

# The Status of Adivasi Hill Women in Light of the Chittagong Hill Tracts Accord

Mangal Kumar Chakma

Constitutional  
Recognition

Marriage  
Registration

Equal  
Inheritance  
in  
Property

Legal  
Participation

Security

Equal  
Participation

Free from  
Violence

Equal  
Status

Representation  
in Parliament  
and LG



Bangladesh Nari Progati Sangha

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in Light of the Chittagong Hill Tracts Accord**

Mangal Kumar Chakma

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## Executive Summary

From time immemorial 11 small ethnic communities have been living in the Chittagong Hill Tracts (CHT), a region southeast of Bangladesh. The administrative history, language and culture, customs and rituals, habits, social values and norms, geographic environment, physical and psychological formation, political, economic and religious living are entirely different from those of the Bangalee, the majority ethnic community of the country. Although the Adivasi ethnic communities live within the particular geographic borders of Bangladesh they do not enjoy the real basic rights and honour of a citizen. Being the victims of the aggression of the majority community or the settlers from that community the ethnic peoples are increasingly evicted from their land and live like strangers in the land that they themselves once owned.

As the women in the majority ethnic community are regarded as the second class citizens so are they considered in the ethnic communities also. On the other hand they are becoming victims of an aggressively communal and nationalist group grown out of the majority ethnic community. As Adivasi they endure the communal and ethnic torment that affects their whole society in general while they are deprived as women in their own community. Thus the Adivasi women are twice deprived.

The CHT Accord was signed between the Bangladesh government and the Parbatya Chattagram Jana Samhati Samiti (PCJSS/JSS) in 1997. During the tenure of that government some elements included in the Accord were implemented but the basic matters and elements of the Accord are still to be realized. The CHT Accord created a positive space for the development of the Adivasi women. Nevertheless, the Adivasi hill women have still remained deprived in terms social, political and human rights and all other aspects of their life.

The hill women of the CHT do not still largely participate in the political activities. Different social and cultural impediments are the major reasons among others of their lack of participation. Besides, lack of patronization and the overwhelming male domination in the regional and national parties also limit scopes for women to participate in politics. The CHT Accord has not made any mention-worthy progress for women's participation in politics. Particularly as the election of the three hill district councils have yet to be held the participation of Adivasi women in hill politics still remains largely

uncertain. There is no representation of women in the interim hill district councils.

As it has been observed the agriculture sector has 90 per cent participation of women but the Adivasi women do not have their inheritance rights of the land. Despite the socio-economic and political marginalization the Adivasi women play a very significant role in the agricultural production. In an Adivasi society the women have more involvement in the income generation than their male counterpart. But the contribution women make in their family, society and national level economic production still remain unevaluated.

According to the statistics of 2001 the percentage of education in the CHT for male was 49.6 and for the female 40.8. A probe into the reasons of this difference shows that among the poor families where obtaining education is generally difficult for their socio-economic constraints girl children face more predicaments than the boy children in this regard. In this case gender discrimination creates the difference of privilege between the girls and the boys of the same families.

After signing of the CHT Accord besides the government development agencies CHT-based NGOs began to grow in the non-government development sector. As a part of it many voluntary non-government women organizations also have grown in the region. These organizations are working on a range of women related issues like capacity building, raising awareness about women rights, spreading education, healthcare, employment generation, income generation and self-employment of the rural poor women, protesting against and preventing the domestic, social and communal torment on hill women.

In post CHT Accord period the just and equity for the Adivasi hill communities including their women have not been still ensured. The major reasons for this are: one, the special administrative system has not yet been established which was due according to the CHT Accord; two, the local administration has not been formed still which is to be created with and executed by the permanent residents of the region giving priority to the Adivasi hill people; three, the non-militarization of the CHT has not been carried out; four, the land conflicts have not been resolved yet; five, the problem created by the settlement of the Bangalees from the plains carried out with political objective is yet to be solved.

## Introduction

Recently the government of Great Alliance led by Awami League (AL) declared that 35 temporary military camps including a brigade would be withdrawn from the Chittagong Hill Tracts (CHT). This declaration has once again pushed the CHT issue at the centre of the national political discussion. However, this declaration by the government has come as a part of the Great Alliance's election pledges that if elected the AL led alliance would implement the CHT Accord.

The CHT problem has become extremely complex as a result of the imposition of different decisions by the different governments at different periods. Of them the building of the Kaptai dam in 1960 is one major source of troubles. The dam inundated 54 per cent of arable land and left more than one hundred thousand people homeless. The evicted people had never been properly rehabilitated. The dam severely affected the life and livelihood, culture and ethnic integrity of the Adivasi communities.

The Adivasi hill people started to organize to protest against the injustice and deprivations. It led to discontent and conflict. In order to quell the movement of the ethnic people the government deployed a large army and brought in thousands of Bangalee families from the plains and settled them in the CHT. The settler Bangalees forcibly and illegally occupied the land of the Adivasi hill people. All these had created an unbearable situation in the CHT during the 1980s. Arrest, throwing into the jail, torture, violence, murder, abduction, arson, eviction from one's own land, rape and other incidents of human rights violation became rampant. The distrust, suspicion, and distance between the hill people and the Bangalee had heightened. The state machinery favoured the Bangalee settlers in many ways which further deteriorated the situation.

The political parties differ from each other regarding their attitude regarding the CHT and so the policies regarding the region change with the change of the governments. Awami League ascended to power in 1996 and undertook a policy to resolve the CHT issue in a political and peaceful way. It led to the CHT Accord signed on December 2, 1997 between the PCJSS and the AL led Bangladesh government. The Accord is popularly known as the Peace Treaty. The Accord brought an end to an armed conflict continued for about two and a half decades. The Accord has created a favourable milieu for the enhancement of the development of the CHT and for bringing peace. The Accord had been welcomed by all the progressive corners positively

concerned with the rights of the Adivasi hill people. The Accord, however, have not been implemented till now.

The present government of Great Alliance led by AL came to power through the general election of 2008. As a part of the election promises this government has taken some steps towards implementing the CHT Accord. These steps are expected to create a more favourable and peaceful milieu in the region.

### **About the report**

This subject of this report is to assess the implementation situation of the CHT Accord in the context of the rights of the Adivasi hill women. In this report we have tried to have an idea what kind of overall progress the Adivasi hill people could make as a result of the Accord. Bangladesh Nari Pragati Sangha (BNPS) has taken an initiative to evaluate the CHT Accord in terms of its gender-friendliness and how its implementation would help the Adivasi hill women to achieve more equity. BNPS has undertaken this effort as an organization that has promises to achieve equity and justice for the Adivasi and other marginal communities.

BNPS wishes to prepare a study report in the present context of the CHT with an objective to assess and assist the achievement of the rights of women through the implementation of the CHT Accord. The organization will undertake necessary advocacy activities in the light of the result and recommendations of the concept paper.

### **Goal and Objective of the Report**

One major initial goal of this concept paper is to help achieve the rights of women through the implementation of the CHT Accord. However, the specific objectives are as follows:

- Find out how much gender-balanced or gender-sensitive the CHT Accord is in favour of the Adivasi hill women of the CHT
- What scopes have been created and what results have been achieved for Adivasi hill women regarding their social, cultural, political and economic rights
- What the strong as well as weak points of the Accord are regarding gender equity and rights
- How the Accord focuses on the ethnic diversity of the Adivasi hill women of this region
- What activities the civil society and the women organizations can undertake through the CHT Accord for the progress of the Adivasi women



## **Methodology**

For collecting the primary information for this report secondary sources have been used including books, journals and other related articles that have dealt the issue of the implementation of the Accord in gender context. Primary sources have been used through interviewing several women rights workers. Besides, some case studies have also been done relevant to this subject. After the concept paper is prepared sharing sessions will be arranged both at the district and national level with different catalysts. Different networks and organizations will also be involved with the process too.

## **Limitations**

Inadequacy of information is the biggest difficulty that we have faced while preparing this concept paper. Since the government statistics does not provide separate data base on the Adivasi communities it is very difficult to present authentic information on the Adivasi hill ethnic communities. Secondly, it is hard to obtain information from many public institutions as well as development organizations because of their bureaucratic complications and reluctance about providing information. There is no information base on the internally displaced people residing in the very inaccessible hilly areas, ethnic communities with very small population, repatriated refugees, etc. groups of people. The situation of women of these groups of people has been evaluated on the basis of the overall situation.

## **Acknowledgments**

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# Background

## Adivasi Ethnic Communities

Chittagong Hill Tracts is the traditional abode of 11 Adivasi ethnic communities namely Chakma, Marma, Tripura, Tanchangya, Mru, Bawm, Lusai, Pankho, Khumi, Khyang and Chak who speak their own languages. These communities are popularly known as “Pahari” (residents of the hills) or “Jumma” (people doing shifting agriculture). Besides, very small groups of Gurkha, Ahamia and Santals also have been living in this region for a long time. The administrative history, language and culture, customs and rituals, habits, social values and norms, geographic environment, physical and psychological formation, political, economic and religious living are entirely different from those of the Bangalee, the majority ethnic community of the country. They have been living in this region for centuries with their own social structure, culture, customs and norms, religion and language and self-rule.

## Geographic Region

Situated in the southeast of Bangladesh the CHT occupies a total of 5093 sq. miles (13,398 sq.km). To the north and northeast of it lie respectively Tripura and Mizoram states of India, to the east and southeast lie respectively Mizoram of India and Arakan and Chin states of Myanmar and to the south greater Chittagong district. The geological formation of the soil of CHT has great difference from that of the plains of the country. Most of the area of CHT is covered with hills and highland that are filled with valuable forest plants and wild animals and birds. Of the region 66 per cent is covered with forest which is more than 50 per cent of the total forest cover of Bangladesh. Although CHT covers one-tenth of the total area of Bangladesh but the amount of land suitable for extensive agriculture is small. According to the survey report done by Canada-based Forestal and Forestry and Engineering International Ltd. the amount of land suitable for paddy cultivation (A class land) in the CHT is merely 76,466 acres.<sup>52</sup>

## Demography

According to the population census 2001 the population of CHT is 13,42,713. Of them Adivasi hill population is 7,36,682 and Bangalee 6,06,058. The

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<sup>52</sup> “Land and Forest Rights of Chittagong Hill Tracts,” Raja Debashish Roy, International Centre for Integrated Mountain Development (ICIMOD), Katmandu, Nepal.

population census report of 1941 should be mentioned here also which was 2,47,053. Of them 7270 were Bangalee. In 1941 the hill people and Bangalee population ratio was 97.06 per cent and 2.94 per cent. From 1979 to 1984 the government brought more than four hundred thousand Bangalee from the districts of the plains and settled them in the CHT. It resulted in increased population pressure on the region. It is assumed that of more than six hundred thousand Bangalee more than four hundred thousand are Bangalee settlers and the rest two hundred thousand are old Bangalee residents who are termed as “Non-tribal permanent residents”<sup>2</sup> of the region.<sup>3</sup> According to the 1991 population the ratio of the hill people and the Bangalee was 51.43 per cent and 48.57 per cent.<sup>4</sup>

There is no government statistics based on the ethnic communities after the 1991 population census. So it is not available in the 2001 census. The following table presents the population of the ethnic communities residing in the CHT provided by 1991 census.

<b>Serial</b>	<b>Ethnic community</b>	<b>Population</b>
1.	Chakma	239,417
2.	Tanchangya	19,211
3.	Marma	142,334
4.	Tripura	61,129
5.	Mru	22,161
6.	Bawm	6,978
7.	Khyang	1,950
8.	Pankho	3,227
9.	Khumi	1,241
10.	Lusai	662
11.	Chak	2,000
12.	Others	828
	<b>Total</b>	<b>501,144</b>

<sup>2</sup> The Article No. 3 of ‘Kha’ Volume of CHT Accord mentions that “Non-tribal permanent resident” will mean a person who is not a tribal and who has legal land in the CHT and who usually lives in a specific address in any CHT districts.

