices in the research process.

By upholding these ethical considerations, the study seeks to contribute responsibly to the discourse on the rights and development of Indigenous Peoples, recognizing the importance of ethical research practices in ensuring the dignity and well-being of the communities involved.

1.5 Challenges and Limitations of the Study

In pursuing a comprehensive assessment of Indigenous Peoples in Bangladesh through the INI, sometimes the Kapaeeng team confronted several challenges and limitations, necessitating acknowledgment to provide a nuanced understanding of the findings. For instance, the substantial cultural and linguistic diversity among indigenous communities presented challenges in ensuring uniformity in data collection. Despite efforts to conduct consultations in native languages, the inherent diversity within and across communities may have introduced variations in understanding and interpretation.

Moreover, some indigenous communities reside in remote and hard-to-reach areas, complicating the logistics of data collection. Limited infrastructure and geographical barriers may have affected the representation of specific communities in the study, potentially leading to gaps in the overall assessment. While our study focused on the contemporary situation of Indigenous Peoples, it may not have fully captured the historical context of their struggles and rights violations. A comprehensive understanding of the challenges faced by indigenous communities requires a deeper exploration of historical perspectives.

Given the sensitive nature of the issues discussed, potential security concerns for both researchers and participants emerged. The fear of reprisals or reluctance to share certain information due to

security apprehensions may have influenced the depth of insights gathered. Furthermore, a thorough investigation into Indigenous Peoples' rights and development situations demands significant time and resources. Time constraints limited the scope and depth of the study, preventing a more exhaustive examination of certain aspects. Due to conducting in a dynamic sociopolitical context, the study may not have fully accounted for external factors, such as changes in government policies or community dynamics, that could influence the findings.

Despite the challenges and limitations, the study's findings offer valuable insights into the complex realities faced by Indigenous Peoples in Bangladesh. It is important to recognize these limitations for a nuanced interpretation of the findings and to guide future research initiatives in this critical area. Moreover, the small and unrepresentative sample size does limit the generalizability of the findings to the entire indigenous community. However, the study's findings remain valuable for understanding various issues faced by IPs in Bangladesh, particularly in terms of human rights and socio-economic development.

2 Findings of the Community-Level Assessment

The second chapter of this study presents the major findings under the following broader domains: recognition of identity and participation in public life, self-government, consultation and consent, land, territories, and resources, access to justice, education, health, and languages.

2.1 Recognition of Identity and Participation in Public Life

The evaluation of how the identity of the five indigenous groups is acknowledged and the extent of their participation in public life was conducted through a survey incorporating various relevant questions. The ensuing results are as follows.

Figure 2.1: State recognition of surveyed peoples as distinct with collective rights.



The unanimous response of "NO" to whether the state recognizes the surveyed peoples as distinct peoples with collective rights indicates a significant concern and lack of acknowledgment from the state. The 100% negative response strongly suggests that the state does not officially recognize the surveyed peoples as distinct groups with collective rights (see Figure 2.1). This lack of recognition can have profound implications for the protection and promotion of the rights of Indigenous Peoples.

Table 2.1: Participation in national parliament and/or elected local government bodies.

Are there any men or women from your people/community who have seats in national parliament and/or elected local government bodies?	Percentage of “Yes”	Percentage of “No”
National parliament (men)	0%	100%
National parliament (women)	0%	100%
Local government (men)	44%	66%
Local government (women)	44%	66%

When asked about their representation in the national parliament, all six surveyed communities responded that they lack both male and female representatives at that level. Conversely, 44% of the surveyed communities reported having both male and female elected representatives from their respective communities in local government bodies.

Table 2.2: Discrimination faced by indigenous women based on their indigenous identity.

Indigenous Group	Discrimination Based on Indigenous Identity (%)	Discrimination Based on Gender Identity (%)	Age-Related Discrimination (%)	Income-Related Discrimination (%)
Dalu	80%	60%	60%	100%
Hodi	100%	100%	80%	100%
Khasi	100%	100%	80%	100%
Kondo	100%	100%	80%	100%
Lushai	20%	20%	20%	100%
Santal	80%	80%	80%	80%

Table 2.2 illustrates the percentage of men from the six indigenous groups who have felt discriminated against or harassed based on different grounds.

1. Discrimination faced by indigenous women based on indigenous identity

- Hodi, Khasi, and Kondo women have reported 100% discrimination based on their indigenous identity, meaning all women from these groups have experienced discrimination on this ground.
- Dalu and Santal women have also faced significant discrimination at 80%.
- Lushai women have the lowest percentage of discrimination based on indigenous identity at 20%.

2. Discrimination faced by indigenous women based on gender identity

- Hodi, Khasi, and Kondo women have reported 100% discrimination based on their gender identity.
- Dalu women reported a lower but still significant 60%.
- Lushai women again have the lowest percentage of discrimination based on gender identity at 20%.

3. Age-related discrimination faced by indigenous women

- Hodi, Khasi, and Kondo women have reported 80% discrimination related to age.
- Dalu women reported a slightly lower 60%.
- Lushai women, once again, have the lowest percentage of age-related discrimination at 20%.

4. Income-related discrimination faced by indigenous women

- All groups, except for Santal, have reported 100% discrimination related to income. Santal women reported 80% income-related discrimination.

In summary, indigenous women from most of the surveyed groups have reported high levels of discrimination based on indigenous identity, gender identity, age, and income. Lushai women seem to face comparatively lower levels of discrimination, especially regarding indigenous, age, and gender identity-related issues. This may be because the surveyed Lushai community members live among other indigenous communities in their day-to-day life in the CHT, whereas the other five surveyed indigenous communities live in the plains and are surrounded by non-indigenous communities. Consequently, they face more discrimination in their daily lives, work, and other aspects than the Lushais. This data highlights the need for targeted interventions and policies to address these disparities and improve the conditions of indigenous women across these groups.

Table 2.3: Discrimination faced by indigenous men based on their indigenous identity.

Indigenous Group	Discrimination Based on Indigenous Identity (%)	Discrimination Based on Gender Identity (%)	Age-Related Discrimination (%)	Income-Related Discrimination (%)
Dalu	80%	60%	40%	80%
Hodi	80%	80%	60%	100%
Khasi	100%	100%	80%	100%
Kondo	100%	100%	80%	100%
Lushai	20%	20%	20%	20%
Santal	60%	60%	60%	60%

1. Discrimination faced by indigenous men based on gender identity

- Khasi and Kondo men have reported 100% discrimination based on their gender identity.
- Hodi men reported a slightly lower but still significant 80%.
- Dalu and Santal men reported 60% discrimination based on gender identity.
- Lushai men have the lowest percentage of discrimination based on gender identity at 20%.

2. Age-related discrimination faced by indigenous men

- Khasi and Kondo men have reported 80% discrimination related to age.
- Hodi men reported a slightly lower 60%.
- Dalu and Santal men reported 40% discrimination related to age.
- Lushai men have the lowest percentage of age-related discrimination at 20%.

3. Income-related discrimination faced by indigenous men

- Hodi, Khasi, Kondo, and Santal men have reported 100% discrimination related to income, meaning all men from these groups have experienced income-related discrimination.
- Dalu men reported a lower but still significant 80% income-related discrimination.
- Lushai men reported the lowest income-related discrimination at 20%.

In summary, indigenous men from most of the surveyed groups have reported high levels of discrimination based on indigenous identity, gender identity, age, and income. Lushai men seem to face comparatively lower levels of discrimination in various categories. This data underscores

the importance of addressing these disparities and advocating for the rights and well-being of indigenous men across these groups.

Below is a comparison of the discrimination faced by male and female members of indigenous communities. The findings show that both genders experience similar levels of discrimination based on indigenous identity, gender identity, age, and income. Despite slight variations, the overall trends indicate that discrimination is a pervasive issue affecting both men and women within these communities.

1. Comparison of discrimination faced by indigenous men and women based on indigenous identity

- Among both male and female groups, Khasi and Kondo members reported 100% discrimination based on their indigenous identity, indicating that all members from these groups faced this type of discrimination.
- For Dalu, Hodi, and Santal, both male and female members experienced discrimination based on indigenous identity, although the percentage varied.
- Lushai members from both genders reported the lowest level of discrimination based on indigenous identity at 20%.
- Overall, there is a similar trend between male and female groups in terms of discrimination based on indigenous identity.

2. Comparison of discrimination faced by indigenous men and women based on gender identity

- Khasi and Kondo members from both genders reported 100% discrimination based on gender identity, indicating that this form of discrimination was widespread.
- Hodi members, both male and female, also faced a high level of discrimination based on gender identity (80% for males, 100% for females).
- Dalu and Santal members from both genders reported 60% discrimination based on gender identity.
- Lushai members from both genders reported the lowest level of discrimination based on gender identity at 20%.
- There is a notable similarity in the levels of gender identity-related discrimination between male and female groups.

3. Comparison of age-related discrimination faced by indigenous men and women

- Both male and female members of Khasi, Kondo, and Hodi groups reported 80% age-related discrimination.
- Dalu men experienced 40% age-related discrimination, while Dalu women experienced 60%.

- Santal members from both genders reported 60% age-related discrimination.
- Lushai members from both genders reported the lowest level of age-related discrimination at 20%.
- There is some variation in the levels of age-related discrimination, but the patterns are similar between male and female groups.

4. Comparison of income-related discrimination faced by indigenous men and women

- All male and female groups, except Lushai, reported 100% discrimination related to income, indicating that this form of discrimination was prevalent across the board.
- Lushai members from both genders reported the lowest income-related discrimination at 20%.
- There is a consistent pattern of high income-related discrimination among both male and female groups.

In summary, while there are variations in the percentages of discrimination within and between male and female indigenous groups, some patterns emerge:

- Discrimination based on indigenous identity and income-related discrimination is widespread across both male and female groups.
- Gender identity-related discrimination is also prevalent in most groups, but there can be slight variations in the percentages.
- While present in many groups, age-related discrimination shows some variations, and Lushai members consistently report the lowest levels.
- Lushai male and female members generally report lower levels of discrimination across all categories compared to other groups.

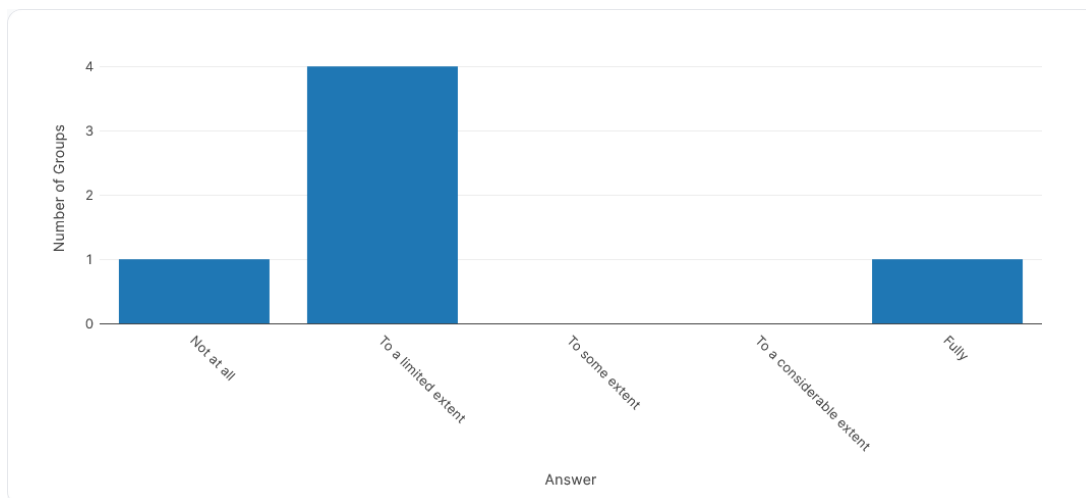
These findings underscore the importance of addressing discrimination and advocating for the rights of indigenous communities irrespective of their gender across different dimensions of identity and experience.

