

অন্তর্ভুক্তিমূলক উন্নয়ন ও ন্যায্যতার লক্ষ্যে নাগরিক এজেন্ডা

Access and Justice for Ethnic and Religious Minorities

Presentation by
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Citizen's Platform for SDGs, Bangladesh

এসডিজি বাস্তবায়নে নাগরিক প্ল্যাটফর্ম, বাংলাদেশ



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Policy Briefs: Origin of the Initiative & Process of Preparation

Preparation of the Policy Briefs builds on a wide range of activities undertaken over the past two years (2022-2023) by the Citizen's Platform for SDGs, Bangladesh. These activities sought to capture the views of the country's left-behind stakeholders at the subnational level as regards Bangladesh's dominant development narrative. The Platform's engagements in this connection included stakeholder dialogues, town hall meetings, focus group discussions, perception surveys and consultation with the media. Also, a Public Hearing was organised at the national level to create opportunities for the disadvantaged people to voice their concerns and aspirations in the presence of high-level policymakers and opinion builders.

It emerged from this exercise that a significantly large number of citizens and certain communities in Bangladesh have continued to remain vulnerable to various risks, which relegated them to the "left behind" situation in the revealed process of economic development. However, the *Leave No One Behind* spirit of the Sustainable Development Goals (SDG) requires that all citizens, without exception, are ensured an equitable share in the country's development outcomes. Consequently, appropriate actions are needed to address these overarching national concerns to advance the interests of the country's vulnerable citizens and communities.

Accordingly, through country-wide interactions with spokespersons of key stakeholder groups, Citizen's Platform identified 11 themes requiring urgent attention for immediate action. As a follow up, now a series of Policy Briefs has been prepared with a set of concrete recommendations in each of the identified areas, underpinned by the specific context and contestations concerning the articulated theme. In each of these cases, the concerns and interests of the vulnerable groups have informed the suggestions for reforms and policy uptakes.



Policy Briefs: Origin of the Initiative & Process of Preparation

Each of the Policy Briefs of the series has been prepared by a dedicated team of experts of high national and international repute. Each Policy Brief Team had an eminent personality as the Chair to lead the process, with a recognised professional as the Penholder Expert to prepare and finalise the successive drafts with inputs from the team members. Each team got together several times, reviewed the notes of the sub-national discussions and the FGDs, and consulted relevant resource materials. A 19-member Advisory Committee, which included eminent professionals and leading personalities, provided guidance to the Policy Brief initiative.

The Centre for Policy Dialogue (CPD), as the Secretariat of the Citizen's Platform, provided all necessary support for the smooth implementation of the initiative.

The eleven Policy Briefs will be brought out as a collected volume. To follow up on the recommendations, the Citizen's Platform will hold media briefings under three clusters of issues, viz Economic, Social and Governance. The recommendations will be shared on an ongoing basis through various media to inject those into the electoral discussions and debates. Efforts will be made for the inclusion of the issues in the election manifestos of political parties.

To generate wider public awareness and interest about the recommendations offered in the Policy Briefs, the Citizen's Platform plans to hold a number of dissemination meetings across the country, and, subsequently, organise a National Public Hearing.



Policy Briefs: Origin of the Initiative & Process of Preparation

Issues for 11 Policy Briefs

Economic

- Transforming agriculture for an inclusive and diversified economy
- Providing decent employment for youth in view of domestic and overseas market
- Providing public utilities and services in the backdrop of unplanned urbanisation
- Affordable and clean energy for all

Social

- Reducing out-of-pocket expenditure to improve universal access to quality health care
- Triggers to ensuring quality primary education
- Dealing with the manifestation of localised vulnerabilities of climate change
- Promoting universal social protection system and the need for targeting disadvantaged groups

Governance

- Effective implementation of laws and judicial process for eradicating gender-based violence and discrimination
- Access and justice for ethnic and religious minorities
- Giving voice to the 'silent' and establishing democratic accountability



Major Incidents of Minority Rights Violation in the 2018-2023 Period

There have been multiple cases of violation of minority rights in the form of land grabbing, arson, loot, forceful displacement in the past years. Both religious and ethnic minorities have been affected by such incidents. The two major cases are:

- In **2021**, Bangladesh witnessed a number of **violent incidents during the Durga Puja** (main religious festival of the Hindu community). Violence against religious minorities not only marred the festive spirit of religious celebrations but also resulted in deaths and property damages. These incidents reinforce the concerns religious minorities have about their security. This once again underpins the urgency of taking appropriate measures to bring the perpetrators to justice and the importance of maintaining interfaith harmony in the country.
- In **2023**, another distressing event unfolded with the **Ahmadiyya Muslim community being targeted in a coordinated attack in Panchagarh**. Members of this community faced violence and persecution. These events highlighted an ongoing challenge which religious minorities in Bangladesh have been facing for quite some time now. Such occurrences underpin the need to foster an environment of tolerance, respect and co-existence in the country.