<sup>3</sup> Indigenous Peoples’ Human Rights Report in Asia 2008, Bangladesh-Burma-Lao, Towards Social Justice and Sustainable Peace, Asia Indigenous Peoples Pact (AIPP) Foundation, Chiang Mai, Thailand

<sup>4</sup> Mapping Chittagong Hill Tracts Census Indicators, 2001 & Trends (Bangladesh), Geographical Information System (GIS) Unit, Local Government Engineering Department (LGED), Bangladesh, International Centre for integrated Mountain Development (ICIMOD), Nepal and Mountain Environment and Natural Resources Information Systems (MENRIS), April 2006, p-52

## Historical Background

In the pre-colonial era the hill people of this region were ruled by the sovereign feudal kings. Before the British rule was established in this region the Chakma kingdom more or less had an effective and continued reign of the kings. This system sustained even during the periods of heightened unrest. Officials called Talukdar, Dewan, Khisa and Nayed appointed by the king used to carry out the main administrative activities of revenue collection, trial and justice and governance. Practically the people who were fond of freedom but loyal to the king were main power of this system of rule.

In the periods of the Mughal and Nawab rule a vast region including the CHT, Rangunia, Rajan and Fatikchhari was known as 'Karpas Mohal' or 'Cotton Region'. The Chakma kings used to give a certain amount of Karpas or cotton grown in their land to the Mughal authority in exchange of the privilege of the business the Adivasi hill people did with the people of the neighbouring Chittagong. This 'cotton revenue' was not a tribute of the king of any tributary state.

Until the British control had been founded in this region the Chakma kings and other Adivasi feudal lords governed with complete freedom and sovereignty. The Mughal rule that existed for about six centuries did not become any threats to the sovereignty of the Adivasi hill communities of this region. So this period can be specifically called as the era of freedom and sovereignty of the Adivasi hill people of the CHT.<sup>5</sup>

After they had established their control over the whole Indian Sub-continent the British turned their eyes towards the CHT region. During the end of eighteenth century the British invaders ran several attacks against the CHT. At one stage owing to the treachery of a group of privilege seekers the then Chakma king Jan Box Khan became weaker and was compelled to enter a truce with the British in 1787. However, till 1860 the British rulers did not make any big interference in the internal administration of the Jumya kings and it can be fairly said that the feudal lords ran their internal administration with freedom.

In 1860 the Chittagong Hill Tracts was declared as a district. Actually after a decade of the promulgation of the District Act in 1860 the British rulers realized through experience that the districts formed with the inaccessible and underprivileged areas inhabited with the Adivasi hill communities could not maintain the same level of progress with the districts formed with the plain land and developed areas. The laws and provisions existing in the plain land and developed districts cannot be applied in the hilly region inhabited by the underprivileged Adivasi communities owing to their different traditional and cultural norms and practices.

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<sup>5</sup> Chakma Resistance to British Domination, Suniti Bhushan Qanungo, Kanungopara, Chittagong, 1998

The Adivasis and their regions are different from those of the plains in terms of cultural, economic, political and anthropological features. The Adivasis are so backward that if they are brought under the same type of administration as with the inhabitants of the plains they will lose their anthropological and cultural uniqueness and will turn victims of continuous economic exploitation and political deception and deprivation by the plains land inhabitants. So they need a separate, less complex and protective administrative system that would help them retain their traditional culture and uniqueness while keep them free from the economic exploitation by their relatively developed neighbours.<sup>6</sup>

From this realization the British Raj passed the “Scheduled District Act 1874” in the said year. Under this law all the special regions were listed down. Under this Scheduled District Act along with the other districts the CHT was included as an underprivileged region inhabited entirely by the Adivasis.<sup>7</sup>

In order for bringing gradual change in the administrative system of this region and establishing more control the British government promulgated “Chittagong Hill Tracts Frontier Police Regulation Act 1881”. Later on January 17, 1900 through promulgating Chittagong Hill Tracts Regulation they kept intact the status of the region as a separately governed area resided by the hill people.

This Regulation was also recognized by the governance laws of India enacted in 1919 and in 1935 and thus the status of the CHT as a separately governed area continued.

After the partition of the Sub-continent in 1947 the Pakistan government in its 1956 constitution kept the Regulation unchanged and still in force. In the second constitution promulgated in 1962 the CHT was termed as a ‘tribal area’ which also recognized its status of a separately governed region.

After Bangladesh was liberated in 1971 Manobendra Larma, the then parliamentarian from the CHT described the historical reality of the CHT and in order to end all kinds of exploitation and deprivation demanded the regional autonomy of the CHT. But the rulers of that period entirely blinded by the fanaticism triggered by extreme nationalism of a nation state utterly disregarded the demand of the hill people. On the other hand in the CHT democratic movement got momentum for the regional autonomy of the Adivasi hill people led by PCJSS. To quell the movement the government resorted to extreme means. As the political scenario of the country had completely changed as a result of the murder of Bangabandhu all the democratic means for movement became impossible thus pushing the hill people towards an armed movement for winning their demand of autonomy.

Although the armed movement of the hill people continued for two and a half decades the PCJSS had always kept open their door for peaceful dialogues

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<sup>6</sup> Ibid

<sup>7</sup> Ibid

to seek political ways to resolve the impasse. It led to the first dialogue which with the Ershad government held in 1985. However, the series of dialogues with the Ershad government and later with the Khaleda Zia government ended in futility. Eventually the dialogues with the Hasina government (1996-2001) brought the result and the historical CHT Accord was signed.

## **The Administration of the Chittagong Hill Tracts**

As it has been already said CHT district was formed in 1860. During the Bangladesh period breaking the CHT Bandarban district was formed in 1981 and Khagrachhari was formed in 1983. There exist three different kinds of administrative system in the three hill districts. At the same time the administrative system comprising the district, Upazila and Union exist in the hill districts also. On the other hand, keeping in view the separate historical context, political, social and economic systems of the region and furthermore as an Adivasi inhabited area a special administrative system does exist also. As a part of that special system the CHT Regional Council (CHTRC/ RC) and three Hill District Councils (HDCs) have been formed.

The CHTRC and the three HDCs have been formed following the CHT Accord. A number of administrative matters of the region have been entrusted with these bodies according to the Accord, they are: general administration, law and order, police (local), land and land management, primary and secondary education, agriculture, industry, health, livestock rearing, culture, youth development, environment and development and preservation of the forest resources that are not reserved or protected by the government, tribal norms and laws, birth and death and other statistics preservation, disaster preparedness and relief activities, NGO activities. However, as all the matters mentioned in the law have not yet been transferred to the Councils and the CHT Accord has yet to be fully implemented the special administrative system in the CHT has not still taken an effective shape.

CHT Accord also makes special provisions for recognizing and preserving the hill districts as an hill people inhabited area, recognizing the customary land rights of the hill people and establishing a ministry on CHT affairs.

Apart from these mainstream district-Upazila-union structure and the RC-HDCs system there is the traditional administrative and judiciary system led by the Circle Chiefs and run by a hierarchy of Chief-Headmen-Karbaris. The Raja or the Chief is the head of a Circle, the head of the Mouza, a land unit is the Headman and the head of the village is the Karbari. There are three circles in the CHT – Chakma Circle, Mong Circle and Bomang Circle.

## **The Judiciary of the Chittagong Hill Tracts**

From the British period the judiciary of the CHT now divided in three hill districts has been completely different from the other regions of the country. The CHT Regulation 1900 is the basis of this different system of judiciary.

Even before some time there were no civil courts in the CHT following the provisions of the Regulation. The Deputy Commissioners (DCs) of the three hill districts were responsible for running the civil courts and carried out the trials of the criminal cases. The civil courts headed by the DCs were tantamount to the district judge's court of the other districts. In the hill districts the responsibility of the session judge was entrusted with the Chittagong Divisional Commissioner. Appeals could be filed against the judgments of the DCs in the Chittagong divisional court.

On the other hand the traditional court of the Adivasi communities do exist besides the judiciary system described above. In the traditional court the Karbari-Headman-Raja carry out the trials of the cases according to the customary laws of the Adivasi communities. The village Karbari mitigates most of the conflicts and quarrels rising in his village and leads in the various functions of the village. Appeals can be made to the court of the Headman against the judgment of the Karbari. Likewise one can appeal against the judgment of the Headman at the court of the Raja.

In 2007 through the amendment of the CHT Regulation district judge's courts have been established in the three hill districts. The CHT Regulation (amended) 2003 has made provisions for appointing judges by the judicial division. The amended act also mentions that the conflicts relating to the Adivasi can be resolved under the Adivasi customary laws in these courts. However, besides the traditional court led by the Raja is also in force.

## **The Socio-economic Situation of the Chittagong Hill Tracts**

Per capita income of the inhabitants of the CHT is far behind that of the rest of the country. According to the population census and economic survey done in 2001 the per capita income of the CHT residents is 40 per cent less than that of the rest of the country. However, the survey does not provide any data on the situation of the Adivasi and Bangalee communities separately.

The climate and soil are suitable for Jum (slash and burn) cultivation. Jum needs relatively larger area for cultivation. After one harvest a Jum plot needs to be kept fallow for five to 10 years to recover its fertility. It is particularly important for procuring more production and the fertility of the land. There was a time when the Adivasi hill people could obtain their food for the whole year from the Jum. Even there was surplus also after the consumption of the whole family. Besides the Adivasi hill people started the plough cultivation in the valleys also flooded and silted by the rivers. A combination of Jum and plough cultivations brought self-dependence to the Adivasis of this region. They used to weave their own clothes, make goods from canes and make other articles for their daily use. They collected the house building materials like bamboo from the forest protected by the community. This picture of self-dependency and relative affluence has been completely destroyed with the aggression of the modern times and as the

creation of many artificial crises. The life and livelihood of the Adivasi in the hills now project an entirely opposite picture.<sup>8</sup>

The World Food Programme (WFP) mapping points out the CHT as a food-deficit region. Just this one information is enough to envisage how pitiful the situation of the Adivasi hill people of the CHT is at present. The reasons that created this situation over time are the building of the Kaptai dam, the settlement of the plains land people in the CHT by the government, the development project imposed by the previous governments, etc.

The aggression of the market economy in the CHT rather has more destructive impacts than any positive ones. Firstly, the Adivasis have been traditionally unfamiliar with the deceptive business techniques, secondly their lack of clear idea about the economic value of their land and other assets, thirdly and the major one, the deception and cheating of the dishonest Bangalee businessmen coupled with the corruption of the government officials.<sup>9</sup>

The great aggression on one hand has completely broken the economic backbone of the Adivasi hill people and many changes have occurred in their life and livelihood on the other. Hill people have been compelled to take up many new occupations. They are now increasingly scattered from their traditional Jum and plough based livelihood to different occupations.

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<sup>8</sup> "আদিবাসী জুম জনগণের অর্থনৈতিক অবস্থা ও উন্নয়ন" (Economic Condition and Development of Adivasi Jumma People), Mongol Kumar Chakma, *জুম পাহাড়ের জীবন* (Life in the Jum Hills), Ed. Mongol Kumar Chakma, Sohrab Hassan and Abdul Awal, Community Development Library, Dhaka, May 2008

<sup>9</sup> The Economy of the Indigenous Peoples of the Chittagong Hill Tracts: Some Myths and Realities by P B Chakma, Workshop on Development in the CHT organised by Forum for Environment and Sustainable development in the CHT, 1998



# **Chittagong Hill Tracts Accord: A Journey towards Development and Good Governance**

## **The Process of Dialogue and the Signing of the Chittagong Hill Tracts Accord**

The first formal dialogue to end the armed conflict in the CHT was held in 1985 between the PCJSS and the government led by General Ershad. In that meeting both the parties identified the conflict as a national as well as political issue and agreed that it would be resolved through political means. There were six meetings with the Ershad government, 13 meetings with the Khaleda Zia government and seven dialogues with Sheikh Hasina government. In total 26 meetings were held between the two party before the Accord was signed in December 1997.<sup>10</sup>

The CHT Accord is popularly known as the Peace Treaty. The Accord was signed on behalf of the government by Mr. Abul Hasnat Abdullah, head of the parliamentary committee formed to resolve the issue while Mr. Jotyirindro Bodhipryo Larma, chair of the PCJSS signed on behalf of the inhabitants of the CHT.