2.2 Self-government

Participants were asked a series of predetermined questions to evaluate the self-governance status of the surveyed indigenous groups. Five of the six participating groups indicated that the State does not officially recognize their indigenous institutions. The sole exception is the Lushai community from the CHT, which responded affirmatively. This divergence may be attributed to the signing of the CHT Accord in 1997, granting a certain level of autonomy to indigenous groups residing in the CHT.

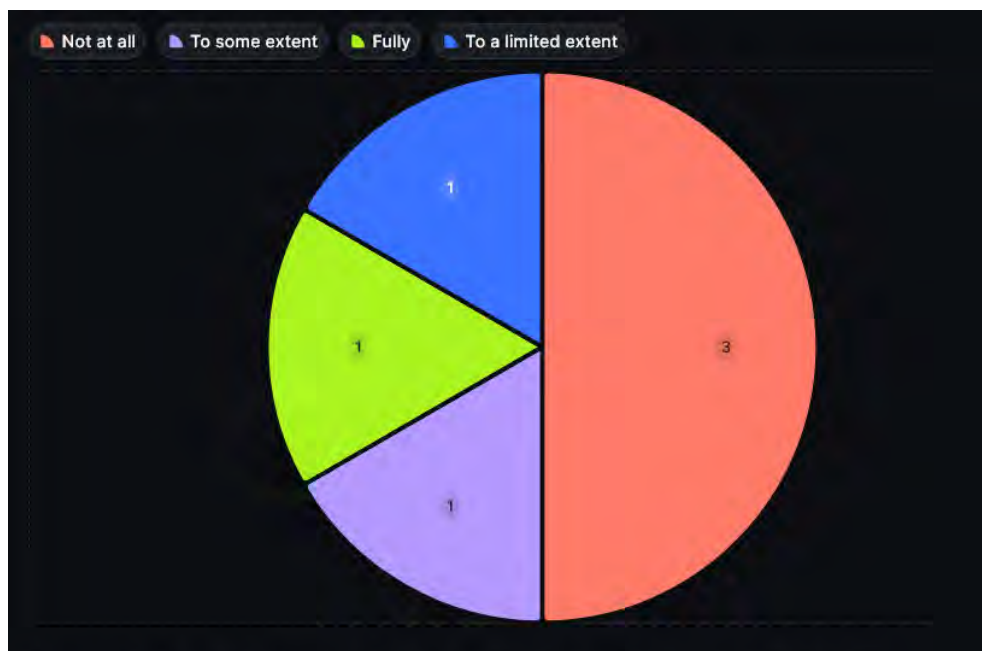
The surveyed communities were inquired about the existence of their own institutions and authorities (e.g., councils, headmen, chiefs, village committees, etc.). Among the 6 groups, 1 group indicated "not at all," 4 groups reported "to a limited extent," and one group stated "fully" (see Figure 2.2).

Figure 2.2: Evaluation of self-governance status among surveyed indigenous groups.



The surveyed communities were asked whether institutions and authorities are freely chosen or validated by people/communities. The majority of respondents (3 out of 6) indicated 'Not at all', 1 community responded with 'fully', one responded with 'to some extent', and one responded with 'to a limited extent'.

Figure 2.3: Indigenous involvement in development planning.



The six surveyed groups were further queried about whether their indigenous institutions or authorities formulate their own development plans, such as those related to water and sanitation, road infrastructure, and electrification. The responses indicated a split, with three groups stating "Not at all" and the remaining three expressing "to a limited extent." This suggests a variation in the degree of autonomy or involvement in development planning among the surveyed indigenous communities (see Figure 2.3).

2.3 Consultation and Consent

In response to the question about whether local or central government institutions ensure adequate consultations before approving projects or measures affecting the communities, all six communities reported "not at all" for consultations from the central government. For the local government, five indigenous communities responded with "not at all," while one community indicated "to a limited extent."

Regarding obtaining free, prior, and informed consent from the communities before project approval, all communities stated "Not at all" for both central and local government involvement. Notably, two indigenous communities highlighted the implementation of harmful development projects without their consent in their respective areas.

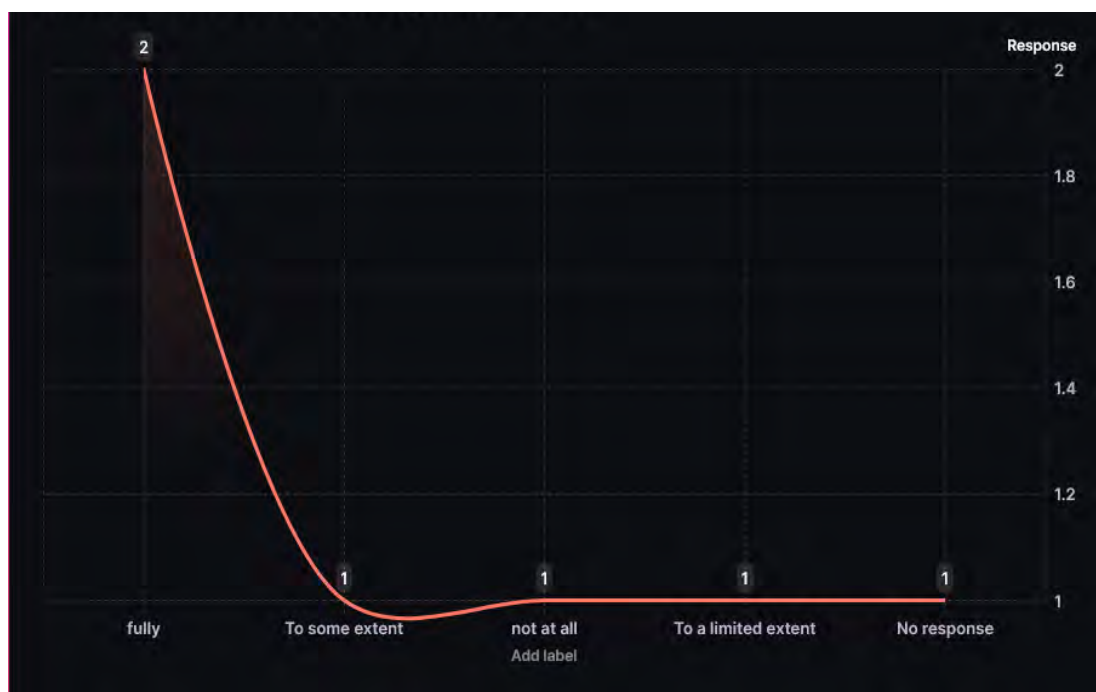
The findings obtained from the indicators of consultation and consent reveal a consistent trend among the surveyed indigenous communities, signalling a lack of meaningful consultation from both local and central government institutions regarding project approvals. The unanimous "not at all" response regarding consultations and obtaining free, prior, and informed consent underscores a shared concern among these communities. The reported implementation of harmful development projects without consent further emphasizes the need for enhanced engagement and respect for the rights of these indigenous communities. This suggests a critical area for advocacy and policy intervention to address the observed gaps in the consultation and consent processes, fostering a more inclusive and rights-respecting approach in future endeavours impacting these communities.

2.4 Land, Territories and Resources

The surveyed indigenous groups have diverse land ownership systems. The Dalu community indicated that they individually hold and manage their land and resources, in accordance with Hindu land ownership rules. In this system, females typically do not inherit land unless it is donated to them. Similarly, the Hodi community practices individual ownership and management of land and resources, with females lacking land rights. The Khasi community follows a different approach, with land and resources held and managed by families, clans, or other groups within the community. The Lushai community aligns with the Khasi system, where land and resources are held and managed by families, clans, or other community groups. The Santal community, on the other hand, adheres to the Hindu traditional system of land ownership in their approach to managing land and resources. Notably, no information regarding the land and resource system was received from the Kondo community.

As a component of the indicator question, the indigenous groups under examination were queried about the extent to which the government acknowledges their rights to land, territories, and resources. Two groups responded that their right to lands, territories, and resources is fully recognized by the government. This indicates a high level of acknowledgment and support for land rights within these communities. One group reported that their land rights are recognized to some extent. While not as comprehensive as full recognition, this suggests a substantial degree of acknowledgment by the government. Another group indicated that their land rights are recognized to a limited extent. This suggests that there are significant limitations or challenges in the government's acknowledgment of their land rights. A group reported that their land rights are not recognized at all by the government. This indicates a lack of acknowledgment and support, posing potential challenges and difficulties for the community in asserting their land rights. One group did not provide any response to the question. The varying responses regarding land rights among the surveyed indigenous groups highlight a spectrum of government acknowledgment, ranging from full recognition in some communities to limited or no recognition in others. This diversity underscores the complex landscape of land rights challenges faced by these groups.

Figure 2.4: Land ownership systems and government recognition in Bangladesh.



As part of the indicator questions, the survey further inquired whether the surveyed indigenous communities encounter conflicts related to land or natural resources and, since 2008 if they have experienced incidents of settlement, land grabbing, land use, or resource extraction without obtaining free, prior, and informed consent. Three groups reported both experiencing conflicts related to land or natural resources and facing incidents of settlement, land grabbing, or resource extraction without their free, prior, and informed consent since 2008. Conversely, three other groups indicated an absence of conflicts related to land or natural resources and reported no such

incidents occurring since 2008. In summary, these responses underscore the intricate nature of land-related challenges, with certain groups contending with conflicts and unauthorized activities, while others enjoy more stable relationships with their lands and resources.

2.5 Fundamental Rights and Freedoms

The surveyed indigenous groups were asked to categorize their status regarding cultural, spiritual, and religious traditions, customs, or ceremonies under “safe”, “vulnerable”, “definitely endangered”, “severely endangered”, “critically endangered”, “extinct”, or “not covered”.

Table 2.4: Status of cultural, spiritual, and religious traditions among indigenous groups

Response	Cultural	Spiritual	Religious Traditions
Safe	3	2	1
Vulnerable	2	1	2
Definitely endangered	0	0	0
Severely endangered	0	0	0
Critically endangered	1	3	2
Extinct	0	0	1
Not covered	0	0	0

Table 2.4 illustrates the perceived status of cultural, spiritual, and religious traditions among the surveyed indigenous groups across the following domains.

- **Cultural traditions**
 - Three groups consider their cultural traditions as safe, reflecting active preservation and continuity.
 - Two groups express vulnerability, indicating a need for protective measures.
 - One group reports critical endangerment, highlighting a significant risk of decline in cultural practices.
- **Spiritual traditions**
 - Two groups regard their spiritual traditions as safe, implying robust preservation.
 - One group acknowledges vulnerability, signaling potential challenges to continuity.
 - Three groups express critical endangerment, indicating a high level of risk and urgency in addressing threats.