Legal and Policy Framework for Religious and Ethnic Minorities

Bangladesh has adopted a number of core human rights treaties which obligates the country to safeguard the interests of minority groups and communities. Among them:

- **The Chittagong Hill Tracts (CHT) Accord, signed in 1997**, marked a significant milestone in addressing the longstanding socio-political issues and disputes which had continued to persist in the hill tracts region of Bangladesh for a long time. As is known, the CHT region is inhabited predominantly by the indigenous groups who had to face decades of displacement, suffered from human rights violations and experienced cultural marginalisation. The accord aimed to establish peace, secure land rights and ensure socio-economic development of the indigenous communities.
- **Article 23A was inserted by the 15th Amendment to the Constitution** which now reads “**the State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities.**” However, no clear definition of these terms has been provided. The Ethnic Minorities Cultural Institution Act, 2010 legally recognises only 50 ethnic minority communities from the plain lands and the hill tracts.
- **The Land Crime Prevention and Suppression Act 2021 (Draft)** lays out 22 offences which relate to illegal occupation of land belonging to public, private, autonomous or statutory bodies. Mobile Courts were granted authority to terminate such possessions if deemed necessary. **However, this provision raises concerns for many plain lands ethnic minority people who are living on wastelands, assigned properties, or even living on their own land which are claimed by others.**



Legal and Policy Framework for Religious and Ethnic Minorities(Contd.)

- **The State Acquisition and Tenancy Act, 1950 (SATA)** imposes restrictions on the transfer of land to any person from the 22 ethnic minority communities living in the plain lands. According to the law, if any person belonging to these 22 communities wishes to transfer their land to someone outside the communities, they must seek prior permission from the respective district revenue officer. However, there is no specific rules and regulations in place which outlines the process for obtaining this permission. Furthermore, the Act only recognises 22 plain lands ethnic minority communities, as was noted above, in contrast to the Ethnic Minorities Cultural Institution Act 2010 which recognises 50 plain lands ethnic minority communities.
- **The Education Policy, 2010** reiterates that the primary education of ethnic minority children shall be in their own languages, and they are to be taught by their respective community teachers. However, there is no quota provision to deliver on this in the Government Primary School Teacher Appointment Rules, 2019; neither is it there in the Non-Government Teachers Examination, Registration and Certification Rules, 2006 (Amended 2015). **The National Health Policy 2011** acknowledges the challenges of providing equal health care to the indigenous communities. The Policy suggests 39 strategies to mitigate the challenges to accessing health care services. However, none of these addresses the issue of providing equal and quality health services particularly to ethnic minority communities.

Ongoing Government Programmes for Ethnic and Religious Communities



Indigenous Development and Welfare Programs

The Ministry of Chittagong Hill Tracts Affairs is responsible for implementing various development and welfare programs in the CHT including education, healthcare and infrastructure development.

Religious Harmony and Social Cohesion

Interfaith dialogues, seminars and workshops are organised by the Ministry of Religious Affairs to foster greater understanding and inculcate tolerance among the various religious and ethnic groups living in the hill tracts.

Social Safety Net Programs

To ensure social protection for the vulnerable groups, including ethnic and religious minorities, the government runs a diverse range of social safety net programs.

Inclusive Education Initiatives

The government has been taking steps to ensure inclusive education for children from ethnic and religious minority backgrounds.

Economic Empowerment Programs

The government promotes the cause of economic empowerment of ethnic and religious minorities through various skills development and entrepreneurship programs.

Cultural Preservation and Promotion

A number of initiatives have been put in place to protect, preserve and promote the unique cultural heritage of different ethnic and religious communities of the country. The government extends support for cultural events, festivals and traditional art forms to celebrate the diversity of the nation's cultural tapestry.

Recommendations (Institutional Interventions)



1. **Include detailed questions as regards ethnicity, caste and religion in the next census** questionnaire and ensure that Dalit communities are appropriately accounted for in the census.
2. **Allocate disaggregated budget** (with separate earmarkings for different minorities) for undertaking programmes for the advancement of the minority communities.
3. Undertake concrete steps to protect the **property rights of Dalits**. Ensure their right to adequate housing and protection from eviction.
4. **Review textbooks of national curriculum and Madrasah education boards**, from elementary to the highest level, to eliminate any content that either breeds intolerance towards a different religion, belief or race, or educates about superiority of a particular religion over others.
5. Introduce policies and legislations to **stop all types of intimidation and harassment** against ethnic and religious minorities.
6. Take appropriate actions for **speedy exoneration from false charges filed against indigenous people** and land rights activists, especially in the plains.
7. Establish a high-powered **Land Commission or Taskforce** to help reclaim any land which was transferred without prior compliance with section 97 of SAT Act.
8. Allocate adequate resources to **strengthen the capacity of the Hill District Council** and the Regional Council in the CHT.
9. Take appropriate measures to put an end to systematic and forcible displacement of minorities from their traditional settlements.