## **Support to the Chittagong Hill Tracts Accord**

The Accord has been signed following the provisions of and under the Bangladesh Constitution. The Accord makes provisions so that the Adivasi hill peoples of this region are able to sustain their languages and cultures and the permanent residents of the region can achieve all aspects of development that would enable them to come to the same level of progress with the inhabitants of the plains. In this way they will be able to play their roles properly in the overall development of the country. Hence, this treaty will safeguard not only the rights of the people of the CHT but also help bring prosperity to the whole country.

The CHT Accord has been highly supported in home and abroad. United Nations, European Union and other humanitarian and democratic forces have welcomed the Accord. The Accord brought to end the blood letting battle of 25 years. The Accord thus opens the road to peace and

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<sup>10</sup> Special bulletin published by Parbatya Chattagram Jana Samhati Samiti in the completion of eighth year of the CHT Accord: "পার্বত্য চট্টগ্রাম চুক্তি : প্রেক্ষাপট, বর্তমান ও ভবিষ্যৎ" (CHT Accord: Context, Present and Future), December 2, 2005, *Dainik Prothom Alo*.

development for the people of the CHT.<sup>11</sup> The Accord brought Sheikh Hasina, the then Prime Minister Houpet-Felix Boigny peace award from the UNESCO.

## **Opposition to the Chittagong Hill Tracts Accord**

However, a part of the hill people led by a group of Pahari Gono Parishad (Hill People Federation), Pahari Chhatra Parishat (Hill Student Federation) and Hill Women Federation had refuted the Treaty. They complained that the Accord has failed to uphold many important demands of the hill people thus sacrificed the rights of the hill people. Later on they had formed an organization named United People's Democratic Front (UPDF) and declared a movement for achieving full autonomy for the hill people of the CHT. This organization since its birth has been creating many impediments against implementing the Accord.

On the other hand, Bangladesh Nationalist Party (BNP), Jatya Party (JP), Jamat-e-Islami, etc. political organizations had refuted the Accord. They have condemned the Accord as anti-Constitution and sovereignty of the country and that signing of the Accord was as synonymous to sell the whole country.<sup>12</sup> Later when the four-party alliance led by BNP ascended to power in 2001 they did not cancel the Accord. However, they did not take any initiative to implement the Accord either.

## **Main Features of the Chittagong Hill Tracts Accord**

Guided by the Bangladesh Constitution and expressing full and unwavering conformity with the sovereignty and unity of the state for upholding the political, social, cultural, educational and economic development of all the citizens of the CHT, for the advancement of the socio-economic development process and for preserving and developing the rights of all the citizens of Bangladesh the CHT Accord has been signed. The Accord has four volumes – Ka, Kha, Ga and Gha. The main features of the Accord is described in the following box.<sup>13</sup>

### **A. General**

- Provisions have been made for recognizing the CHT as a region inhabited by the hill (tribal) people and for preserving this feature.
- Provisions have been made for formulation, change, amendment and addition regarding the related laws, provisions and norms
- Provisions have been made to form a Committee for Implementation of the CHT Accord.

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<sup>11</sup> *The Long Road to Peace in Chittagong*, Raymundo D. Rovillos, The Chittagong Hill Tracts, The Road to a Lasting Peace, Tebtebba Foundation, Bagio City, Philippines, 2000, p-13

<sup>12</sup> 'Life is not Our', Land and Human Rights in the Chittagong Hill Tracts, Bangladesh, Update 4, The Chittagong Hill Tracts Commission, 2000

<sup>13</sup> Indigenous Peoples' Human Rights Report in Bangladesh, 2007-2008, Kapaeng Foundation, Dhaka, July 2009

## **B. CHT District Council**

- Provisions have been made to name the three Hill District Local Government Councils as Hill District Councils and provisions have been made to integrate among others the following matters:
- Determine the Non-tribal (Bangalee) permanent residents
- Award the certificate of the permanent resident by the Circle Chief
- Prepare of a voter-list incorporating the permanent residents
- Provisions for appointing the officers and other employees and giving priority to the hill (tribal) individuals in giving appointment
- Prepare, undertake and implement the development projects and implement all the development activities undertaken at the national level through the Councils
- Entrust the responsibility with the Councils of the appointment from sub-inspectors to downward positions in the police force of the hill districts and bring the district police under the Councils
- Provisions to prevent leasing, settlement, purchase, sale and transfer of land without the prior permission of the Councils
- Special right of the Councils to formulate any laws regarding the CHT passed by the national parliament or any other institutions
- Bring under the authority of the Councils a total of 33 activities or subjects (incorporating 12 new subjects of the Accord) including the development and preservation of law and order, land and land management, police (local), agriculture and forest, primary and secondary education, environment, health, culture, youth welfare and Adivasi (tribal) customs

## **C. CHT Regional Council**

- Provisions have been made to form a Regional Council in coordination with the three hill districts with the aim to make the HDCs more powerful and effective. Provisions have been made to bring the following subjects under the RC.
- Overall supervision and coordination of the matters of HDCs
- Supervision and coordination of the local councils including the Pourashava
- Coordination and supervision of the general administration, law and order and development activities
- Coordination of the disaster preparedness and relief activities and NGO activities
- Adivasi (tribal) laws and mitigation of social conflicts
- Giving license for heavy industry
- General and overall supervision over the CHT Development Board
- Removal of inconsistencies of the CHT Regulation 1900 and other laws
- Formation of Interim CHTRC
- Formulation of laws regarding the CHT by the government after discussions with the RC and with its advice

## **D. Rehabilitation, General Pardon and other Matters**

In order to reinstate the normal atmosphere in the CHT provisions have been made for rehabilitation, declaration of general pardon and other related activities. For this provisions have been made to undertake the following programs:

- Repatriation in the country and rehabilitation of the hill refugees under the 20-point package
- Rehabilitation of the internal hill refugees after listing them by the task force
- Ensure giving settlement of two acres of land to the hill families that are landless or own less than two acres of land
- Formation of Land Commission led by a retired justice and mitigate the land problems under the existing laws, customs and methods of the CHT
- Cancellation of the lease given for rubber and other plantations
- Allocations of more financial resources on a priority basis for the development of CHT
- Continue the existing quota system in the government jobs and higher studies institutions for the hill people
- Patronization of Adivasi (tribal) culture
- Submission of arms by the PCJSS members
- Declaration of general amnesty to the members of the PCJSS and the permanent residents of the PCJSS who are involved with the activities of PCJSS and cancellation of all the existing cases against them
- Remitting the loans taken by the members of the PCJSS, reinstate them in their jobs and rehabilitate them
- Taking all the temporary camps of the military, Ansar and VDP back to their permanent addresses except for the BDR camps and the permanent cantonments (three cantonments in three district centres and three in Alikadam, Ruma and Dighinala) and fix time for carrying out this decision
- Appoint the hill (tribal) people on a priority basis in all the jobs in the CHT
- Establishing a ministry regarding the CHT affairs at the national level and appointing a hill person as its minister and forming an advisory committee to assist the ministry

## **CHT Accord and Preservation of Seats for Women Members**

One important feature of the CHT Accord is it has made provisions for reserved seats for women members in both the RC and HDCs. In the local government councils of the three HDCs formed by the Ershad government in 1989 there were no reserved seats for women although there were reserved seats based on the ethnic communities.

The Article No. 4(Ka) of the Kha volume of the CHT Accord mentions that "In every Hill District Council three seats will be reserved for women. One-third

of these seats will be reserved for the non-tribals.” So of the three reserved seats one is for the permanent resident women of the CHT and the rest two are for the Adivasi hill women.<sup>14</sup>

However, the law enacted for the three HDCs in 1998 mentions that the reserved seats for Adivasi women will not have any quota for the Adivasi communities.<sup>15</sup> This means in these two seats women from the very small ethnic communities will have to compete with those of Marma, Tripura and Chakma, the communities with majority Adivasi population. Besides, the other membership seats reserved on the basis of the Adivasi communities are open for both men and women. So the Adivasi women from any particular community can compete in the seats reserved for that community. The Chair of the RC is open for both the men and women of the Adivasi communities although the practical possibility of an Adivasi woman to compete or to be elected is rather a faraway aspect.

It should be mentioned here that according to the law enacted in 1989 for the three HDCs each of the Council is formed with 31 members including the Chairman. As the CHT Accord makes provision for three reserved seats for women now the total number of seats including the Chairman in a HDC becomes 34.

Again according to the Article No. 3 of Ga Volume of the Accord the total member of RC including the Chairman is 22. Of this two are reserved for Adivasi women and one is for Bangalee women. Of the two reserved seats for the Adivasi women one is reserved for the Chakma and the other is for rest of the ethnic communities.

In the Regional Council also the seats reserved on the basis of ethnic communities are open for both men and women. Like the HDCs the post of the Chair of the RC is also open for both men and women.

## **Overall Scenario of the Implementation of the CHT Accord**

Just after the signing the CHT Accord some matters have been implemented including the formulation of some of the related laws. This has created the practical basis for the implementation of the Accord. Formulation of the CHT Regional Council Act and three Hill District Councils Act, establishment of the CHT Affairs Ministry, repatriation of the hill refugees from India are some of the matters that have been implemented.<sup>16</sup>

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<sup>14</sup> The Accord signed between the government of the People’s Republic of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti, December 2, 1997

<sup>15</sup> Rangamati, Khagrachhari and Bandarban Hill District Local Government (Amended) Council Act (respectively Act. 9, 10 and 11) of 1998

<sup>16</sup> Special bulletin published by Parbatya Chattagram Jana Samhati Samiti in the completion of eighth year of the CHT Accord: “পার্বত্য চট্টগ্রাম চুক্তি : প্রেক্ষাপট, বর্তমান ও ভবিষ্যৎ” (CHT Accord: Context, Present and Future), December 2, 2005, *Dainik Prothom Alo*,

Complaints are there that the then government did not take initiatives to carry out the essential matters of the CHT Accord. Of them are preservation of the features of the CHT as an hill people inhabited region, establishment of land rights by mitigating the land conflicts, introduce the special administration by enforcing the HDC Act and the RC Act, etc.

According to the PCJSS, although the CHTRC Act and the Three HDCs Act have been promulgated they have yet to be implemented effectively. As a result, the special governance system has not taken an effectively institutional shape in the CHT. The temporary camps have not been removed yet. Even the timeline for withdrawing these camps has not been fixed. Instead, military rule has been practically imposed through Operation Uttaran undertaken by the army. Despite the formation of the Land Commission the mitigation process of the land conflicts have not started yet. Although the CHT Land Conflict Mitigation Act has been promulgated in 2001 nineteen related matters conflicting with the CHT Accord have been incorporated in it. The hill refugees who have repatriated from India and those who are internally displaced have not been rehabilitated while violating the Accord the Bangalee settlers have been regarded as internal refugees and initiatives have been taken to rehabilitate them in the CHT. The provision of the Accord to award the permanent resident certificate by the Circle Chief has been made effective but at the same time the power has been given to the Deputy Commissioners also which is a clear violation of the Accord. The leases given to the non-residents have not been cancelled yet while new leases have been given violating the Accord. The voter-list incorporating the permanent residents has not been prepared while in the voter-list prepared in the post-Accord period outsiders have been enlisted. The provision for giving priority to the hill people in giving jobs has yet to be enforced. These are some of the major issues regarding the non-implementation of the CHT Accord.<sup>17</sup>

The then Awami League government led by Sheikh Hasina took some initiatives to implement the Accord. However, their efforts have been thwarted by a vested interest group in the same government. As a result, despite the then government had got three years and eight months period to implement the Accord before they descended from the power in 2001 not much progress had been made regarding the implementation of the Accord.