- **Religious traditions and customs**

- One group deems their religious traditions and customs as safe.
- Two groups report vulnerability, suggesting potential challenges to continuity.
- One group states extinction, signifying the loss of these aspects.
- Two groups express critical endangerment, emphasizing a high level of risk and urgency in preserving these elements.

The 6 communities were further inquired about incidents since 2008 where community members, while safeguarding the rights of the community, had experienced any of the following atrocities: killing, death threats, kidnapping, enforced disappearances, arbitrary detention, and torture. Among the findings, all 6 communities unanimously responded with "no" to incidents of killing. In contrast, 4 communities acknowledged instances of death threats, while 1 community reported incidents of kidnapping, and 1 community reported enforced disappearance. Additionally, 4 communities revealed experiences of arbitrary detention. Conversely, all 6 communities reported "no" incidents of torture. The navigator outcomes shed light on the diverse challenges faced by community members dedicated to defending their rights. While the absence of reported killings and torture is a positive aspect, the presence of other atrocities such as death threats, kidnappings, enforced disappearances, and arbitrary detentions underscores the risks and adversities encountered in the pursuit of community rights. This highlights the imperative need to address and prioritize the safety and well-being of those advocating for community rights.

2.6 Access to Justice

To evaluate the access to justice situation among the surveyed indigenous groups, a set of questionnaires was employed. The communities were queried about their ability to engage in legal proceedings to address rights and seek remedies for violations.

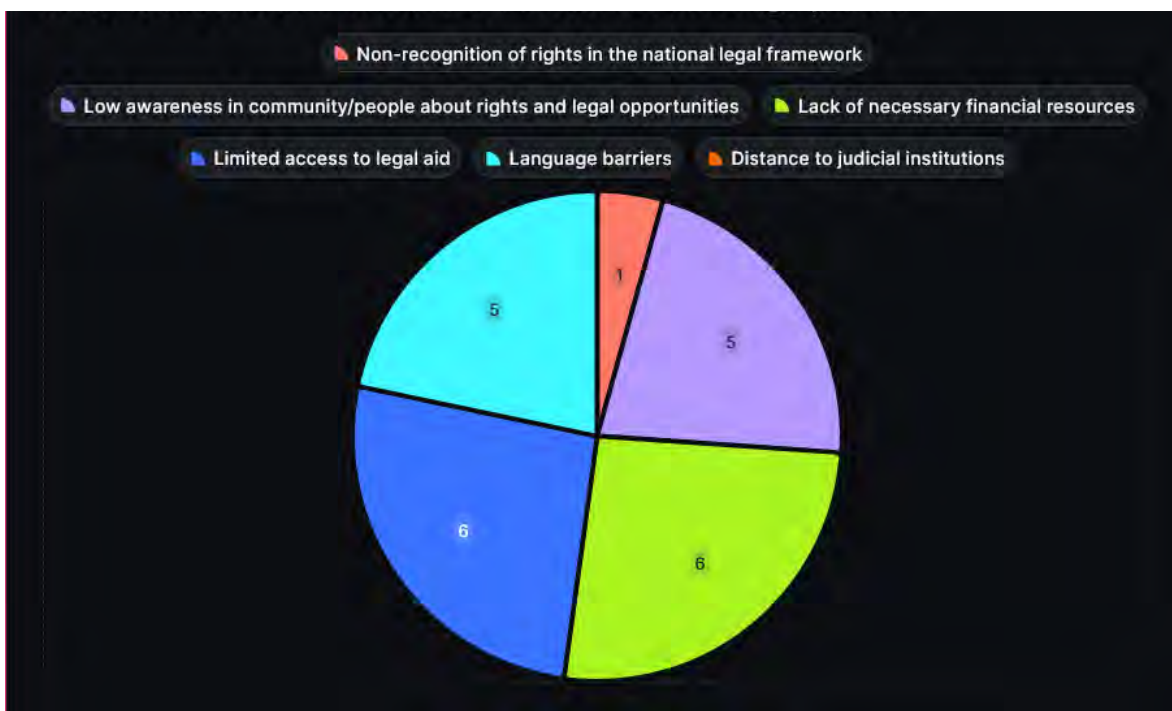
In response, 4 indigenous groups conveyed that they have faced significant barriers, responding with "not at all" in terms of their ability to take legal action. Another group indicated that they have not encountered violations necessitating legal action and remedies. Additionally, one group acknowledged a limited extent of access to justice, implying partial ability to litigate and seek remedies.

If the community or people lack full opportunities to pursue legal action, they were further questioned about the specific restrictions they face. Respondents had the option to identify multiple factors that impede their access to justice. Below are their responses.

- One group identified "Non-recognition of their rights in the national legal framework" as a challenge.
- Five groups identified "Low awareness in their community/people about rights and legal opportunities" as a challenge.
- All six groups identified "Lack of necessary financial resources" as a challenge.

- All six groups identified "Limited access to legal aid" as a challenge.
- Five groups identified "Language barriers" as a challenge.
- Five groups identified "Distance to judicial institutions" as a challenge.

Figure 2.5: Barriers to justice for indigenous communities in Bangladesh.



- **Non-recognition of rights:** This challenge suggests that one group faces obstacles due to their rights not being acknowledged within the national legal framework. This could entail a lack of legal protection or enforcement for their specific rights.
- **Limited awareness:** The identification of low awareness in five groups indicates a common issue where community members may not be well-informed about their rights and the legal opportunities available to them.
- **Financial resources:** The unanimous identification of the lack of necessary financial resources by all six groups emphasizes a widespread economic barrier to accessing justice. Financial constraints can limit their ability to engage in legal processes.
- **Limited access to legal aid:** Similarly, the unanimous identification of limited access to legal aid underscores a shared challenge among the groups. Insufficient availability of legal support can hinder their ability to navigate complex legal procedures.

- **Language barriers:** The recognition of language barriers by five groups implies that linguistic differences pose a substantial obstacle to accessing justice. This can hinder effective communication with legal authorities.
- **Distance to judicial institutions:** The identification of distance to judicial institutions as a challenge by five groups indicates that physical remoteness creates difficulties in reaching legal facilities. This geographic barrier may hinder timely access to justice.

These responses collectively highlight a range of interconnected challenges that the surveyed communities face, including legal, economic, informational, and geographic barriers. Addressing these challenges is crucial for ensuring equitable access to justice for these communities.

2.7 Education

To evaluate the access to education situation among the surveyed indigenous groups, a set of predefined questions from the indicator were employed. The communities were specifically asked whether their indigenous institutions or authorities oversee education programs or institutions. Below are the responses to this inquiry.

- Two communities stated, "Not at all."
- Two communities indicated "To a limited extent."
- One community reported, "Fully."
- One community responded with, "To some extent."

Comparative analysis of pre-school attendance between boys and girls

The surveyed communities were asked how many of the children in their communities participate in organized learning (pre-school) one year before they enter primary school. Separate answers were collected for boys and girls.

For Boys

- One group responded that 1 out of 5 boys participated.
- One group responded that 3 out of 5 boys participated.
- Two groups responded that 4 out of 5 boys participated.
- Two groups responded that 5 out of 5 boys participated.

For Girls

- One group responded that 1 out of 5 girls participated.

- One group responded that 2 out of 5 girls participated.
- Two groups responded that 4 out of 5 girls participated.
- Two groups responded that 5 out of 5 girls participated.

The data indicates variations in the level of participation in organized learning for both boys and girls across the surveyed communities. The responses suggest that some communities have a higher percentage of children participating in pre-school learning, while others have a lower participation rate.

- For boys, the majority of responses indicate relatively high participation, with two groups reporting full participation (5 out of 5 boys).
- For girls, the participation rates vary, with responses ranging from 1 out of 5 to full participation (5 out of 5 girls).

These variations may reflect differences in the availability, accessibility, or cultural preferences related to organized learning opportunities in the surveyed communities. Further investigation into the reasons behind these patterns can provide valuable insights for educational development initiatives.

Comparative analysis of the completion of primary school between boys and girls

The surveyed communities were inquired about the approximate number of girls and boys from their people/community who complete primary school. Distinct responses were gathered for boys and girls.

For Boys

- Four groups reported that 1 out of 5 boys completed primary school.
- One group indicated that 3 out of 5 boys complete primary school.
- One group responded that 2 out of 5 boys had completed primary school.

For Girls

- Four groups conveyed that 4 out of 5 girls complete primary school.
- Two groups responded that 3 out of 5 girls had completed primary school.

The responses for boys vary, with some groups indicating lower completion rates (1 out of 5) and others suggesting relatively higher rates (3 out of 5). For girls, the majority of responses indicate a positive trend, with 4 out of 5 being the most common completion rate. The differing responses

between boys and girls highlight potential disparities in primary school completion rates. While the majority of girls are reported to complete primary school at a relatively high rate, boys' completion rates exhibit more variability. The variations may be influenced by factors such as access to educational resources, community support, and cultural or societal norms that impact educational opportunities for boys and girls differently.

Comparative analysis of the completion of secondary school between boys and girls

The surveyed communities were queried about the approximate number of girls and boys from their people/community who complete secondary school. Separate responses were gathered for boys and girls.

For Boys

- Three groups reported that 2 out of 5 boys completed secondary school.
- Three groups responded, with 3 out of 5 boys completing secondary school.

For Girls

- Three groups conveyed that 3 out of 5 girls completed secondary school.
- One group responded that 4 out of 5 girls completed secondary school.
- One group responded that 2 out of 5 girls completed secondary school.

The responses for boys exhibit consistency, with equal representation for 2 out of 5 and 3 out of 5 completion rates. This suggests a relatively balanced perspective on boys' secondary school completion. Girls' completion rates show more variability, ranging from 2 out of 5 to 4 out of 5. This variability may indicate differing experiences or challenges faced by girls in completing secondary education within the surveyed communities. The variations in girls' responses could point to potential gender-specific challenges influencing secondary school completion. Addressing these disparities may be crucial for promoting gender equity in education.

Comparative analysis of the completion of tertiary education between males and females

The surveyed communities were further inquired about the approximate number of women and men from their people/community who enroll in tertiary (higher) education. Given the notably low rate of indigenous students completing tertiary education, the surveyors modified the scale from 1 out of 5 to 1 out of 10 for this specific question.

For Males

- Four groups reported that 1 out of 10 males enrol in tertiary education.

- One group indicated that 2 out of 10 males enrol.
- One group responded with 3 out of 10 males enrolling.

For Females

- Four groups conveyed that 1 out of 10 females enrol in tertiary education.
- One group responded with 4 out of 10 females enrolling.
- One group indicated that 2 out of 10 females enrol.

The utilization of a 1 out of 10 scale underscores the notable challenges indigenous communities face in tertiary education enrolment. The responses consistently indicate a low rate across both genders. The comparison with primary and secondary education data reveals a concerning trend of ongoing challenges across different levels of education, emphasizing the importance of holistic interventions to address these issues comprehensively. The consistently low rates suggest systemic barriers that need to be addressed to promote equitable access to tertiary education.

2.8 Health

To evaluate the health situation of the surveyed indigenous communities, several questionnaires were administered, covering various aspects of health and healthcare. They are asked if their indigenous institutions/authorities manage health programmes or institutions.