Recommendations (Raising Institutional Efficiency)



1. **Ensure coordination involving all local government institutions and administration** to protect the rights of indigenous peoples as regards **land, property, natural resources, customary land rights, representation at different tiers of decision making and securing language, education and cultural rights.**
2. Ensure accountability of **local representatives, administrative officials and law enforcement agencies with regard to actions** they take in view of communal attacks. Ensure that the judiciary is able to operate freely and maintains standards that are aligned with international best practices.
3. Set up and operationalise '**Minority Rights and Protection Commission**' to safeguard the rights of plains and CHT indigenous communities, and work for their advancement.
4. Allocate adequate resources for the **National Human Rights Commission (NHRC)**. Enable the Commission to operate independently to address issues of rights of ethnic and religious minorities. This should include review of cases associated with violation of minority rights over the past 10-year period. Systematically follow up the recommendations of the NHRC.



Recommendations (Public-Private Partnership)

1. Undertake advocacy programmes and **engage in meaningful dialogue with rights groups and CSOs** as regards introduction of affirmative action policies for religious minorities, marginalised groups and indigenous peoples, with particular focus on women and children.
2. Create an **enabling environment for NGOs** to operate independently, without interference from various branches of the executive. This also relates to various activities of NGOs including **beneficiary selection and fund allocation**. There should not be any unwarranted surveillance and intimidation by state agencies. Ensure that no unwarranted government restrictions and regulations are imposed on NGOs that undermine their activities and smooth operation.

Recommendations (Non-State Actors and NGOs)

Build awareness among people as regards the need for tolerance and freedom of religion and belief. Raise voice about the strength of a pluralistic society through an educational policy that aims at attaining a truly secular state as enshrined in the Bangladesh constitution. This should be done by launching awareness and promotional campaigns particularly before religious festivities of the minority communities such as Jalsha, Durga Puja etc.

Implementation of Existing Policies with Greater Efficacy



1. **Remove provision of Article 2A of the Constitution** which provides ascendancy of one particular religion on all others, in the spirit of secularism which is one of the four founding pillars of the Bangladesh.
2. Provide **constitutional recognition to the indigenous peoples** and take special measures and affirmative actions for their economic, social and cultural protection and development.
3. **Amend the Government Primary School Teacher Appointment Rules, 2019** and Non-Government Teachers Examination, Registration and Certification Rules, 2006 by introducing special reservation as per the needs of multi-linguistic primary education for children belonging to ethnic minorities.
4. Take immediate actions and declare a time frame for a road map to **fully implement all the provisions of the CHT Accord of 1997.**
5. **Review and amend the proposed Anti-Discrimination Bill** based on suggestions of civil society groups and human rights experts so that an inclusive and comprehensive law may be enacted which will eliminate all types of discrimination, with immediate effect.
6. **Amend Section 97 of the State Acquisition and Tenancy Act, 1950** to include all plain lands ethnic minorities recognised by the Small Ethnic Groups Cultural Institution Act, 2010.
7. **Issue a circular (or directive)** to all revenue offices of all plain land districts as regards applying **Section 97(8) of the SAT Act** (restoration of land transferred without permission as provisioned in this Section).
8. Review the **Cyber Security Act (CSA), especially Article 31** which concerns the minority communities.

Design of New Policies



1. **Ensure meaningful and effective engagement of ethnic and religious minorities** in formulating, amending and repealing of any law and policy that concerns their rights and wellbeing.
2. **Identify geographical areas**, with sizable minority population, where medical, educational and other facilities are by and large absent (e.g., remote areas in the CHT, Sundarbans). For such areas, formulate appropriate strategies to address the attendant concerns and needs. Ensure that work of various relevant ministries are well-coordinated so that policies are implemented with effectiveness and urgency.
3. Establish a **workable redressal system to deal with discrimination by enacting an anti-discrimination law**, specifically addressing the concerns of the ethnic minority communities.
4. Establish a separate **Land Commission for indigenous people** living in the plains for restoration of their dispossessed land.
5. **Introduce and/or reenact affirmative action initiatives such as quotas for admission to educational institutions**, government jobs and social protection schemes for disadvantaged and indigenous peoples.
6. **Formulate a Tourism Policy** for the indigenous communities specifically residing in the CHT and near tourist zones in the plains.

Thank You



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