The 4-party alliance has been opposing the Accord from the very beginning. In 1997 when the Accord was signed they declared that they would cancel the treaty once they would ascend the power. When they formed the government in 2001 they did not cancel the treaty under the national and international pressure but they completely stopped the implementation

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<sup>17</sup> Indigenous Peoples' Human Rights Report in Asia 2008, Bangladesh-Burma-Lao, Towards Social Justice and Sustainable Peace, Asia Indigenous Peoples Pact (AIPP) Foundation, Chiang Mai, Thailand

process of the Accord. Moreover, they had violated the Accord in many ways.

The Caretaker government (2007) led by Dr. Fakhruddin Ahmed did not take any worth-mentioning initiative to implement the Accord. Despite they had taken quite a number of praiseworthy and rather brave steps regarding some of the national issues they completely neglected the Accord.

The left political parties that supported the Accord have not had any specific and clear political agenda to create pressure for its implementation. They have strongly supported and demanded the implementation of the Accord but so far have failed to play any proactive and effective role regarding the implementation of the Accord.

A part of the civil society has been playing a strong role regarding the implementation of the Accord. They are engaged in many ways to form public opinion on behalf of the implementation of the Accord. On the other hand, a large number of people of the country have a wrong perception about the Accord. Most of the military and civil bureaucrats maintain an utterly negative idea of the Accord.<sup>18</sup>

The Great Alliance led by Awami League won the 2008 general election with an overwhelming majority. The point no. 18.2 of the election manifesto of the AL it clearly says, "The CHT Accord shall be fully implemented. Additional initiatives for the development of the disadvantaged areas of the country and priority-based programmes shall be undertaken and realized for the recognition of the rights of the small ethnic communities, Adivasi and other communities as well as for the preservation of their languages, literature, cultures and the uniqueness of their life style and for their well-balanced development."

As a part of their election pledge the present government led by AL has undertaken some initiatives to implement the Accord. Their initiatives manifest some rays of hope in this regard. Some of these important steps are: one, the appointment of Jatindra Lal Tripura, MP from Khagrachhari as the Chairman of the Task Force for the Rehabilitation of the repatriated Hill Refugees and the internally displaced Hill Refugees on March 29, 2009 and taking initiatives to reorganize it. Two, on August 19, 2009 Sajeda Chowdhury was appointed as the convener of the CHT Accord Implementation Committee and the Committee has been reorganized. Three, on March 31, 2009 Bir Bahadur Ushaising, MP from Bandarban was appointed the chair of the CHT Development Board. Four, on July 19, 2009 by appointing retired justice Khademul Islam Chowdhury as the chair of the Land Conflicts Mitigation Commission the organization has also been reorganized. Five, declaration on July 29, 2009 that 35 temporary camps would be withdrawn including one brigade of army.

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<sup>18</sup> "বাংলাদেশের আদিবাসী জাতিগোষ্ঠীসমূহের সার্বিক অবস্থা" (Overall Situation of the Adivasi Ethnic Communities of Bangladesh), Mongol Kumar Chakma and Pallab Chakma, Samhati, 2009, Bangladesh Adivasi Forum, Dhaka, August 9, 2009

# **Movement of the Adivasi Hill Women of the Chittagong Hill Tracts**

## **Women Rights Movement with the Hill Peoples' National Movement**

In 1960 the hill ethnic communities speaking 10 languages began their rights movement. Late Manabendra Narayan Larma, founder of this movement envisaged in the manifesto of PCJSS about the vision to establish a society free from not only gender-based exploitations but all kinds of discrimination. Manabendra Larma recognized the imperishable source of strength in woman with which she plies through the patriarchy in her own home and society while struggles through the extreme communalism in her national life. He had realized the vital need to organize the hill women to strengthen the total movement of the hill people.

In the 1970s a political process was ensued to free the hill women from the patriarchal exploitation and domestic slavery. A political realization occurred that woman is the half of the society and if this half remains unaware about its rights it will affect the entire society and progress will not be possible.

It was realized that an active participation of women can only make the social and political progress possible. Efforts were taken to integrate the hill women in the movement against extreme communalism and also in the other rights-based movement of the hill people. Through intensive campaign about establishing women's rights efforts were continued to encourage and inspire the women to participate in the political struggle. The process of women's mobilization began to strengthened since the mid-1970s.<sup>19</sup>

Efforts continued to establish a woman organization by mobilizing the hill women. In early 1973 the base of this organization was formed as some progressive women of the hill communities found an organizing committee. Along with this regional committees for women were being formed in the different parts of the CHT. Finally on February 21, 1975 "Parbatya Chhatagram Mohila Samiti" (CHT women forum – henceforward Mohila Samiti), the first political organization of the hill women came to exist.

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<sup>19</sup> "বিশ্ব নারী আন্দোলন ও জুম্মা নারী সমাজ" (World Women Movement and Jumma Women), Jarita Chakma, Jagoron, 6<sup>th</sup> Central Council of Hill Women Federation, 2004 Memorial Edition (Ed. Moyon Ching Marma), Rangamati, November 20, 2004



The manifesto of Mahila Samiti declares that – the society of the hill communities is based mainly on the feudal and patriarchal ideology and system. So the struggle of the hill women of the CHT is a double struggle – on one hand, against the feudal, imperial and extreme communal rule, exploitation and oppression and against the patriarchal exploitation by their own society on the other. As women are economically dependent they are victims of negligence, rejection and are treated as an object of enjoyment. So it is entirely impossible to eradicate all the forms of exploitation and discriminations unless both the men and women participate in the movement hand in hand. The inevitable creative role and contribution of women in the struggle of men have been proved over and over again from country to country, from society to society. Only the progress of women at the same level with their male counterpart can make it possible to achieve a society free from exploitative rule. So it is imperative to mobilize the women so that they actively and equally participate in the constructive struggle for the freedom and development of the oppressed people of the world.<sup>20</sup>

The constitution of the Parbatya Chattagram Mohila Samiti was prepared in 1975. The first central committee of this organization was formed on August 10, 1975. A total of 65 women representatives from Chengi, Maini, Kachalong, etc. areas participated in the convention. A full central committee was formed in this convention. Madhabilata Chakma became its chair, Dipti Chakma organizing secretary and Jarita Chakma was made the cultural and publicity secretary. The central committee had formed three regional committees of the Samiti in Chengi, Maini and Kachalong regions. Gradually grassroots committees were also formed led by the regional committees.

## **Participation of Hill Women in Armed Struggle**

Another historical period began for the Mohila Samiti in January 1976. The members of this organization started taking political and military training in the central office of the PCJSS. In that training 35 members of the Samiti had participated. It was the first ever military training for the hill women. However, this training was mainly for defensive purpose. It did not involve any tactics of the frontal battle. This training had proved useful for women in their overall handling of the period of armed struggle. It helped them enormously mobilize people and build organizations in the outside areas, maintain different kinds of communication avoiding the hawk eyes of the enemy and the reactionaries and ensure security of the party workers.<sup>21</sup>

The movement of the hill women for their rights faced many impediments and hindrances in its long journey. It was a roundabout way. The

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<sup>20</sup> Constitution of Parbatya Chattagram Mohila Samiti, 1975

<sup>21</sup> "নারীমুক্তি প্রসঙ্গে এম এন লারমা" (MN Larma on Women Liberation), Srimoti Pallabi, *মানবেন্দ্র নারায়ণ লারমা : জীবন ও সংগ্রাম* (Manabendra Larma: Life and Struggle), Ed. Mongol Kumar Chakma, MN Larma Foundation, Rangamati, February 2009

conservative societies of the hill communities did not easily approve of the mobility of their women. Hill women endured many ridicules and negative attitudes of their own community, particularly from their parents, guardians, husbands and other males. They called them names. Bearing all these hill women began to mobilize and participate in the broader political movement for the rights of their people.

The more speed the armed movement had obtained the worse became the torture and oppression of the rulers in the CHT. In 1976 when the armed movement heightened the government deployed thousands of members of the army in this region. Till 1981 the government besides deploying the army formed many reactionary organizations to mar the movement. In this period it became very difficult for the Mohila Samiti to continue their work for safety reason. The organization was compelled to curb its activities gradually and eventually became largely limited within the families of the party workers.

Madhabilata Chakma, one of the front-row workers of the women movement in the CHT says that the huge wave of women rights movement had spread to the corners of the region in the 1970s left a lasting impact upon the hill communities regarding bringing change to their women's situation. A strong awareness about their rights and a firm assertion for struggle have grown in at least one portion of the hill women.

During the armed movement many women worked as secret messengers risking their life. They had active role in taking messages and transporting secret letters and documents for their soldiers. Many of them had been caught by the military and were molested, assaulted and raped. Women played their inevitable role as nurses for the sick and wounded soldiers, cooked for them and wove clothes free of charge. Yet for their invaluable contributions during the war time the hill women neither got any national recognition nor had they received any formal acknowledgement from their own community. Their contributions in the war have largely remained invisible.<sup>22</sup> The government arms-submission list by the PCJSS members does not have any other women except Madhabilata Chakma. As a result, women members of PCJSS have been deprived of the privileges awarded by the government to the members who had submitted their arms.

## **Hill Women in Democratic Movement**

In the continuity of the movement of the Parbatya Chattagram Mohila Samiti during the armed struggle of the hill people another organization was formed by the hill women named Hill Women Federation (HWF) on March 8, 1988. The organization was led by Gouri Chakma and Shila Chakma at that time. From its very birth the HWF along with Pahari Gono Parishad (hill people's council) and Pahari Chhatra Parishad (hill student council) has been actively

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<sup>22</sup> *Women's Survival and Resistance*, Meghna Guhathakurta, The Chittagong Hill Tracts and Nature at Risk, Philip Gain (ed.), Society for Environment and Human Development (SEHD), Dhaka, 2000.

participating in the democratic movement for the rights of the hill people. They have spread their organization to the college and university level.

The first national convention of HWF was held on January 15, 1995 that brought much impetus to the programmes and activities of the organization. This organization actively plays role in mobilizing people's opinion in home and abroad against the oppression and torture of the government on the Adivasi hill women.

In the post CHT Accord period both Parbatya Chattagram Mohila Samiti and HWF have been playing active role in mobilizing the society of the hill women and in mobilizing people's opinion against their human rights violation. They also have an important role in the implementation of the Accord.

### **Hill Women in International Arena**

A two-member team from Hill Women Federation joined the world women's conference in Beijing held September 4, 1995. As representatives of the hill women of the CHT they presented a detailed picture of the situation of the Adivasi hill women. In post Accord period scopes have been created for the hill women for participating in the international workshops, conferences and seminars. Many hill women from the CHT have participated in many conferences organized by the working group on indigenous people (recently abolished) under the UN Human Rights Commission, working group on the draft declaration of the rights of the indigenous peoples and the sub-commission on human rights. It earned them an in-depth knowledge and experience about the international processes regarding human rights particularly on the rights of the indigenous peoples.

Scopes have been created for hill women to join the conferences, seminars and training workshops in different countries organized particularly on Adivasi rights, Adivasi women rights and the special rights of the Adivasis. Many Adivasi women working in the local voluntary organizations of the CHT grown in the post-Accord period usually have better scopes to participate in these international forums. Although this scope is still limited but it has made a positive impact upon the Adivasi hill women particularly about increasing their understanding of the different aspects of Adivasi women's rights. The Adivasi hill women leaders claim that these exposures have much enabled them to increase their networking capacity with the different Adivasi organizations around the world, to strengthen the protest movement against the continuing violence against the Adivasi women, to utilize the different methods and procedures of different international organizations including the UN for prevention against violence. They observe that these scopes have come through the favourable milieu created by the CHT Accord.