- Hodi responded with “To a limited extent.”
- Khasi responded with “To a considerable extent.”
- Kondo responded with “To a limited extent.”
- Lushai responded with “Fully.”
- Santal responded with “Not at all.”
- Dalu community responded with “Not at all.”

Full immunization coverage

- All groups reported that 5 out of 5 children in their community have received full immunization as recommended by national vaccination schedules. The unanimous response of 5 out of 5 for full immunization coverage is a positive indicator of health practices within these communities, showcasing a commitment to preventive healthcare.

Changes in importance of traditional healing practices

- Dalu, Khasi, Kondo, Lushai, and Santal reported that the importance of traditional healing practices and medicines has diminished over the last 20 years.
- Hodi responded that the importance remains the same.

Reasons for changes in traditional healing practices

- Five groups attributed the changes to the "Loss of traditional knowledge or medicines."
- Five groups cited "Lack of community trust in traditional practices or medicines."
- All six groups identified "Good access or quality of public health care" as a reason for the changes.

Accessibility of health facilities

- Dalu and Hodi reported health facilities as immediately accessible, with short distances and unrestricted, free access.
- Santal described health facilities as accessible within a reasonable distance and affordable for all.
- Khasi and Kondo characterized health facilities as moderately inaccessible due to distance and/or costs.
- Lushai reported highly inaccessible health facilities, with distance and costs impeding access for most.

2.9 Employment, Occupation and Economic Development

To evaluate the Employment, Occupation, and Economic Development situation of the surveyed indigenous communities, various questionnaires were administered.

Development plans by indigenous institutions/authorities

- Dalu and Hodi communities responded with "Not at all" regarding their institutions making development plans.
- Khasi, Kondo, Lushai, and Santal responded with "To a limited extent" for their institutions making development plans.

Receipt of public funds for development plans

- Dalu and Hodi communities responded with "Not at all" regarding their institutions receiving public funds for development plans.
- Khasi responded with "To some extent," while Kondo, Lushai, and Santal responded with "To a limited extent."

Management of lands, territories, and resources

- Dalu and Hodi communities responded with “Not at all” regarding their institutions managing issues related to lands, territories, and resources.
- Khasi responded with “Fully,” Kondo responded with “To a limited extent,” and Lushai responded with “Fully.”
- Santal responded with “Not at all.”

Changes in importance of traditional occupations for women

- All communities reported that the importance of traditional occupations for women has remained the same over the last 20 years.

Barriers or restrictions for women in traditional occupations

- Khasi identified "Restrictions in access to lands and resources."
- Dalu, Hodi, Khasi, Kondo, and Lushai cited "Scarcity of lands and resources."
- Dalu, Khasi, Kondo, and Lushai highlighted "Climate change."
- Hodi, Khasi, and Lushai mentioned "Limited market access."
- Kondo identified "Limited access to credit."
- Dalu, Hodi, Kondo, and Lushai noted "Limited relevance of traditional occupations."

Changes in importance of traditional occupations for men

- All communities reported that the importance of traditional occupations for men has remained the same over the last 20 years.

Barriers or restrictions for men in traditional occupations

- Khasi identified "Restrictions in access to lands and resources."
- Dalu, Hodi, and Khasi cited "Scarcity of lands and resources."
- Dalu and Hodi highlighted "Climate change."
- Hodi mentioned "Limited market access."
- Dalu, Hodi, and Khasi noted "Limited relevance of traditional occupations."
- Others reported "No restrictions."

Analysis

- **Development plans:** The majority of communities indicated limited or no involvement in making development plans, suggesting potential challenges in self-governance and decision-making for indigenous institutions.
- **Receipt of public funds:** Limited responses indicating receipt of public funds suggest a potential gap in financial support for indigenous-led development initiatives.

- **Management of lands, territories, and resources:** There is a mixed response to the management of lands, territories, and resources, with some communities fully involved and others not at all. This reflects varying degrees of autonomy and control over crucial aspects of their territories.
- **Traditional occupations for women:** Despite facing barriers such as climate change and limited market access, the importance of traditional occupations for women has remained consistent. However, challenges related to access to resources and changing climates need attention.
- **Traditional occupations for men:** Similar to women, the importance of traditional occupations for men has remained the same. Identified barriers include restrictions in access to resources, scarcity of lands, and climate change.
- **Overall:** The findings point to complex challenges in economic development, self-governance, and sustaining traditional occupations. The reported barriers emphasize the need for targeted interventions addressing access to resources, climate change impacts, and the evolving relevance of traditional occupations.

2.10 Languages

To evaluate the status of their language, the indigenous groups were questioned about how their language is perceived: safe, vulnerable, definitely endangered, severely endangered, critically endangered, extinct, or not relevant. Below are the responses to this question.

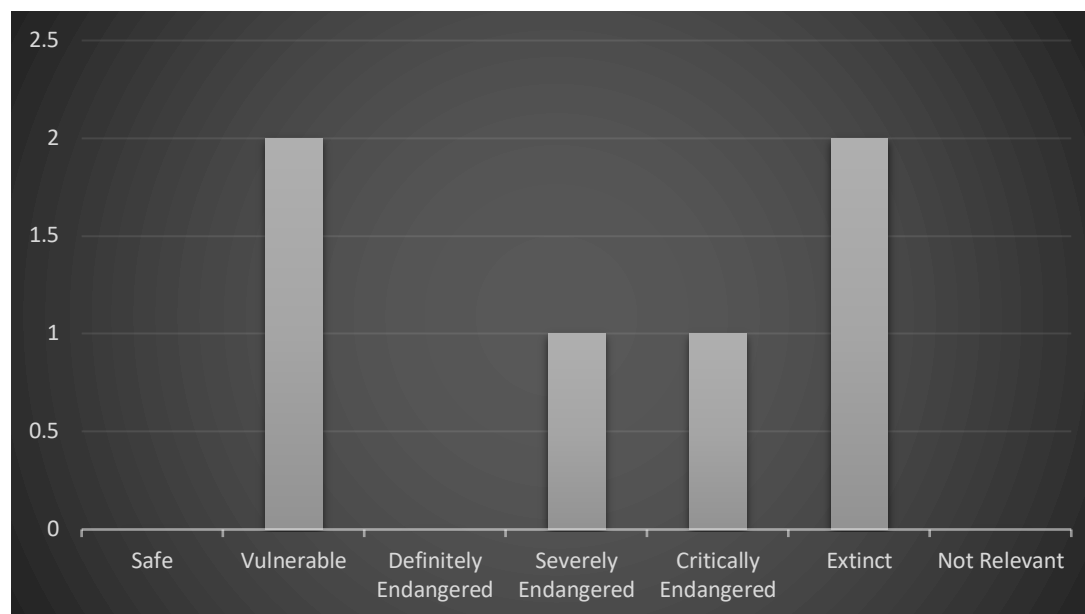
- Dalu: "Extinct"
- Hodi: "Extinct"
- Khasi: "Vulnerable"
- Kondo: "Severely endangered"
- Lushai: "Vulnerable"
- Santal: "Critically endangered"

Based on the responses provided by the six indigenous communities regarding the endangerment of their languages, we can summarize the situation as follows.

- **Extinct:** Two communities (Dalu and Hodi) reported that their languages are "extinct," indicating that there are no fluent speakers left within these communities.
- **Vulnerable:** Two communities (Khasi and Lushai) stated that their languages are "vulnerable," suggesting that there is a risk of declining usage and potential language loss in the future.
- **Severely endangered:** One community (Kondo) described their language as "severely endangered," implying that there are very few fluent speakers left, and the language is at a high risk of extinction.

- **Critically endangered:** One community (Santal) reported their language as "critically endangered," signifying that there are very few, if any, fluent speakers left, and immediate actions may be needed to preserve the language.

Figure 2.6: Status of indigenous languages in Bangladesh.



Overall, the responses indicate varying degrees of language endangerment within these communities, with some languages already extinct or on the brink of extinction. It highlights the importance of language preservation efforts to safeguard these unique cultural and linguistic heritages.

The surveyed communities were further questioned about the literacy of indigenous children and youth in their native language at different educational stages. The results are as follows:

In grade 2 and 3

- Dalu: 0
- Hodi: 0
- Khasi: 0
- Kondo: 0
- Lushai: 0
- Santal: 0

At the end of primary

- Dalu: 0
- Hodi: 0
- Khasi: 0
- Kondo: 0
- Lushai: 0
- Santal: 0

At the end of lower secondary

- Dalu: 0
- Hodi: 0
- Khasi: 0
- Kondo: 0
- Lushai: 0
- Santal: 0

Additionally, the communities were asked about the extent to which primary and secondary education is taught in their indigenous mother tongue. All communities responded with "not at all."

Analysis

- **Lack of indigenous language literacy:** The consistent response of "0" across all stages and communities indicates a significant lack of indigenous language literacy among children and youth. This points to potential challenges in preserving and promoting the use of indigenous languages within the education system.
- **Absence of indigenous language instruction:** The unanimous response of "not at all" to the questions about the extent of primary and secondary education taught in the indigenous mother tongue underscores a systemic absence of instruction in native languages. This raises concerns about the preservation of cultural and linguistic heritage within the formal education system.
- **Potential impact on cultural heritage:** The findings suggest a disconnect between the formal education system and the indigenous languages and cultures of the communities. This lack of integration may contribute to the erosion of cultural heritage and linguistic diversity.
- **Need for language preservation initiatives:** The results highlight the importance of implementing initiatives to preserve and promote indigenous languages, especially within the educational framework. Efforts to incorporate native languages in the curriculum could contribute to the preservation of cultural identity and linguistic diversity.

In summary, the analysis reveals a critical need for interventions to address the lack of indigenous language literacy and the absence of language instruction in the formal education system. Implementing strategies that integrate indigenous languages into education could play a pivotal role in preserving cultural heritage and fostering linguistic diversity.

3 Findings of the National-Level Assessment

The third chapter of this report comprehensively evaluate the situation of Indigenous Peoples (IPs) in Bangladesh at the national level. The assessment covers ten key domains: Recognition of identity and participation in public life, Self-government, Consultation and consent, Land territories and resources, Fundamental rights and freedom, Access to justice, Education, Health, Employment, occupation, economic development, and Language. The evaluation process involves answering standardized national-level questionnaires employing extensive desk research conducted by the Kapaeeng team. This process is not confined to data analysis alone; it is enriched by valuable insights derived from advice, consultations, and interviews with indigenous experts and leaders in Bangladesh.

Prior to delving into the evaluation of the conditions of Indigenous Peoples across the designated 10 domains, Table 3.1 offers a comprehensive summary of international human rights instruments associated with the Indigenous Peoples and the current status of these instruments concerning the Bangladesh government.

Table 3.1: Ratification of Indigenous Peoples related human rights instruments by Bangladesh.

Has the country ratified the following instruments?	Yes/No
International Covenant on Civil and Political Rights (ICCPR)	Yes
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Yes
Convention on the Rights of the Child (CRC)	Yes
International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Yes
ILO Convention No. 169 (indigenous and tribal peoples)	No
ILO Convention No. 107 (indigenous and tribal populations)	Yes
ILO Convention No. 111 (discrimination)	Yes
ILO Convention No. 138 (child labour)	No
ILO Convention No. 182 (worst forms of child labour)	Yes
ILO Convention No. 29 (forced labour)	Yes
ILO Convention No. 105 (forced labour)	Yes
American Convention on Human Rights	No
African Charter on Human and Peoples' Rights	No

Table 3.2: Recommendations to the GoB from the mechanisms/monitoring bodies.