## **Women Voluntary Organizations in Post Accord Period**

Many CHT-based NGOs have been born after the signing of the Accord. As a part of this a number of women-based NGOs have also been formed. These voluntary women organizations are working on capacity building of the women, right-based awareness building, spreading women education, women healthcare, women employment, creating and promoting income generating and self-employment activities for the rural poor women, protesting and preventing the continuing domestic, social and communal exploitation and torment of hill women, etc.

In this regard many national-level women organizations assist the local NGOs working for women. They work together as stakeholders. Of them Bangladesh Nari Pragati Sangha, Nari Paksho, Durbar Nari Network, Nijera Kori are worth-mentioning. Nari Pragati Sangha instead of working directly in the CHT provides assistance to the local women NGOs so that they can build their capacity. Thus the national and local level women organizations are working hand in hand to implement the CHT Accord.

## **Political Empowerment of Adivasi Hill Women**

The general participation of the Adivasi hill women in CHT politics is still not very large. The Parbatya Chattagram Mohila Samiti formed in 1975 under the auspices of PCJSS played significant role in raising awareness among the hill women and in organizing them. They mobilized protest against social crimes like alcohol abuse and gambling. The Hill Women Federation formed in the late eighties mostly involved students from the schools, colleges and the universities. This organization has actively voiced against the violence committed to Adivasi hill women. Their participation and strong voice against the continued violence committed to the Adivasi hill communities in the pre-Accord period attracted the attention of the world.

Social and cultural setbacks are among the major reasons that hinder the Adivasi hill women from participating actively in politics. Lack of patronization and male domination in the both regional and national political parties are also vital reasons.

Not much progress has been made regarding the active participation of Adivasi hill women in politics. However, the regional political parties in the CHT give political training to its women members. It increases their political knowledge and help develop their leadership quality that is crucial for the future political empowerment of women.<sup>23</sup>

### **Constitution, State Policies and Adivasi Hill Women**

#### **The Constitution**

Bangladesh Constitution does not give recognition to the 11 Adivasi hill ethnic communities speaking their own languages. However, Section 28(4) of the Constitution mentions, "Nothing stated in this Section shall deter the state from formulating special provisions in favour of the women and children or for the advancement of any backward section of the citizens."

"Any backward section of the citizens," mentioned in the aforesaid Section of the Constitution includes by the government the small Adivasi communities also. The government jargon for these Adivasi communities, however, is

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<sup>23</sup> "পার্বত্য নারীর পাঁচমিশেলী গল্পে" (Sweet and Sour Stories of Hill Women) Tuku Talukder, জাগরণ (Jagaran), International women's day edition, Ed. Kaldana Chakma, Hill Women Federation and Parbatya Mohila Samiti, Rangamati, March 8, 2005

tribal communities. Empowered by this Section the government has made some positive steps for the Adivasi communities of the country including the Adivasi hill people. One major step is the signing of the CHT Accord in 1997. In its continuation initiatives have been undertaken to establish special administrative system for the CHT involving the CHTRC and the three HDCs. Adivasi hill women also derive some benefits from the positive efforts by the government.

Bangladesh Constitution reserves seats for women in the national parliament. These women MPs are elected by the 300 MPs elected through general election. The objective of this system was to ensure the least representation of women in the national parliament. The provision made in the 1972 Constitution generally expected that it would promote and inspire women to participate in politics more and gradually bring them in the mainstream electoral process. It was also expected that in future the socio-economic and cultural hindrances will be eliminated creating opportunity for women to participate in the politics as equally as their male counterparts. But that expectation was not fulfilled. Only a few women get nomination from the political parties and can compete in the election. In this context the provision of reserved seats for women MPs has been thrice amended in order to increase its number.

According to the Section 65(3) of 1972 Constitution 15 seats were reserved in the parliament for women for a 10-year term. In 1978 the provision was renewed for the first time in which the number of seats was increased from 15 to 30. Its term ended after 10 years in 1987. In 1990 the second renewal was carried out through the tenth amendment of the Constitution. The tenth amendment kept the same number of reserved seats for the same duration which ended in July 2001.<sup>24</sup> In May 2004 during the tenure of BNP led 4-party alliance the third renewal was done regarding this matter. The number of reserved seats was increased to 45 from 30 in the third renewal. Another provision was made as well which was, the political parties present in the parliament as per their representation ratio would directly elect their candidates in the reserved seats.

Although the third renewal of the reserved seats was carried out after the CHT Accord had been signed the context of the Accord and the different background of the Adivasi hill women were not considered. Consequently even after the CHT Accord the Adivasi hill women remained deprived of their national-level representation in the parliament.

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<sup>24</sup> "নারী অধিকার ও জুম্মা নারী সমাজ : মানবাধিকারের প্রেক্ষিত" (Women Rights and Jumma Women: A Human Rights Perspective ), Udyan Chakma, জাগরণ (Jagaran), International women's day edition, Ed. Arumita Chakma and Sinko Chakma, Parbatya Mohila Samiti and Hill Women Federation, Rangamati, March 8, 2005

## **National Women Development Policy**

Bangladesh signed the international treaty on the elimination of discrimination against women i.e. CIDAW on December 6, 1998. On the other hand, the Constitution orders to formulate special laws if and when it is needed in its Article No. 28(4).

The universal declaration on human rights was declared by the United Nations in 1948 that recognized women's equal right to participate in the political activities with the men. In 1995 the Beijing Declaration undertaken in the fourth world women's conference this right of woman has been once again restated. As a signatory of the UN universal declaration on human rights as well as the Beijing Declaration Bangladesh is bound to undertake all the necessary steps so that women can equally participate in the decision making process in all sectors and at all levels like men. The Bangladesh Constitution in many of its sections makes provisions against the discrimination on the basis of gender and reiterates the equal rights of man and woman. These matters, however, reside still in the papers only. There is no implementation of these directions in reality.

In the post CHT Accord era in September 12, 2007 the declaration on the rights of the Adivasi communities was passed by the UN General Assembly. In this Declaration although there are provisions for security of the Adivasi women, for their protection from the social, economic and political torment and discrimination and for their freedom the Bangladesh government has been continuously denying the existence of the Adivasi communities in the country. As a part of its denial it is denying to give the rights of the Adivasi women recognized in the Declaration.

Like the other countries of the South Asia Bangladesh too has accepted the international treaty on the equity and anti-discrimination between the men and women. Bangladesh Constitution also has some similar provisions. In 1972 Bangladesh ratified the ILO Convention on the Adivasi and Tribal ethnic communities (Convention No. 107). Although Bangladesh has ratified this Convention of ILO all the governments without exception have ignored the implementation of the Convention. As a result the Adivasi hill women have remained deprived from the rights of Adivasi women recognized in the Convention. Moreover, this particular convention of ILO is affected with the colonial mindset of assimilating the Adivasi communities with the majority ethnic community. Having renounced this reactionary attitude ILO has adopted Convention on the Adivasi and tribal ethnic communities in 1989 (Convention no. 169) that is comparatively progressive. In this convention validates the concept of the development of the Adivasi tribal and ethnic communities keeping their separate ethnic identity and political, social, economic and cultural contexts intact. Although the neighbouring country Nepal has ratified the Convention Bangladesh has yet to ratify it. Bangladesh's not ratifying this Convention is also an impediment on the state's part against achieving the valid rights of the Adivasi hill women.

The existing discriminations against women to reduce which the government has formulated policies generally affect the Adivasi hill women also. However, since the social, cultural and economic contexts are much different from those of the women of the plains these policies do not adequately address their issues of discrimination. In the national level discussions the inadequacies of these policies are hardly brought upon. For example, the CIDAW does not at all mention the self-determination of the Adivasis. Moreover, although CIDAW points out the unequal opportunities of education, discriminations in wage and healthcare, violence and human rights violation the Convention has more or less failed to address the hegemonic attitude of the West inherent in it. In other words, the existing discrimination against the Adivasi women still continues in the formulations of this Convention. Considering both the national and the international contexts the women rights activists emphasize that both the Bangladesh government and the international NGOs should recognize the Adivasi cultures, their historical contexts and information.

In 1997 the Awami League government formulated the national women development policy. Later during the tenure of the BNP led four-party alliance this policy had been partially amended. Again during the Caretaker Government led by Dr. Fakhruddin Ahmed declared the new women development policy on 8<sup>th</sup> March 2008.

In the post-CHT Accord period the national women development policy has undergone amendment twice but the different contexts of the Adivasi women has yet to be considered in this policy. The policy does not separately protect the rights of the Adivasi hill women.

The different articles of the national women development policy reiterate the equal rights of women. For example, ensuring equal rights of health and security in the workplace, ensuring equal rights in social security and healthcare, in the education sector for women and girl children, giving women equal opportunity and stakes in resources, employment, market and business or create equal participation opportunity for women and reflect their situation in the policies and programmes of environment preservation. The women development policy also states that all kinds of discriminations will be eliminated in the political, economic, social and cultural sectors as a recognition of women's equal rights. Nevertheless as in the national policies regarding other sectors the national women development policy also keeps silent about the Adivasi communities and the rights of the Adivasi women. Yet the most marginalized and vulnerable section among the female population of the country is the women of the Adivasi communities.<sup>25</sup>

The Adivasi communities have their own features regarding different spheres of their life including their social, cultural, anthropological, economic and political structures and the management of land and resources that are different from that of the majority communities. The Adivasi hill women are

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<sup>25</sup> Essay read in the roundtable discussion organized by Parbatya Chattagram Mohila Samiti and Hill Women Federation at the VIP lounge of National Press Club, Dhaka, July 18, 2008.



facing the communal and racial torments as members of the Adivasi communities on one hand while they severely suffer under the overpowering patriarchy on the other. So the Adivasi women of the country suffer and are exploited twice as much. Yet the national women development policy maintains complete silence about the double deprivation and sufferings of the Adivasi women.

The real and sustainable development of the Adivasi people of the country will remain unachieved unless the different contexts of these communities are not included in the national development policies. The Adivasi women leaders emphasize that the reasons behind the poverty of the Adivasi can never be uprooted as long as these communities will be considered in the same and general contexts of the majority community. Similarly they observe that the sector-based general policies will never succeed in eradicating the existing discriminations against women.

Despite the impediments in the family and the society the women have remained committed in their roles and responsibilities in the national movements but their contributions in the political, economic, administrative and cultural fields have never received the proper recognition and evaluation. The demand that the participation of the Adivasi women should be ensured in all sectors and at all levels has gained an international momentum. Keeping this demand in view it is imperative now to integrate clear provisions for the Adivasis in all the policies at all levels including the women development policy that will be in line with the provisions of Bangladesh Constitution. In order to establish the equal rights of men and women and to protect the Adivasi women from all kinds of discriminations the national women development policy should include a separate chapter on the development of the Adivasi women, said the Adivasi hill women leaders.<sup>26</sup>

## **Adivasi Hill Women in the National Parliament**

Bangladesh Constitution reserves 45 seats for women parliamentarians in the national parliament. These women parliamentarians are elected by the 300 parliamentarians on the basis of majority who are elected through direct votes by the citizens. There are no particular provisions for the representation of the Adivasi women in these reserved seats.

In the post CHT Accord period the last Parliament election was held in 2008 which is the ninth of such election. In this election eight political parties have nominated a total of 50 women candidates for participating in the direct election. Of them only one is an Adivasi hill woman, Maitri Dewan, nominated by BNP as its candidate in Rangamati constituency. However, this nomination came as a consequence since BNP could not give nomination to its first preference Dipen Dewan, Maitri's husband. Dipen, a public servant had retired just one year during the election while the

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<sup>26</sup> Ibid.

government rule is an ex-public servant may seek candidacy in the parliament election only after three years of his/her retirement. In the 2001 parliament election also BNP gave nomination to an Adivasi woman in the CHT. She was Mama Ching who in Bandarban constituency was defeated by Bir Bahadur, the Awami League candidate for 853 votes only, quite a close battle.

Getting nomination in the reserved seats for woman MPs in the national parliament depends mainly on the political favour. During the reign of Ershad Mitali Tanchangya was appointed from the CHT in the reserved seat for woman MP. Sixth parliament was formed after the people's movement of 1990 and BNP came to power (1991-1996) when it had appointed Mama Ching from Bandarban in the reserved seat for woman MP. Mama Ching was once involved with Chhatra Union, the left-wing organization and later joined BNP. After the CHT Accord was signed during the tenure of Awami League (1996-2001) no Adivasi hill woman was appointed from the CHT region. Rather the AL government chose Ethin Rakhaine from Cox's Bazaar region to appoint an MP in the reserved seat for woman. Ethin has been made MP again in the current tenure of AL led government that has ascended to power after the ninth parliament election held in March 2008. Bottom line is still after the CHT Accord the Adivasi hill women have not been able to get the opportunity to be MP in the reserved seats for woman parliamentarians.

The major reason behind this is that the seat that is reserved for woman representative from the CHT is not exclusively reserved for the Adivasi hill women. According to a newspaper report published in 2002 the then BNP led government actively considered a district-based idea of reserving seats for women in the parliament. The idea was to reserve a seat for a woman MP from each district from the plains which came to a total of 61 district, while, however, only one seat would be reserved for a woman MP from the three hill districts. Strong protest came against this extremely discriminatory initiative from the women of the CHT and their organizations like CHT Mahila Samiti, Hill Women Federation and others. Addressing the Prime Minister CHT Mahila Samiti gave a memorandum on February 28, 2002 with the demand that one seat from each hill district to be reserved for women representatives in the parliament. They held a press conference also at the national press club in Dhaka on March 24, same year.

The demand of the CHT Mahila Samiti was supported by different organizations like Nari Pragati Sangha, Sammilito Nari Samaj, Nari Grontho Probortona, Ain a Shalish Kendro, Nijera Kori and Kormojibi Nari. This demand raised by the Adivasi hill women from the CHT has not yet fulfilled. As a result even after the CHT Accord has been signed the Adivasi hill women are yet to tread the court of the national parliament, the highest legislative body representing the whole nation.

## **Adivasi Hill Women in the Special Governance System of Chittagong Hill Tracts**

### **CHT Regional Council**

Signed in 1997 the CHT Accord makes a provision for reserving three seats for women representatives in the CHT Regional Council. Accordingly the provision has been properly incorporated in the CHT Regional Council Act 1998. According to the Accord two of the three seats are reserved for the Adivasi hill women and the rest one is for the permanent Bangalee female resident of the CHT. Of the two seats reserved for the hill women one is kept for the Chakma community and the other for other Adivasi hill communities.

Following the proposal of Parbattya Chattagram Jana Samhati Samiti (PCJSS), one of the two signing parties of the CHT Accord the government in May 1999 gave nomination to the Chairman and members of the interim CHT Regional Council (CHTRC/RC) and made a gazette notification. According to the law 22 members including the Chairman are appointed in the interim Regional Council. Along with them the three chairmen of the three CHT District Councils are the ex-officio members of the RC. According to the CHT Accord and RC Act two Adivasi women and one permanent woman have become the members of the RC. Of the two Adivasi hill women members one is from Chakma community named Madhabilata Chakma and the other Unu Pru Chowdhury is from Marma community.

Except for the natural appointment of women in their reserved seats no women have been appointed or selected in the general seats of the RC. The women rights workers see it as a discriminatory attitude towards women.

The Act entrusts the executive power of CHTRC with the RC Chairman. Besides there are provisions to form committees in order to properly carry out the activities of the RC. Under that Act eight committees have been found. Mrs. Unu Pru Chowdhury has been made convener of social welfare and cooperative committee. Madhabilata Chakma has been made a member of the committee of education, culture and tribal affairs.

The women members of the RC informed that they have played roles in the decision making process like their male colleagues in the undertaking and implementation of projects under their jurisdiction. However, like any other sectors women's lack of participation in the decision making process of the RC is quite visible. Women's socio-economic and political deprivation and discrimination are certainly the main reasons for this. Nevertheless, some observe that this lack of participation largely derives from the lack experience and from the weakness of their leadership.

Nor do Adivasi hill women occupy a worth-mentioning position among the officials of the RC. Of the three officers of the RC one is a hill woman and of the 47 non-officer employees merely nine are women. Of them one is a Bangalee and the rest eight is hill women.

As we know that the election of the three HDCs is pending and so the election of the RC cannot be held. According to the provisions of the CHT Accord and the Regional Council Act the representatives of the RC including the Chairman will be elected by the Chairman and members who are elected through people's direct votes. The Accord furthermore mentions that the Interim RC will hand over the power to the elected RC (Article 12 of Ga Volume of the Accord). New women leaders cannot come to the RC until the election is held.

Despite the promulgation of the CHTRC Act the RC has not yet been entrusted with full authority. As a result, the RC cannot fully and properly perform its overseeing and coordination responsibilities regarding the matters of the HDCs, local councils including the Pourashabha, general administration, law and order and development, disaster preparedness and relief activities and NGO activities, Adivasi (tribal) laws and social conflict mitigation, programmes of the CHT Development Board. Moreover, the government is completely disregarding the provisions that it would formulate laws regarding the CHT in consultation with the RC. The government has still kept hanging the Provisions of Activities of the RC.

According to the law, the Regional Council is the highest governing body of the CHT. Yet owing to the lack of commitment from the consecutive governments and for the favouritism of the ruling political parties the special governance system has still not been established in the CHT. The democratic self-rule and most importantly the preservation of the languages, cultures, rights and the ethnic identity of the underprivileged hill communities could not still build a strong base. The whole situation has much thwarted the overall progress of the Adivasi hill women and hindered them from adequately participating in all spheres of life.

### **Three Hill District Councils**

According to the CHT Accord three acts have been formulated which are Rangamati Hill District Local Government (Amended) Act, 1998, Khagrachhari Hill District Local Government (Amended) Act, 1998 and Bandarban Hill District Local Government (Amended) Act, 1998 (respectively Act No. 9, 10 and 11 of 1998). In the Article no. 4 (Gha) of these acts a Sub-article has been added which says,

“(Gha) Three women members, of which two will be tribals and one will be non-tribal.

Explanation – For the tribal women mentioned in Article (Gha) there will be no quota for the women from different tribes in the district.”<sup>27</sup>

Although the HDC Acts keep provisions for reserving seats for Adivasi women following the CHT Accord but the provisions still have not been made effective. Again the reason is not holding the HDC election in the post-Accord period.

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<sup>27</sup> This article has been added through the Act No. 9 of 1998.

It should be mentioned here that the first and last election of the HDCs was held in 1989. Although the tenure of an elected HDC team is three years no election has been held since then. After the tenure had ended of the elected HDC the government founded an interim HDC with five-member team including the Chairman. As the new government ascends to power new interim HDCs are formed for the three hill districts incorporating the partisans of the ruling party. In the interim HDCs there is no provision for any reserved seats for women.<sup>28</sup> Consequently it has deprived both the Bangalee and the hill women of their rightful participation in these representative bodies.

In this regard there are only two exceptions: one, the appointment of Mama Ching Marma, an Adivasi hill member of BNP as the Chairman of the Bandarban HDC during the tenure (2001-2007) of 4-party alliance government led by BNP. Two, very recently the Awami League led government of Great Alliance has appointed a Bangalee woman as a member of the Rangamati HDC. Other than these two examples women from neither the Bangalees nor the hill communities got the opportunity to represent in the HDCs.

Participation of Adivasi hill women in the officials of the HDCs is neither as expected. Of the 44 officials in Rangamati HDC only six are women – two are third class and four are fourth class employees. Of the 26 Master-roll employees there are not women. However, in the post-Accord period the scenario of appointing women as teachers by the Rangamati HDC is rather encouraging. In 1999-2008 period, a total of 108 headmaster/headmistress have been appointed of which 35 are women. Of the total 888 assistant teachers appointed 458 are women. In Bandarban HDC there is no Adivasi hill woman officers while only three are women among 33 employees below officer.

The three HDC acts have been strengthened through amendment after the CHT Accord. However, the HDC acts have not been properly implemented. The government is still dillydallying about holding the HDC election. The voter list has not been prepared incorporating the permanent residents of the three hill districts, which has been made compulsory by the law before the holding of the election of the HDCs. Provisions have also been made in the CHT Accord to hand over a total of 33 subjects (comprising 68 activities) including 12 new ones to the HDC authorities. Of them some major are supervision, maintenance and development of law and order situation, land and land management, police (local), secondary education, youth welfare, environment, preservation of statistics including birth and death, etc. However, these important subjects still have not been transferred to the authority of the HDCs.

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<sup>28</sup> The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review, Raja Devasish Roy, PRO 169, International Labour Standards Department, ILO Geneva and ILO Office, Dhaka, 2009

## **Adivasi Hill Women in the Local Government System**

### **Union Parishad**

In 1997 the law for the direct election of the reserved seats for women members in the Union Parishads (UP) was passed. This created an unprecedented scope for women to participate in the local administration. It created the opportunity for women to be directly elected in both the general and reserved seats. In the three hill districts there are 111 UPs. Many hill women are elected from the reserved seats in these UPs. Even Debrani Chakma, an Adivasi hill woman has been elected the Chairman of Bormachhari UP in Laxmichhari Upazila of Khagrachhari district.

According to the information obtained generally women from Chakma, Marma, Tripura, Tanchangya, etc. communities are elected in the reserved seats of the UP. So far, there is no information about whether any woman has ever been elected in the reserved seats from the communities with very small population and in relatively disadvantaged situation like Chak, Bawm, Khyang, Pankho, Khumi, Mro, Lusai, etc.

Many have raised the point that although there are reserved seats for women in the UP there are no reserved seats exclusively for the Adivasi women. Consequently while Adivasi women in the CHT get the scope to a certain extent for being elected in the reserved seats the Adivasi women in the plains are virtually deprived from that opportunity. It is true not only for the Adivasi women but generally also for the whole Adivasi communities of the plains irrespective of their gender because of the exclusively demographic domination of the Bangalee community. Practically the Adivasi communities of the plains do not have any scope to represent their respective communities according to their population ratio. In the CHT also in the Unions where the population of the Bangalee settlers dominates over that of the Adivasi communities the Adivasis do not have the opportunity to be elected in the Chairman and other posts including the reserved seats for women. In this background the Adivasi organizations of the country including those in the CHT have been demanding for seats to be reserved for the Adivasis in the UPs where there is Adivasi population. In order to ensure their proper representation in the UPs their demand in this regard includes reservation of both the general seats and the seats for women.

In the CHT Accord nothing specific has been mentioned about the preservation of seats for the hill women in the UP. Nonetheless, the Accord recognizes the CHT as a region inhabited by the hill people i.e. the *Paharis* and provisions have been made to preserve this particular feature of the region (Article 1 of Vol. "Ka"). Many women leaders of the hill communities have made two urgent recommendations in the light of this Article of CHT Accord – one, sustain the status of the CHT as a region inhabited by the hill people by means of ensuring the proper representation of the hill people in the UPs and two, include the provision of reserving the positions of the Chairs and the Members of the UPs for the Adivasis as well as the seats for

women representatives at all the levels of local government system including the UPs.

Besides that, according to the CHT Accord “Except for the Pourashava and the Union Parishad the Improvement Trust and other local government related institutions” at the district level now are matters under the respective Hill District Council [Article 34(Chha) of Vol. Kha of the Accord and the activities of the 29<sup>th</sup> Parishad of the first *Tafsil* of Hill District Council Act 1998]. Moreover, according to the CHT Accord at the regional level the CHT Regional Council “supervises and coordinates the local Parishads including the Pourashavas” [Article 9(Kha) of Vol. Ga of the Accord and Article 22(Kha) of the CHT Regional Council Act 1998].