Has the State, since 2008, received specific comments/recommendations concerning Indigenous Peoples' rights from any of the following mechanisms/monitoring bodies?	Yes/No
The Universal Periodic Review	Yes
The Human Rights Committee	Yes
The Committee on Economic, Social and Cultural Rights	Yes
The Committee on the Elimination on All Forms of Racial Discrimination	No
The Committee on the Rights of the Child	No
The Committee on the Elimination of Discrimination Against Women	No
The Inter-American Court of Human Rights	No
The African Commission on Human and Peoples Rights	No
The UN Special Rapporteur on the Rights of Indigenous Peoples	Yes
The ILO supervisory bodies	Yes

3.1 Recognition of Identity and Participation in Public Life

As previously discussed in the introduction chapter, Bangladesh exhibits a complex stance regarding the recognition of the identity and rights of Indigenous Peoples. The government maintains conflicting positions, officially denying the existence of Indigenous Peoples in Bangladesh while concurrently having laws and regulations that wholly or partially acknowledge their distinct identity and their collective rights to land and resources. The legal framework for Indigenous Peoples in the Chittagong Hill Tracts (CHT) traces back to the CHT Regulation 1900, whereas there is no dedicated judicial system for the indigenous people of the plains, except for the East Bengal State Acquisition and Tenancy Act of 1950 (Act XXVIII of 1950) which categorizes them as "aboriginal castes and tribes." and offers some safeguards against displacement. Notably, the CHT Accord of 1997 addresses land management and traditional land rights for the people in that region. Beyond national laws, Bangladesh has ratified various international conventions, including ILO Convention No. 107, pledging protection to both individuals and communities of Indigenous Peoples for their personal and collective rights (refer to the list of conventions/instruments mentioned above). The findings from the national-level assessment related to the recognition of identity and participation in public life for Indigenous Peoples are as follows.

Table 3.3: Existing laws and policies that are in direct violation of Indigenous Peoples' rights.

Are there laws and policies, within the following thematic areas, that are in direct violation of Indigenous Peoples' rights?	
(a) Self-government, autonomous institutions and customary law, consultation and free prior and informed consent	Yes
(b) Cultural integrity; languages; cultural heritage, traditional knowledge and intellectual property	Yes
(c) Lands territories and resources	Yes
(d) Participation in public life, citizenship	Yes
(e) Legal protection, access to justice and remedy	Yes
(f) Cross-border contacts	No
(g) Freedom of expression	Yes
(h) Food, development, social protections, housing and sanitation	No
(i) Education	No
(j) Health	No
(k) Employment, occupation and vocational training	No

Table 3.4: Recognition of Indigenous Peoples' right to participate in decision-making.

Questions	Yes/No
Does national legislation recognise the right of Indigenous Peoples to participate in decisions that may affect them, through their representative institutions?	
At national level	No
At sub-national (states/provincial) level	No
At local level	Yes
Direct participation in state legislative and appointed bodies	No

3.2 Self-government

The response from the National-level assessment highlights a lack of respect for self-government, the existence of autonomous institutions, and the recognition of customary laws among Indigenous

Peoples. The constitution and legislation of Bangladesh do not recognize the right to self-determination and self-government for the broader indigenous population, with some minor exceptions in the CHT region. The unique political and administrative system of CHT is partially acknowledged by the government, primarily through the constitutionally and legally recognized Ministry of Chittagong Hill Tracts Affairs and the Chittagong Hill Tracts Regional Council (CHTRC) established under the CHT Accord of 1997.

Table 3.5: Status of Indigenous Peoples regarding self-determination and self-government.

Questions	Yes/No
1. Does the Constitution or national legislation recognise Indigenous Peoples' right to self-determination, i.e. to freely determine their political status and freely pursue their economic, social and cultural development?	No
2. Does national legislation recognise Indigenous Peoples as distinct peoples with collective rights?	No
3. Does national legislation recognise Indigenous Peoples' right to self-government in internal and local affairs?	No
4. Are Indigenous Peoples' self-governing institutions and territories recognised in the political-administrative structure of the State?	No
5. Has the State adopted special measures to strengthen the capacity of Indigenous Peoples' representative institutions?	No
6. Is the jurisdiction of customary law institutions recognised in the Constitution or national legislation?	No
7. Has the State developed awareness-raising, capacity-building or training programs on international human rights standards for Indigenous Peoples' authorities?	No

The government of Bangladesh formally recognizes the distinctive political and administrative system of the Chittagong Hill Tracts (CHT), embedded in both constitutional and legal frameworks. Furthermore, the signing of the CHT Accord in 1997 acknowledges the autonomy of this region. This historic Accord paved the way for establishing two unique political institutions within the CHT: the independent Ministry of Chittagong Hill Tracts Affairs and the Chittagong Hill Tracts Regional Council (CHTRC). Beyond these overarching institutions, individual districts within the CHT, Rangamati, Khagrachari, and Bandarban, also have their own district councils. The primary objective of the CHTRC is to coordinate with local governments in the districts, oversee development programs initiated by the Chittagong Hill Tracts Development Board, and collaborate with other governing bodies following existing laws. However, despite these acknowledgments, challenges persist due to the non-implementation of the CHT Accord. The CHTRC, intended to play a coordinating role in development programs and governance, often faces limitations, and the government often bypasses them in decision-making.

Outside the CHT region, the political participation and governance power of indigenous people in Bangladesh are significantly limited. The political arrangements for indigenous people on the plains are virtually non-existent, and their traditional institutions receive minimal recognition. This lack of recognition results in their limited representation in government and development processes. Despite promises made during the 8th Five-Year Plan (2016-2020) to strengthen the capacity of representative institutions for indigenous people, the actual implementation has been lacking, leaving these commitments unfulfilled.⁶

3.3 Consultation and Consent

Kapaeeng's research group indicated "No" to both questions regarding whether national legislation recognizes the state's duty to consult with Indigenous Peoples to obtain their free, prior, and informed consent (FPIC) before adopting or implementing legislative/administrative measures or approving projects affecting their lands, territories, or resources. Such a response suggests a deficiency in Bangladesh's legal framework concerning the recognition and protection of the consultation rights of Indigenous Peoples. Without legal safeguards requiring FPIC, indigenous communities may lack adequate protection against legislative and administrative actions or development projects that could have profound impacts on their lives, lands, and resources. The absence of legal provisions for FPIC implies a potential marginalization of indigenous voices in decision-making processes. These communities may not be sufficiently involved or consulted in matters directly affecting them, raising concerns about inclusivity and respect for their autonomy and traditional knowledge. Without proper consultation mechanisms, there is a heightened possibility of approved projects or legislative measures being implemented without considering the cultural, environmental, and socio-economic impacts on indigenous communities.

Table 3.6: Lack of FPIC recognition in Bangladesh's legislation.

Questions	Yes/No
Does national legislation recognise the state's duty to consult with Indigenous Peoples in order to obtain their free, prior and informed consent before adopting or implementing national legislative or administrative measures that may affect them?	No
Does national legislation recognise the state's duty to consult with Indigenous Peoples in order to obtain their free, prior and informed consent prior to approval of any project that may affect their lands, territories or resources?	No

Numerous significant development initiatives are underway on indigenous territories in Bangladesh without obtaining Free, Prior, and Informed Consent (FPIC) from the indigenous communities. For instance, extensive border road construction is underway in the Chittagong Hill Tracts (CHT) region without securing FPIC from the local indigenous communities. This is anticipated to adversely affect the livelihoods of Bangladesh's Indigenous Peoples and the

⁶ Coalition of Indigenous Peoples Organization on UPR Joint Submission on The Human Rights Situation of IPs in Bangladesh (Universal Periodic Review (UPR) 30th Session

biodiversity of the affected area. In Bandarban⁷ and Netrokona⁸ districts, the extraction of stones from rivers and streams, carried out by various influential groups where indigenous communities reside, is presenting substantial challenges to the life, livelihoods, and environment of these indigenous populations.

3.4 Land, Territories and Resources

The assessment of land rights for Indigenous Peoples in Bangladesh, as revealed by the national-level survey, paints a troubling picture. Notably, the country's legislation does not acknowledge the collective rights of indigenous communities to lands, territories, and resources. Clear land identification and demarcation procedures, aligned with indigenous norms, values, and customs, are lacking. Since 2008, numerous incidents, including settlements, resource extraction, displacement, and establishment of protected areas, have occurred without the free, prior, and informed consent of Indigenous Peoples. Furthermore, hazardous material storage and disposal, as well as military and paramilitary activities, have taken place on indigenous lands without agreement.

The widespread practice of forced displacement resulting from development projects and resource extraction on indigenous land has become a concerning trend in Bangladesh. The controversial "National Park Development Project" has adversely affected approximately 25,000 indigenous families in Madhupur of Tangail.⁹ Over the years, thousands of acres of indigenous land have been seized for special economic zones, tourism complexes, business enterprises, and new protected forests, as reported in the Kapaeeng Foundation's annual human rights reports. Instances of land occupation and confiscation without compensation or informed consent during settlement establishments are prevalent, with around 20,000 acres illegally occupied in 2017 alone, as reported by Kapaeeng. On November 6, 2016, three indigenous Santal men were killed, several were injured, and more than 1200 Santal families were evicted in the Sahebganj-Bagda farm area under the Gobindoganj upazila of Gaibandha when security forces and influential people attacked them to seize their ancestral land¹⁰. The Khasia and Garo communities in Moulvibazar and Tangail districts, fearing eviction, are confronting displacement from their ancestral lands, reserved forests, and conservation areas. In the Chittagong Hill Tracts, as per the Kapaeeng Foundation, in 2016 alone, the Border Guard Bangladesh (BGB) seized 116.8 acres of land for establishing a new paramilitary camp. More than 300 temporary military camps in the Chittagong Hill Tracts have been set up after unlawfully acquiring indigenous land, and the establishment of new military/paramilitary camps continues.¹¹

⁷ <https://www.thedailystar.net/city/news/stone-extraction-turning-bandarban-desert-1751887>

⁸ <https://www.prothomalo.com/bangladesh/nxwjcepj01>

⁹ <https://www.thedailystar.net/news-detail-102871>

¹⁰ <https://kapaeengnet.org/demanding-cancellation-of-epz-santal-issuance-memorandum-to-gaibandha-deputy-commissioner/>

¹¹ Bangladesh: Militarization in the Chittagong Hill Tracts. The Slow Demise of the Region's Indigenous Peoples.

Table 3.7: Challenges to land rights of the Indigenous Peoples in Bangladesh.

Questions	Yes/No
1. Does national legislation recognise Indigenous Peoples' collective rights to lands, territories and resources?	No
2. Has the State adopted clear procedures for identification, demarcation, mapping and registration of Indigenous Peoples' lands or territories lands in consultation with and in accordance with indigenous norms, values and customs?	No
3. Have there, since 2008, been incidents of settlements, land grabbing, land use or resource extraction without Indigenous Peoples' free, prior and informed consent?	Yes
4. Have there, since 2008, been incidents of displacement or relocation of Indigenous Peoples without their free, prior and informed consent?	Yes
5. Has the State, since 2008, established or extended protected areas on Indigenous Peoples' territories without their free, prior and informed consent?	Yes
6. Have there, since 2008, been incidents of storage or disposal of hazardous materials on Indigenous Peoples' lands and territories without their free, prior and informed consent?	Yes
7. Have there, since 2008, been incidents of military activities on Indigenous Peoples' lands and territories without their agreement?	Yes
8. Have there, since 2008, been incidents of paramilitary activities on Indigenous Peoples' lands and territories without their agreement?	Yes
9. Are there indigenous refugees or internally displaced persons due to conflict and violence?	Yes

3.4 Fundamental Rights and Freedoms

Although Bangladesh has signed numerous international human rights instruments, substantial challenges persist regarding the fundamental rights and freedoms of indigenous communities in the country, as highlighted by the results of the national-level assessment.

The above assessment shows that since 2008, indigenous individuals in Bangladesh have experienced various atrocities while defending community rights, including killings, death threats, kidnappings, enforced disappearances, arbitrary detentions, and torture. Additionally, incidents involving the death and physical injury of indigenous individuals have occurred during arrests or acts of apprehension by law enforcement officials. Furthermore, there have been instances of the suppression of Indigenous Peoples' peaceful assemblies, contradicting international human rights law.

Table 3.8: Atrocities against indigenous rights defenders in Bangladesh since 2008.

Since 2008, have any indigenous individuals been victims of any of the following atrocities while defending the rights of the community?	
Killing	Yes
Death threat	Yes
Kidnapping	Yes
Enforced disappearance	Yes
Arbitrary detention	Yes
Torture	Yes
Deaths and injuries during law enforcement apprehensions	Yes
Incidents of suppression of Indigenous Peoples' peaceful assembly	Yes

3.5 Access to Justice

Table 3.9: Gaps in legal recognition and justice for Indigenous Peoples in Bangladesh.

Questions	Yes/No
Has the State developed initiatives to promote awareness of UNDRIP among members of legislatures, the judiciary and the civil service?	No
Are Indigenous Peoples recognised as legal entities (juridical personalities) in national legislation, with capacity to defend and litigate rights and to seek remedies for violations?	Yes
Is the right to access to translation into indigenous languages in legal proceedings recognized in national legislation?	No
Have there, since 2008, been incidents of court rulings that take into consideration customary law?	No
Have there, since 2008, been incidents of court rulings that provide remedy for infringements of Indigenous Peoples' collective rights?	No
Does the State provide training courses on Indigenous Peoples' rights for the following groups?	
(a) Judges	No
(b) Law enforcement agencies	No
(c) Other legal workers	No

The assessment from the Kapaeeng team's research shows that although Indigenous Peoples are recognized as legal entities in national legislation with the capacity to defend and prosecute rights, there have been no incidents of court rulings that consider customary law or provide remedies for infringements of Indigenous Peoples' collective rights. Moreover, legal proceedings do not recognize the right to access translation into indigenous languages. The State also does not provide training courses on Indigenous Peoples' rights for judges, law enforcement agencies, or other legal workers. This highlights a substantial gap in promoting Indigenous Peoples' access to justice and protecting their rights through legal mechanisms. The State also lacks initiatives to promote awareness of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) among members of legislatures, the judiciary, and the civil service.

3.7 Education

The assessment of education by Kapaeeng's research team reveals that the access to education situation for Indigenous Peoples in Bangladesh is riddled with several challenges. Despite the 15th amendment to the Constitution in 2011, which underscored the importance of preserving indigenous culture and traditions, the recognition of the right to mother tongue and culturally appropriate education is absent in national legislation.

Table 3.10: Challenges in access to culturally appropriate education for Indigenous Peoples.

Questions	Yes/No
1. Does national legislation recognise the right to mother -tongue and culturally appropriate education?	No
2. Does national legislation recognise Indigenous Peoples' right to establish their own educational institutions?	No
3. Do Indigenous Peoples manage their own educations institutions at the following levels:	
(a) Primary education	No
(b) Secondary education	No
(c) Tertiary (higher) education	No
4. Has the State developed special measures within the national education strategies and programs to ensure equal access to education for Indigenous Peoples?	No
5. Has the State developed special measures to train indigenous bilingual teachers?	No

This lack of recognition in national legislation prevents Indigenous Peoples from establishing their own educational institutions and managing educational institutions at any level. The State has not

implemented special measures within national education strategies to ensure equal access to education for Indigenous Peoples, and there are no initiatives to train indigenous bilingual teachers. Efforts to develop textbooks in indigenous languages for primary education have been made, but the distribution faces significant challenges due to inadequate planning and preparation, particularly in the recruitment of teachers for teaching in the mother tongue.¹² These practical difficulties in the distribution of textbooks in indigenous languages further contribute to the limited access to culturally appropriate education for indigenous communities in Bangladesh. The lack of clear provisions in national legislation and the insufficient implementation of measures are the primary factors contributing to the limited access to culturally appropriate education for indigenous communities in Bangladesh.

3.8 Health

The health situation of Indigenous Peoples in Bangladesh faces significant challenges based on the survey responses. National legislation does not recognize the Indigenous Peoples' right to maintain traditional medicines and health practices. Additionally, the state has not developed targeted health programs specifically for Indigenous Peoples. These findings suggest a lack of legal recognition and dedicated health initiatives, potentially leading to barriers in accessing and preserving traditional health practices among indigenous communities. The absence of specific health programs indicates a gap in addressing the unique healthcare needs of Indigenous Peoples, contributing to potential disparities in health outcomes. Due to a lack of proper health and vaccination facilities, indigenous inhabited regions often face recurring epidemics. In 2020 and 2021, several remote areas in Baghaichari Upazila witnessed outbreaks of Malaria, diarrhea, and measles¹³. Additionally, in 2017, a measles outbreak in Sitakunda of Chittagong resulted in the unfortunate deaths of nine indigenous Tripura children. It was revealed that these children had not received vaccinations in the affected area¹⁴.

Table 3.11: Healthcare challenges for Indigenous Peoples in Bangladesh.

Questions	Yes/No
1. Does national legislation recognise Indigenous Peoples' right to maintain traditional medicines and health practices?	No
2. Has the state developed targeted health programs for Indigenous Peoples?	No

¹² <https://www.kapacengnet.org/executive-summary-of-the-human-rights-report-on-indigenous-peoples-in-bangladesh-2017-2728-p-82>

¹³ https://ekattor.tv/blog/article?article_id=5238

¹⁴ <https://bdnews24.com/bangladesh/govt-identifies-cause-of-sitakunda-children-s-deaths-says-sorry>

3.9 Employment, Occupation and Economic Development

During their national-level assessment, Kapaeng's research team found several aspects concerning the employment, occupation, and economic development of Indigenous Peoples in Bangladesh. Firstly, the national legislation does not prohibit discrimination based on indigenous identity or background concerning access to recruitment and employment terms. Additionally, the State has not implemented special measures to promote employment among indigenous youth or to eliminate forced and child labour within indigenous communities. Furthermore, there is a lack of specific measures addressing the vocational training needs of Indigenous Peoples or their traditional occupations. The absence of such targeted measures in national poverty reduction strategies and social protection programs raises significant challenges in overcoming poverty within indigenous communities. Overall, the findings highlight a lack of proactive efforts by the State to address the unique economic challenges faced by Indigenous Peoples in Bangladesh.

Table 3.12: Economic and employment challenges for Indigenous Peoples in Bangladesh.

Questions	Yes/No
Does national legislation prohibit discrimination based on indigenous identity or background with respect to access to recruitment and terms and conditions of employment?	No
Has the State developed special measures to promote employment of indigenous youth?	No
Has the State developed special measures to eliminate forced labour among Indigenous Peoples?	No
Has the State developed special measures to eliminate child labour among Indigenous Peoples?	No
Has the State developed special measures to provide vocational training according to Indigenous Peoples' special needs or traditional occupations?	No
Do national poverty reduction strategies and programs comprise special measures to overcome poverty of Indigenous Peoples?	No
Has the State developed targeted social protection programs for Indigenous Peoples?	No

3.10 Languages

Kapaeng's research team's assessment of the language situation for Indigenous Peoples in Bangladesh reveals several significant challenges. While indigenous languages are used in state-owned radio broadcasts, they are notably absent from television and internet platforms. Additionally, indigenous languages are not employed in signposting, documentation, or official communications systems, indicating a lack of recognition and integration into administrative processes. Furthermore, the languages of indigenous people are not officially recognized or designated as administrative languages in the country. These findings underscore the marginalized

status of indigenous languages, highlighting the need for greater linguistic inclusion and recognition within various communication channels and official domains.

Table 3.13: Marginalization of indigenous languages in Bangladesh.

Question	Yes/No
1. Are indigenous languages used in the following state-owned media?	
(a) Radio	Yes
(b) TV	No
(c) Internet sites	No
Are indigenous languages used in systems of signposting, documentation and official communications?	No
Is the languages of the indigenous people recognized as official or administrative languages in the country?	No

4 Comparative Analysis and Discussion

The assessments conducted at both the community and national levels provide a comprehensive view of the challenges Indigenous Peoples face in Bangladesh across various domains. We analyze and discuss findings from both assessments below.

At the community level, self-governance among indigenous groups is notably absent, with most communities reporting that their institutions lack official recognition by the state. This absence of recognition affects their ability to formulate and implement development plans autonomously and has profound implications, leading to discrimination based on identity, gender, age, and income. The national assessment reflects a complex situation where the constitution and legislation of Bangladesh do not fully recognize the right to self-determination and self-government for indigenous populations, except for some minor recognition in the CHT region. The CHT Accord of 1997, which acknowledges a certain level of autonomy for indigenous groups, stands out as an exception. However, challenges persist in implementing the accord, highlighting a gap between acknowledgment in law and practical autonomy. Moreover, for Indigenous Peoples residing on the plains, political arrangements are non-existent, resulting in almost no representation and recognition of their traditional institutions.

The consultation and consent domain reveals a critical gap in legal safeguards at both levels, leaving indigenous communities vulnerable to the adverse impacts of projects and legislative measures without their free, prior, and informed consent. The community-level assessment highlights ongoing development projects without obtaining Free, Prior, and Informed Consent (FPIC), posing risks to indigenous communities. Similarly, the national-level assessment indicates a lack of legal provisions for FPIC, potentially leading to marginalized indigenous voices in decision-making processes. This deficiency raises concerns about the potential approval of projects without considering cultural, environmental, and socio-economic impacts on indigenous communities.

Land territories and resources emerge as a deeply contested domain in both assessments. The community-level findings depict a varied landscape where some groups report recognition of land rights while others face conflicts and challenges. Forced displacement, land grabbing, and resource extraction without consent are widespread issues. At the national level, legislation lacks acknowledgment of collective land rights, leading to incidents of forced displacement and land grabbing, particularly in the context of development projects.

In terms of fundamental rights and freedoms, both assessments highlight atrocities against indigenous individuals since 2008. The community-level assessment reports instances of death threats, kidnapping, and enforced disappearances, while the national-level assessment notes various atrocities, including killings, torture, and arbitrary detentions. These findings underscore

the vulnerability of indigenous populations and the need for urgent attention to human rights violations.