However, the special provisions and the different background of the Adivasi communities recognized in the three Hill District Acts and the CHT Regional Council Act have not been included in the Local Government Act (Amendment) 2001 passed after the promulgation of the CHT Accord. Consequently the Hill District Councils face problem in controlling the respective UPs while the Regional Council is having trouble with its supervision and coordination activities of the UPs. As the special background and the provisions of the CHT have not been included in the Local Government Act there is no reserved seats/positions for the Adivasi women in the UPs. As a result in the Unions of the CHT where the Bangalees have been brought and settled under the government initiatives the general Adivasi people hardly have any chance to be elected in the UPs. In these areas the scope for both men and women from the Adivasi hill communities to be elected as people’s representatives in the UP is quite limited.

One thing should be particularly noted here that although the Adivasi hill women can get elected in the reserved seats for women members there are complaints that they are deprived from their full participation in the UP activities through many kinds of maneuverings. In order to solve this situation the elected women members have demanded that the government should undertake specific policies by which the responsibilities, power and legal rights will be clearly defined. In response to this demand the Local Government (Amendment) Act 2001 was passed in the Parliament in which the number of the standing committees under the UPs was increased from seven to 12. Provision has been made that at least one of these committees will have a woman as its chair. Later a social welfare committee has been formed in every ward of a Union having a woman member as its chair. Despite all these steps it is a common complaint that woman’s role in decision making process in the UPs is still ignored.

### **Upazila Parishad**

Upazila Parishad was introduced in 1982 during the reign of General Ershad. BNP ascended the power through the general election held after the fall of Ershad regime as a result of people’s movement. BNP regime cancelled the Upazila system.

In 2007 again initiative was taken to reinstate the Upazila system when the Caretaker Government came to power led by Dr. Fakhruddin Ahmed. As a part of this initiative the third Upazila Parishad election was held on January 22, 2009. In the new system of the Upazila Parishad provisions have been made for one chair and two vice-chairs. While the position of the chair is open for both the male and female candidates one of the posts of vice-chair is reserved for females and the other for the males.

The present government passed Upazila Act in the national parliament in April 2009. Despite the Upazila Act has been passed after the promulgation of the CHT Accord the Upazila Act includes in it neither the Accord nor the different background of the Adivasi hill people. Consequently, in the CHT Upazilas although a post of the vice-chair is generally reserved for women there are no reserved seats for the Adivasi women in the Upazilas inhabited by the Adivasi communities. Since the CHT Accord recognizes it as an Adivasi inhabited region and has made provision to preserve this feature many hill people suggest that it is urgent to reserve the posts of the chair and the vice-chair of the Upazila Parishad for the hill people including the hill women.

In the third Upazila Parishad election no Adivasi women was elected in the post of the chair. However, in 25 Upazila Parishads under the three hill districts 15 Adivasi women have been elected as the vice-chairs. Among them 10 are Chakma, two Marma, two Tripura and one from Tanchangya community. It is indeed a noteworthy sign of the political empowerment of the Adivasi hill women after the CHT Accord has been signed. Nevertheless it is commonly complained that as in the Union Parishads women's representatives are often ignored in the decision making processes in the Upazila Parishads also.

### **Municipal Corporation**

There are a total of 7 municipal corporations in the three hill districts. In the CHT Accord there is no direct mention regarding women's representation to municipal corporations. However, it was stated in the Accord that the subject styled "excepting the Municipal Corporations and Union Councils the Improvement Trusts and other local government institutions" would be transferred to three Hill District Councils [please see the Section 34(g) under Chapter 'B' of the CHT Accord and also the proceedings No. 29 of the first schedule of the Hill District Council Act 1998]. It was further stated in the CHT Accord that at regional level the CHT Regional Council "will supervise and coordinate the local government councils including the municipal corporations" [please see the Section 9(b) under Chapter 'C' of the CHT Accord and also the Section 22(b) of the CHT Regional Council Act 1998]. By dint of these Sections (provisions) of the CHT Accord the CHT Regional Council and the three Hill District Councils can play, though indirectly, positive role in delegating decision-making duties and responsibilities upon the women members of Municipal Corporations.



It is noteworthy that generally there are reserved posts of Municipal Commissioner for the women in the Municipal Corporation Act as well. However, likewise the Union and Upazila Councils there are no reserved seats in the Municipal Corporations also for the indigenous women. It is a fact that provisions were made in the CHT Accord for recognizing the CHT as a region of hill people and preservation of this distinct characteristic and culture of the region. Therefore many of the hill peoples are of the opinion that reservation of seats for the indigenous hill people including women to the posts of Chairman/Commissioner in the Municipal Corporations is very crucial.

However, it is very difficult for the indigenous hill women to get elected in the reserved posts of Municipal Commissioners since the municipality areas are usually and overwhelmingly inhabited by the majority Bengali population. It is a crude fact that due to lack of any meaningful initiative on part of the government to maintain the special 'Hill Peoples' Area' status of the CHT as recognized in the CHT Accord; the settlement of Bengali population from outside the CHT has been continuously increasing in the municipality areas. The indigenous hill people living in the municipality areas became minority more acutely in the aftermath of the CHT Accord. As a result the election of indigenous hill women to the reserved posts of Municipal Commissioners has become more difficult in the aftermath of the CHT Accord.

Despite all these adversities many among the indigenous hill women have been being elected, in some instances, to the reserved posts of Commissioner generally provisioned in the Municipality Act. Many are of the opinion that the election of urban middle-class hill indigenous women to the posts of Municipal Commissioners is significantly contributing to their political empowerment. However, there are allegations like those of other Local Government Councils that the female Commissioners usually encounter varied forms of disparities and negligence. There are allegations that women Commissioners are not made involved to the decision making processes.

Although Chakma, Marma and Tripura women were elected to the reserved posts of Women Commissioners in the Municipalities there has been no evidence found till date that any women member from the smaller hill indigenous communities such as the Chak, Bom, Kiang, Pankho, Khumi, Mro, Lushai and so on got elected as Women Commissioner in the Municipal Corporations. One of the vital reasons behind this is that the people belonging to these comparatively disadvantaged communities hardly reside in the Municipality areas as a normal case. They usually reside in the remotest hilly regions.

### **Adivasi Hill Women in the Traditional Institutions**

In the CHT there are Customary/Traditional Institutions of the indigenous hill people headed by *Rajas* (traditional Chiefs), Headmen and *Karbaries*. Traditionally there are three 'Circles' in the CHT each of which is headed by one King (*Raja*) or the 'Circle Chief'. These Circles are known as 'Chakma

Circle', 'Bomang Circle' and 'Mong Circle'. These 'Circles' are further divided into a few '*Mouzas*' and the Mouza Chief is known as '*Headman*'. Again each of the *Mouzas* are divided into a few villages where the Village Chief is called '*Karbari*'. There are 177 *Mouzas* under the Chakma Circle (comprising Rangamati and some parts of Khagrachari districts), 109 *Mouzas* under the Bomang Circle (comprising Bandarban and some parts of Rangamati districts), and 83 *Mouzas* under Mong Circle (within Khagrachari district). There are more than three thousand five hundred villages under these three Circles which means that there are more than 3,500 Village Chiefs (*Karbaries*) in the CHT.

These traditional institutions comprised of the Raja-Headmen-Karbaries carry out various duties and responsibilities which include management of land and natural resources of the indigenous hill people, revenue collection, maintenance of law and order in the society, resolving social disputes through *shalishes*, taking initiative for public welfare activities and so on. The power/authority of the Circle Chiefs has been enhanced in the CHT Accord. The Circle Chiefs use to advise the Ministry of CHT Affairs, Hill District Councils, and the CHT Development Board regarding development and other affairs. According to the CHT Accord the Circle Chiefs issue Permanent Residency Certificate while the headmen carry out the responsibilities relating to collection of land revenue and *Jum* taxes, land and land management, issuance of permanent residents' certificate of the respective *Mouzas*, mitigation of social disputes through mediation/*shalishes* and so on. The *Karbaries* use to resolve all kinds of cases/disputes (civil and criminal) and maintain law and order in the villages.

However, the participation of hill women in these traditional institutions of the indigenous hill people is very little and limited. The post of *Raja* or 'Circle Chief' is a hereditary position being practiced for generations. In case of the Chakma Circle the eldest son of the King is the heir of the Royal Throne. So unless otherwise happens it is generally impossible for any daughter of the Chakma Royal Family to become the King or Circle Chief. No woman could inherit the Chakma Royal Throne so far except the Queen Kalindi who ruled the dynasty during the British regime.

In case of the Mong Circle the wife of the King or any blood-related eligible relative from the paternal side of the King becomes the Mong Circle Chief as per usual practice and social customs, unless the King does have any son or daughter alive. According to this rule of inheritance two women namely Nanu Ma and Nihar Bala became the Mong Circle Chief respectively for a certain period.

In the Royal Family of Bomang Circle the eldest person from both paternal and maternal sides is the legitimate heir for Royal Throne. Generally the male elders become successor of the Royal Throne. No woman from the Royal Family of Bomang Circle became the Circle Chief till date.

On the other hand there are a total of 369 Headmen in the three Circles. Once upon a time the Headmen used to be elected by the Circle Chief or the

villagers. In early periods of the British Rule the Headmen used to be elected by the Circle Chiefs. At present the Deputy Commissioners appoint the Headmen as per advice of the Circle Chiefs. Such appointments are not hereditary ones, but priority is given to the son of Headman for appointment. In case of these Headmen posts also the indigenous hill women are deprived and ignored. Among the 369 Headmen the women Headmen are very few in number. However, no reliable data was received in this case. Nonetheless, from the primary source of information it was evident that the numbers of Headmen from among the indigenous hill women are 5 in the Chakma Circle, 2 in the Bomang Circle and 2 in the Mong Circle. However, they have inherited these posts as an exception, as wife or daughter after the death of husband or father who were the Headmen in their respective Mouzas.

Similarly, the partnership of indigenous hill women to the post of Village Chief known as '*Karbari*' may be termed as totally frustrating. As per information received there are only two women in the Chakma Circle who have been appointed to the post of '*Karbari*'. There are only two female *Karbaries* in the Mong Circle also as per information received. However, no such information has been received in case of Bomang Circle.

Although the participation of male members from the smallest and comparatively disadvantaged indigenous communities to the traditional administrative institutions of indigenous hill peoples is noticed the participation of their women is completely nil. There is no female member in any post of Headman or *Karbari* from among the indigenous hill communities with very little population such as the Chak, Bom, Khiang, Pankho, Khumi, Mro, Lushai and so on.

In the CHT Accord nothing has been mentioned directly regarding the participation of indigenous hill women to the traditional institutions comprised of *Raja*, Headmen and *Karbaries*. However, in the CHT Accord the *Rajas* or Circle Chiefs were given the power/authority to issue certificate to the permanent residents of CHT as per submission of certificates issued by the Headman of concerned *Mouza* (see Section 4(d) of Part 'B' in the CHT Accord). In addition to this, the right of concerned Circle Chief or *Raja* to participate in the meetings of concerned Hill District Council has been recognized in the CHT Accord (see Section 12 of Part 'B' in the Accord). Furthermore, the subject matter of 'Tribal Laws and Social Justice Delivery' has been recognized as a subject under the jurisdiction of CHT Regional Council [see Section 9(e) of Part 'C' of the CHT Accord], and the three Hill District Councils [see Section 34(c) of Part 'B' in the Accord] respectively.

Above all, the Chittagong Hill Tracts has been recognized in the CHT Accord as the region of hill peoples and provisions were made to preserve this unique characteristic [see Section 1 of Part 'A' in the Accord]. Many of the hill women leaders opined that the CHT Regional Council and the three Hill District Councils can play role in ensuring proper representation of the indigenous women to the traditional institutions of the indigenous hill peoples and delegation of responsibilities upon them in those institutions, by dint of

the stated Sections of the CHT Accord. However, no such appropriate initiatives have been noticed yet on part of these Councils.