Access to justice remains a concern, with barriers reported at both levels. The community-level assessment identifies challenges such as non-recognition of rights, low awareness, lack of resources, language barriers, and distance to judicial institutions. The national-level assessment reveals gaps in recognizing customary law and providing remedies for Indigenous Peoples' collective rights infringements, further hindering their access to justice.

Education, health, employment, economic development, and language are additional domains where both assessments indicate significant challenges. The education sector faces challenges in providing culturally appropriate education, and the health sector lacks targeted programs for indigenous populations. Economic marginalization and language exclusion in official domains further compound the challenges faced by indigenous communities.

In summary, community and national assessments reveal the significant challenges Indigenous Peoples face in Bangladesh. These challenges include a lack of legal recognition and protection of their rights and barriers to accessing justice, education, health, and economic opportunities. Indigenous communities also struggle with underrepresentation in political structures and difficulties in self-governance. Ongoing development projects without Free, Prior, and Informed Consent (FPIC) pose additional risks, particularly concerning land rights, forced displacement, and human rights violations. Continuous violations, including killings, torture, and arbitrary detentions, underscore the vulnerability of these populations.

4.1 Sustainable Development Goals (SDGs) Focus Analysis

While Bangladesh has made commendable progress in certain areas, the situation of Indigenous Peoples reveals a development gap that warrants focused policy attention for Bangladesh to achieve its Sustainable Development Goals (SDGs). The findings from both community-level and national-level assessments can be analyzed through the lens of the SDGs to understand their implications for sustainable development. Here's a focused analysis.

SDG 1: No Poverty

The assessments showed that indigenous communities face significant economic challenges, with no special measures in national poverty reduction strategies. Limited economic development measures contribute to persistent poverty among indigenous populations.

SDG 2: Zero Hunger

Economic challenges impact food security among indigenous communities. There have been numerous reported cases of Indigenous Peoples facing starvation due to acute food shortages. The lack of targeted economic development hinders progress toward achieving zero hunger.

SDG 3: Good Health and Well-being

Both assessments reported limited access to healthcare and traditional healing practices. The lack of targeted health programs adversely affects the well-being of Indigenous Peoples.

SDG 4: Quality Education

Indigenous communities face challenges in accessing education and managing indigenous institutions. Insufficient recognition of Indigenous Peoples, language, and culture in national legislation contributes to educational disparities.

SDG 5: Gender Equality

Indigenous women face significant discrimination and lack representation in political structures. The limited recognition of traditional institutions affects gender equality.

SDG 10: Reduced Inequalities

The community-level assessment highlighted existing discrimination based on identity, gender, age, and income. The lack of representation, recognition, and protection contributes to these inequalities.

SDG 11: Sustainable Cities and Communities

Forced displacement due to development projects poses a severe concern to Indigenous Peoples. Inadequate implementation of the Accord and continuous land grabbing further exacerbate challenges in creating sustainable communities.

SDG 13: Climate Action

Challenges in self-governance affect climate resilience. Limited recognition and representation and development projects such as Border Road Construction without the Free, Prior, and Informed Consent (FPIC) of indigenous communities severely impact biodiversity and environmental sustainability.

SDG 16: Peace, Justice, and Strong Institutions

Human rights violations against Indigenous Peoples and activists continue unabated. Indigenous communities face barriers to accessing justice and lack recognition of customary law.

SDG 17: Partnerships for the Goals

The lack of FPIC indicates a need for more inclusive partnerships in development. Challenges in implementing the CHT Accord highlight the importance of collaborative efforts.

In conclusion, the assessments highlight systemic issues that demand urgent attention to ensure the fulfilment of SDGs. From an SDGs perspective, the assessments reveal stark disparities, indicating that the progress achieved in Bangladesh has not uniformly reached indigenous communities. Achieving SDGs requires addressing disparities, promoting social justice, and ensuring that marginalized populations have equal opportunities to participate in and benefit from the development process.

Inclusive development is not only about achieving macroeconomic indicators but also ensuring that the benefits of progress reach all segments of society. Addressing the unique challenges faced by Indigenous Peoples in Bangladesh requires comprehensive policies, legal recognition, and inclusive governance mechanisms that empower these communities to participate actively in shaping their destinies. Sustainable development cannot be achieved without recognizing and

safeguarding the rights of Indigenous Peoples, fostering economic opportunities, and promoting inclusive representation and participation in decision-making processes. The findings underscore the interconnectedness of various SDGs and call for comprehensive, inclusive, and targeted policies to address the unique challenges Indigenous Peoples face in Bangladesh.

4.2 Development Focus Analysis

The assessments of Indigenous Peoples in Bangladesh, both at the community and national levels, bring into focus critical challenges that intersect with the broader development context of the country. Despite notable strides in areas such as poverty reduction, healthcare, and education, the findings underscore the marginalized status of indigenous communities, revealing a segment of the population that has not fully participated in or benefited from the overall development trajectory of Bangladesh.

Sustainable development principles emphasize inclusive growth that leaves no one behind. However, the lack of recognition of indigenous identity and representation in national governance structures highlighted in the assessments deviates from these principles. The exclusion of indigenous communities from decision-making impedes achieving sustainable and inclusive development goals.

The challenges related to land rights and forced displacement have direct implications for sustainable development. Land, a crucial livelihood resource, becomes a focal point for economic activities. Forced displacement disrupts these activities, contributing to cycles of poverty. Ensuring equitable access to resources and protecting the rights of vulnerable populations are integral to sustainable development, and the current situation falls short of addressing these concerns.

From a development perspective, the limitations in access to justice and human rights concerns identified in the assessments are crucial. Development encompasses the overall well-being and dignity of individuals. The obstacles faced by indigenous groups in seeking legal remedies for rights violations highlight a gap in the legal framework that urgently needs attention for a more just and equitable society.

Furthermore, Challenges in education and healthcare access for indigenous communities are pivotal for human capital development, a cornerstone of sustainable development. Investments in education and healthcare are vital for the well-being and productivity of the population. The findings indicate disparities that, if unaddressed, could perpetuate cycles of poverty and hinder the country's overall human development index. Addressing these challenges is essential for fostering sustainable and inclusive development in Bangladesh.

4.3 Rights-based Analysis

Bangladesh, as a signatory to various international human rights agreements, holds a legal obligation to uphold the rights of its citizens, including Indigenous Peoples. The Constitution explicitly prohibits discrimination based on religion, race, caste, sex, or place of birth,

demonstrating the country's commitment to ensuring equal rights for all. Affirmative actions, both within the constitutional framework and specific accords like the CHT Accord, address the needs of marginalized communities, particularly indigenous populations residing in the CHT. However, the assessments presented in this study reveal a significant gap between these legal commitments and the actual realization of indigenous rights.

A rights-based analysis of the assessments highlights a substantial implementation gap between the commitments and the realities indigenous communities face. Applying a human rights lens to the findings underscores the necessity for legal reforms to align national laws with international human rights standards to address the challenges faced by indigenous communities.

Fundamental rights such as the right to recognition of identity and participation in public life are systematically denied to Indigenous Peoples, as evidenced by the assessments. The lack of official recognition and acknowledgment of indigenous identity infringes upon the right to self-determination and marginalizes indigenous voices in crucial decision-making processes. The denial of representation in national governance structures further exacerbates this exclusion, violating the principle of equal and effective participation in public affairs.

Land rights, a crucial aspect of a rights-based approach, face persistent challenges, with the absence of legal safeguards for Free, Prior, and Informed Consent (FPIC) being a major concern. This violation of the right to participate in decisions impacting indigenous lands leads to forced displacement, land grabbing, and resource extraction without consent. The assessments also reveal limitations in access to justice, breaching the right to access an effective remedy, as indigenous communities face barriers in legal proceedings, lack recognition of customary laws, and encounter language disparities.

Education and healthcare rights, which are vital human rights components, also show significant gaps in realization for indigenous populations. The lack of recognition of the right to mother tongue education and culturally appropriate education infringes upon the right to education. Additionally, the absence of targeted health programs and recognition of traditional health practices constitutes a violation of the right to the highest attainable standard of health.

A comprehensive rights-based analysis underscores the significance of Bangladesh embracing the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) framework to ensure that Indigenous Peoples' rights align with international human rights standards. Addressing these human rights challenges necessitates legal reforms and systemic changes to ensure meaningful participation, access to justice, and the fulfilment of economic, social, and cultural rights. The urgency lies in bringing national laws and policies into alignment with international human rights standards to secure the rights and dignity of Indigenous Peoples in Bangladesh.

5 Conclusion and Recommendations

The assessments of Indigenous Peoples in Bangladesh, both at the community and national levels, reveal a profoundly entrenched situation marked by systemic rights violations and development disparities. The findings depict a complex landscape where indigenous identity struggles for official recognition, representation in governance remains absent, and land rights face constant threats. Barriers to accessing justice, educational disparities, and inadequate healthcare further compound the challenges faced by these communities.

From a sustainable development perspective, the assessments highlight stark disparities, indicating that progress in Bangladesh has not uniformly reached indigenous populations. A rights-based analysis emphasizes the urgent need for legal reforms and the fulfilment of international human rights standards. In the broader context of Bangladesh's overall development, the situation of Indigenous Peoples underscores the necessity for inclusive and equitable progress.

Bangladesh can achieve inclusive and sustainable development that uplifts all its citizens by recognizing their rights, meaningful participation, and targeted interventions. We hope that the Indigenous Navigator initiative and the comprehensive assessments conducted at both the community and national levels will be crucial in shedding light on the challenges Indigenous Peoples face in Bangladesh. This initiative should serve as a vital tool for advocacy, policy formulation, and targeted interventions, emphasizing the importance of recognizing, respecting, and protecting the rights of Indigenous Peoples.

The assessments reveal challenges and provide a roadmap for creating inclusive policies, ensuring equitable development that does not leave Indigenous Peoples behind. They call for a collaborative and concerted effort to build a more just, inclusive, and sustainable future for Bangladesh's diverse tapestry of cultures. In light of these findings, we offer the following recommendations for the respective groups.

5.1 Recommendations to the Government of Bangladesh

- **Recognition and inclusion:** The government should recognize and officially acknowledge Indigenous Peoples' distinct identity and collective rights in national legislation. It is essential to ensure their representation in political processes at both the national and local levels to foster inclusive governance.
- **Self-governance and autonomy:** The government should acknowledge and respect indigenous groups' self-governance institutions and authorities. It is crucial to implement and adhere to the provisions of the Chittagong Hill Tracts Accord, ensuring autonomy for indigenous communities in these regions.

- **Consultation and consent:** The government should establish legal frameworks that mandate free, prior, and informed consent (FPIC) from indigenous communities before approving projects or legislative measures affecting their lands, territories, and resources. Strengthening consultation mechanisms at both local and central government levels is essential. Incorporating indigenous perspectives and representation in decision-making processes, including political arrangements and governance structures, will enhance inclusivity and respect for diversity.
- **Land rights and protection:** The government should recognize and protect the collective land rights of indigenous communities. It is essential to develop clear land identification and demarcation procedures that align with indigenous norms and customs. Additionally, the government must address incidents of forced displacement, land grabbing, and settlement establishments conducted without consent.
- **Fundamental rights and security:** The government should protect indigenous individuals' fundamental rights and freedoms. It is essential to investigate and prosecute cases of violence, threats, kidnapping, enforced disappearances, and arbitrary detentions reported by indigenous communities.
- **Access to justice:** The government should enhance access to justice for Indigenous Peoples by incorporating customary law into the legal framework. It is essential to provide translation services in indigenous languages during legal proceedings. Additionally, conducting training programs for judges, law enforcement, and legal workers on Indigenous Peoples' rights will further support this initiative.
- **Education and cultural preservation:** The government should amend national legislation to recognize the right to mother tongue education and culturally appropriate education for indigenous communities. It is essential to support the establishment of indigenous-managed educational institutions and provide training for indigenous bilingual teachers.
- **Healthcare and traditional practices:** The government should recognize and support the right of Indigenous Peoples to maintain traditional medicines and health practices. It is essential to develop targeted health programs that address the unique healthcare needs of indigenous communities, including vaccination campaigns and epidemic prevention.
- **Employment and economic development:** The government should implement special measures to promote employment among indigenous youth and support the economic development of indigenous communities. This can be achieved by encouraging the formulation of development plans by indigenous institutions and authorities and by facilitating the receipt of public funds for these plans to promote economic self-sufficiency and sustainability. Additionally, the government should provide vocational training tailored to indigenous needs. It is crucial to reinstate a 5% quota reservation system for all government job categories and implement additional affirmative action measures to facilitate the inclusion of indigenous students.

- **Language recognition and inclusion:** The government should recognize indigenous languages as official or administrative. It is essential to promote the use of indigenous languages in state-owned media, signposting, documentation, and official communications to preserve cultural heritage and promote linguistic diversity.

5.2 Recommendations to the ILO, International Community, and INGOs

- **Diplomatic engagement:** The ILO, international community, and INGOs should proactively engage with Bangladesh to champion recognizing Indigenous Peoples' collective rights. They should focus mainly on self-governance, land territories, and resources. They should encourage the Government of Bangladesh to endorse UNDRIP and spearhead awareness programs regarding UNDRIP among legislators, the judiciary, and the civil service, fostering a more inclusive and informed governance framework.
- **Training on Indigenous Peoples' rights:** The ILO, international community, and INGOs should initiate comprehensive training courses on Indigenous Peoples' rights for judges, law enforcement agencies, and other legal professionals. This training will equip them with the knowledge and sensitivity needed to uphold and protect the rights of indigenous communities effectively.
- **Support for FPIC mechanisms:** The ILO, international community, and INGOs should extend robust support for implementing Free, Prior, and Informed Consent (FPIC) mechanisms in legislative and development processes. They should facilitate international dialogues emphasizing the importance of inclusivity and respect for indigenous cultural practices, ensuring their voices are heard and respected in decision-making processes.
- **Cultural and spiritual initiatives:** The ILO, international community, and INGOs should launch and support initiatives aimed at safeguarding and revitalizing the cultural, spiritual, and religious traditions of indigenous communities. They should recognize their significant role in enriching national diversity and work towards preserving this unique heritage for future generations.
- **Advocacy for fundamental rights:** The ILO, international community, and INGOs should collaborate with the international community to advocate vigorously for the protection of fundamental rights and freedoms of indigenous individuals in Bangladesh. They should address incidents of violence, threats, and arbitrary detentions through diplomatic channels. Ensure that international human rights bodies closely monitor and raise concerns whenever violations occur.
- **Mechanisms for safety and well-being:** The ILO, international community, and INGOs should establish effective mechanisms to prevent and address atrocities, ensuring the safety and well-being of indigenous activists defending their community rights. They should provide the necessary protection and support to continue their vital work.

- **Priority projects for INGOs:** The ILO, international community, and INGOs should encourage INGOs operating in Bangladesh to prioritize projects that specifically address the challenges faced by indigenous communities. They should align these interventions with the Sustainable Development Goals (SDGs). They should collaborate closely with indigenous organizations and community leaders to ensure the relevance and effectiveness of development initiatives. They should actively contribute to protecting indigenous languages and cultural heritage through targeted education and awareness programs.
- **Capacity-building:** The ILO, international community, and INGOs should engage in collaborative efforts to build the capacity of indigenous organizations, ensuring they have the knowledge and skills needed for effective policy advocacy and community development. They should facilitate knowledge-sharing platforms between indigenous communities, enabling them to learn from successful global initiatives. They should empower indigenous leaders to participate actively in decision-making processes that impact their communities, fostering a more inclusive and equitable society.

5.3 Recommendations to Media and Civil Society

- **Awareness campaigns:** The media and civil society should conduct targeted awareness campaigns to educate the public on the rights, challenges, and cultural diversity of indigenous communities in Bangladesh. Various media platforms, including social media, should be used to disseminate information and promote understanding of indigenous issues.
- **Advocacy for inclusive policies:** The media and civil society should advocate for developing and implementing inclusive policies that recognize and protect the rights of Indigenous Peoples. Collaboration with policymakers and community leaders is essential to ensure that policies address indigenous communities' specific needs and concerns.
- **Documentation and reporting:** The media and civil society should document and report on human rights violations, land encroachments, and other challenges indigenous communities face. Providing a platform for indigenous voices through investigative journalism, interviews, and storytelling will help raise awareness and prompt action.
- **Collaboration with indigenous organizations:** The media and civil society should collaborate closely with indigenous organizations, NGOs, and grassroots movements to amplify their voices and support their initiatives. Acting as a bridge between indigenous communities and mainstream society will foster understanding and collaboration.
- **Promotion of cultural exchange:** The media and civil society should organize cultural exchange programs to promote understanding and appreciation of indigenous cultures among the broader population. Media outlets should be encouraged to feature positive stories about indigenous achievements and societal contributions.

- **Ethical reporting guidelines:** The media and civil society should develop and promote ethical reporting guidelines for media professionals covering indigenous issues. Emphasis should be placed on accurate representation, cultural sensitivity, and the importance of avoiding stereotypes related to Indigenous Peoples in media coverage.
- **Capacity-building workshops:** The media and civil society should organize capacity-building workshops for journalists and media professionals on indigenous rights, cultural nuances, and the historical context of indigenous communities in Bangladesh. Responsible and informed reporting should be fostered to counter misinformation and promote accurate portrayals of indigenous issues.
- **Promotion of indigenous languages:** The media and civil society should advocate for including and promoting indigenous languages in media, education, and public spaces. Media outlets should be encouraged to incorporate indigenous languages in programming and reporting to preserve linguistic diversity.

5.4 Recommendation to the Kapaeng Foundation and Indigenous Peoples' organizations

- **Enhance capacity-building:** The Kapaeng Foundation and Indigenous Peoples' organizations should enhance their capacity to ensure effective advocacy and representation. They should equip community leaders with the necessary skills and knowledge to engage actively in policy advocacy and community development.
- **Strengthen collaborations:** The Kapaeng Foundation and Indigenous Peoples' organizations should forge stronger collaborations with international partners to garner support and resources. These partnerships can facilitate the exchange of knowledge and best practices, enhancing the effectiveness of local initiatives.
- **Legal empowerment programs:** The Kapaeng Foundation and Indigenous Peoples' organizations should prioritize legal empowerment programs to help indigenous communities navigate legal challenges. They should provide training and resources to ensure these communities can protect their rights and interests effectively.
- **Documentation and research:** The Kapaeng Foundation and Indigenous Peoples' organizations should intensify efforts in documentation and research to support evidence-based advocacy. They should collect comprehensive data and case studies to highlight the issues faced by indigenous communities and inform policy decisions.
- **Community-led development projects:** The Kapaeng Foundation and Indigenous Peoples' organizations should initiate and support community-led development projects focusing on sustainability. They should ensure that indigenous communities design and implement these projects, promoting self-sufficiency and long-term success.

- **Cultural preservation programs:** The Kapaeeng Foundation and Indigenous Peoples' organizations should establish programs to preserve cultural heritage and ensure the intergenerational transmission of traditions, languages, and practices. This will help maintain the unique identity of indigenous communities.
- **Policy reforms advocacy:** The Kapaeeng Foundation and Indigenous Peoples' organizations should advocate for policy reforms at the national level to ensure inclusivity and the recognition of indigenous rights. They should engage with policymakers to influence the development of legislation that benefits indigenous communities.
- **Empowerment programs:** The Kapaeeng Foundation and Indigenous Peoples' organizations should implement programs designed to empower indigenous women and youth. They should focus on education, leadership training, and economic opportunities to enhance their roles within their communities and beyond.
- **Environmental stewardship:** The Kapaeeng Foundation and Indigenous Peoples' organizations should promote environmental stewardship and sustainable resource management practices. They should encourage indigenous communities to help preserve biodiversity and maintain the ecological balance of their territories.
- **Strengthen networking:** The Kapaeeng Foundation and Indigenous Peoples' organizations should strengthen networking with other indigenous communities to achieve collective goals. They should foster solidarity and mutual support to amplify their voices and impact.
- **Media engagement strategy:** The Kapaeeng Foundation and Indigenous Peoples' organizations should develop a comprehensive media engagement strategy to ensure positive representation of Indigenous Peoples. They should use media platforms to raise awareness, share success stories, and combat stereotypes.
- **Emergency response mechanisms:** The Kapaeeng Foundation and Indigenous Peoples' organizations should establish emergency and crisis preparedness plans. They should ensure that indigenous communities can effectively handle natural disasters and other emergencies.
- **Global development agendas:** The Kapaeeng Foundation and Indigenous Peoples' organizations should advocate for including indigenous perspectives and rights in global development agendas and initiatives. They should engage with international bodies to ensure that indigenous issues are considered in global policy discussions and frameworks.

Annex 1 : The Long Community Questionnaire

Khasi - <https://indigenousnavigator.org/data-explorer/3?rc%5B%5D=region-43&su%5B%5D=475&sf%5Bsum%5D=sum&sf%5Bsub%5D=sub&sf%5Bcom%5D=com&sf%5Btoq%5D=toq>

Santal- <https://indigenousnavigator.org/data-explorer/3?rc%5B%5D=region-43&su%5B%5D=482&sf%5Bsum%5D=sum&sf%5Bsub%5D=sub&sf%5Bcom%5D=com&sf%5Btoq%5D=toq>

Dalu- <https://indigenousnavigator.org/data-explorer/3?rc%5B%5D=region-43&su%5B%5D=478&sf%5Bsum%5D=sum&sf%5Bsub%5D=sub&sf%5Bcom%5D=com&sf%5Btoq%5D=toq>

Hodi- <https://indigenousnavigator.org/data-explorer/3?rc%5B%5D=region-43&su%5B%5D=476&sf%5Bsum%5D=sum&sf%5Bsub%5D=sub&sf%5Bcom%5D=com&sf%5Btoq%5D=toq>

Kondo- <https://indigenousnavigator.org/data-explorer/3?rc%5B%5D=region-43&su%5B%5D=493&sf%5Bsum%5D=sum&sf%5Bsub%5D=sub&sf%5Bcom%5D=com&sf%5Btoq%5D=toq>

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Annex 2 : The Long National Questionnaire

<https://indigenousnavigator.org/data-explorer/2?su%5B%5D=512&sf%5Bsum%5D=sum&sf%5Bsub%5D=sub&sf%5Bcom%5D=com&sf%5Btoq%5D=toq>