On the other hand, many women leaders are of the opinion that initiatives may be undertaken in ensuring representation and participation of the hill women to the traditional institutions of the hills considering as moral basis and source of justification the reservation of seats made for the hill women in the CHT Regional Council and the three Hill District Councils. However, no steps or effective initiative towards practical implementation of this demand or aspiration have been noticed so far. There are complaints from the end of women leaders that although it is heard about the participation of women that they are randomly allowed in the social mediation or justice delivery system, yet their decision making role is grossly ignored as a common practice.

Many opine that despite the marginal position of indigenous hill women in their traditional institutions in CHT the system is still more sensible and sympathetic towards the indigenous hill women compared to the '*Shalish Board*' like system of the plain districts. For example, in the rural areas of plain lands usually there is no opportunity for women to raise their points in the local *shalishes* and most of the judgments of these rural *shalishes* go against them. On the other hand, it is noticed in case of judgments delivered by the traditional courts of Headmen and Circle Chiefs in CHT that the judges or judgment committees take firm stand in favor of rights of the indigenous hill women. Such instances are hardly noticed in case of *shalishes* of the plains. From the scrutiny of some litigations concerning divorce and children's guardianship settled in the traditional court of Chakma Circle Chief the fact has been revealed that appropriate compensations were ensured to the victim women. It proves that indigenous hill women can express their opinion freely in the traditional justice delivery systems of the indigenous hill people which is not usually noticed in the plains.

## **Adivasi Hill Women in the Political Parties**

Involvement of indigenous hill women in the national and regional political parties is visible to some extent. Even some women activists are seen to the status of leadership as well. Regional political parties are more advanced than the national ones in this regard. Presence of indigenous hill women at leadership level is more visible in the regional political parties of the hill people.

It may be cited as example that National Congress of the Parbatya Chattagram Jana Samhati Samity (PCJSS) was held for three times in the year 1999, 2003 and 2006 respectively in the aftermath of the CHT Accord. Among the 35 members in the Central Committee of PCJSS elected in the National Congress of 1999, five members were women. Similarly, five women members were elected to the Central Committee in 2003, and three women members to the ninth Central Committee in the year 2006. Among the five women members of the first Council three were from Chakma

community, one from Marma community, and one from the Tripura community. One of the women members in the PCJSS Central Committee carries out the responsibility of Women Affairs Secretary.

Parbatya Chattagram Mohila Samity and the Hill Women's Federation, the two sister concerns of the regional political party the PCJSS, have been playing a very significant role in the processes of political empowerment of the indigenous hill women and their participation in politics. Even in the aftermath of signing the CHT Accord these two organizations of the indigenous hill women have been waging strong movement and struggle for establishing political, economic, social and cultural rights of the hill women. They have been playing a strong and vocal role against the ethnic and communal repression on the indigenous people specially the human rights violations against the hill women. The organizations have their organizational units at district, upazila and union levels. The Hill Women's Federation is having its own branches/units at university, college and school levels.

Among the national political parties also there are two hill women (one is Chakma while the other is a Marma) in the 63 member strong Rangamati District Committee and three hill women (two from Marma community and one from Tanchangya community) in the 71 member Bandarban District Committee of the Awami League. On the other hand there is one woman member in the 51 member strong Rangamati District Committee of the BNP (Bangladesh Nationalist Party). However, there is no representation of hill woman in the Bandarban District Committee of BNP with similar strength of membership.

There is an allegation that despite having participation of the indigenous hill women in different committees of the national and regional political parties their representation is more or less considered as ornamental ones. Women leaders complain that their roles in the decision-making processes of the political parties are not given due importance. However, there are also many opinion providers who argue that one of the vital reasons behind such problems of women representation is the patriarchal dominance/male chauvinism prevailing in the political parties in one hand and the crisis of capable leadership among the indigenous women on the other.

The programs and activities of women organizations affiliated to the national political parties are also ongoing in the three hill districts. However, these women organizations belonging to the national political parties can have no political and organizational influence over the indigenous hill women due to lack of any direct or specific programs concerning them and because of their silence as well towards the ongoing ethnic and communal repression and violence against the indigenous hill women.

# Socio-economic Development and Hill Women

## Women's Position in Adivasi Society

Not much information is available in government statistics about the socio-economic situation of Adivasi women in their own society. Nevertheless, it is universally known that the most vulnerable population of the Adivasi society is its women. They always get less importance and respect in their society than their male counterpart. And its them who are mostly victims of human rights violation.

Bangladesh Constitution proclaims women's equal rights through its Sections 10, 19, 28 and 29 but the reality is not at all congruous with its proclamation. The legal system itself especially the family laws discriminate between man and woman regarding marriage, divorce, custody of children and inheritance rights. In the Adivasi society in the village arbitration meetings (*shalish*) run by the Headmen or the Karbaris hardly provide any scope for women's participation. In recent times some changes are brought in this regard by involving the elected Adivasi women representatives of the Union Parishad level at the grassroots level arbitration meetings.

In the Hill District Council Act 1997 and the CHT Accord 1997 have recognized the social rituals and trial system of the Adivasis of the CHT. But as the three District Council Acts and the CHT Regional Council Act have not yet been effective the hill women are still being deprived and discriminated.

The Adivasi communities of the CHT have been following their own specific sets of unwritten laws and customs to enforce law and order in their respective communities. These laws and customs are handed down to the posterity through oral communication. Such one general law is the taboo against marriage within the same clan (*gotro*). Also marriage of blood relatives is prohibited among them.

The hill women enjoy comparatively much better freedom about choosing their own grooms. Their marriage ceremonies are carried out according to the customs particular to that community. The marriages are not registered or recorded in written. Usually the bride goes to live with her groom in his village after marriage. The newly wed bride has a lot of work pressure upon her and her new identity is established in terms of her in-laws i.e. as a wife, daughter-in-law, sister-in-law, etc. Like the Bangalee and other patriarchal communities an Adivasi male is known all his life with his own identity but an

Adivasi female's identity changes after her marriage. Thus the patriarchal Adivasi society does not recognize the identity of a female as an individual.<sup>30</sup>

Instances of divorce and remarriage are very limited in the Adivasi societies. There are incidents of more than one marriage by the males but that is also very few. Divorce and taking more than one wife are even more limited among the educated Adivasis. After the signing of the CHT Accord many initiatives are undertaken to increase gender sensitivity among the Adivasi communities particularly by the NGOs.

## **Inheritance Right of Adivasi Hill Women**

The CHT Accord does not have any direct mention about the inheritance rights of the Adivasi women. However, the Accord recognizes "tribal laws and social arbitration" as matters under CHT Regional Council [Article 9(ng) of "ga" Volume of the Accord] and of three Hill District Councils [Article 34(ga) of "kha" Volume of the Accord] respectively. Under these articles both the RC and the HDCs can recognize the property inheritance rights of hill women and include these changes of rights in the customary social laws of the Adivasi communities. Such initiatives so far have not been observed though.

Bangladesh Constitution states in its Sections 10, 19, 27, 28 and 29 of the equal rights of women and men. In the CHT the Adivasi communities and their families do not practice equal rights particularly regarding the property ownership. Generally only the sons can inherit the property. Women can inherit property only when their father give or will his property in his daughter's name. Also in modern times women can buy a property in their names with their own earning to which their community does not object.

In the Marma communities living in the southern part of CHT customary laws allow women to inherit their mother's property. But they have to struggle a lot to get their share since their relatives are often reluctant to hand over the property. Many Marma women as they want to avoid family quarrels do not demand their shares.

The relation between Adivasi women and land is inseparable. Much of the statistical information suggests that Adivasi women contribute 90 per cent in the overall agricultural production of her community. Yet they mostly do not have any ownership over the land. These discriminatory property ownership customary laws are one of many reasons behind the vulnerability of the Adivasi women. It has resulted in a more rigid control of women by the males in the family periphery of the Adivasi society. So these customary laws have limited the overall freedom of Adivasi women. In some Adivasi communities women can inherit property but they cannot take possession of it or enjoy it.

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<sup>30</sup> "আদিবাসী নারীদের নিরাপত্তাহীনতা : পার্বত্য চট্টগ্রাম প্রেক্ষিত" (Insecurity of the Adivasi Women) by Dr. Sadeka Halim, জুম পাহাড়ের জীবন, ed. Mongol Kumar Chakma, Sohrab Hassan and Abdul Awal, Community Development Library, Dhaka, May 2008.

The Adivasi customary law renders a woman the right of her maintenance by her husband. A hill woman has the right to buy a property with her own income or own a property through her mother or father or as gifts from any of her relatives before or after her marriage. The property which she has owned before her marriage will continue to be her own even after her marriage. A woman through marriage can rightfully share the title and honour of her husband's family.

According to the customary laws of the hill communities a wife can live in separation from her husband on the ground that her husband is cruel and tortures her physically and mentally, or has taken a second wife. In such cases the wife in question can live in her husband's homestead but separately from the husband and with proper safety or she can live with a blood relative of her husband. She can also live in her father's home but with the sanction of the social court. In all such cases she will have the right to alimony from her husband. If the husband ignores or fails to continue his conjugal life with his wife or does not maintain his wife the wife has the right to bring complaint against him to the social court run by the Karbari and the Headman. The wife also has the right to object against taking another wife by her husband. The wife can divorce her husband through the Karbari and Headman on the ground of his impotence, suffering from any incurable diseases or madness.<sup>31</sup>

Advocate Protim Roy Pampu observes that inheritance laws can be different in the same ethnic community that lives in different Circles in the CHT. However, the inheritance laws remain same irrespective of where they live for the Chakma, Tanchangya, Mro and Khumi ethnic communities. In these communities only the sons inherit their father's property and daughters can inherit their father's property only when they do not have brother. In Lusai and Pankho ethnic communities wife and daughters of a man cannot inherit his property when he dies without any son. In such cases in these two communities his male relatives get the property. In Bomang Circle Marma daughters get one-fourth share of their father's property as inheritance but in Mong and Chakma Circles daughters in this community do not get any share of their father's property. In the Tripura ethnic community women belonging to Ryang and Usui clans wife, sons and daughters get equal share of a deceased man while in Rangamati and Khagrachhari districts women of some clans of Tripura community do not inherit any property.

Protim Roy Pampu says more that in the Chak ethnic community wife inherits property along with sons when a man dies but his daughters do not have any share of his property as inheritance. In Khyang ethnic community wife, daughters and sons get the same share of a man's property as inheritance. The scenario depicted here clearly reflects the overall

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<sup>31</sup> চাকমা, মারমা, ত্রিপুরা, তঙ্কশ্যা, পাংখো, লুসাই, খিয়াং, শ্রো, বম, খুমী ওচাক জাতিগোষ্ঠীর ব্যক্তিগত ও পারিবারিক আইন (Personal and Family Laws of Chakma, Marma, Tripura, Tanchangya, Pankho, Lusai, Khyang, Mro, Bawm, Khumi and Chak), Chakma, Advocate Gyanendu Bikash; Roy, Advocate Protim; Dey, Shoilen (ed.), Kopo Sheba Songho, Adalot Sarak, Banarupa, Rangamati, September 2007.



discriminatory character of the prevailing customary laws of property inheritance among almost all the indigenous hill communities of the CHT. This has certainly affected the overall freedom of the Adivasi women, says Pampu.

It should also be mentioned here that cases of inheritance and fatherhood claims are although resolved at the Judge Court under the Hill District Council Act they are taken up to the Land Appeal Board and High Court. The solutions of the cases are thus procrastinated further weakening the already socio-economically vulnerable women who are involved with these cases.

## **Adivasi Hill Women in the Management of Natural Resources**

Woman has an inseparable bond with the nature, with the forest, land and water in terms of production and survival. So whatever damage is being done to the environment through programmes like social forestry, commercial forestry, eco-park and the like Adivasi women are the worst affected by them. Women of Bangalee community are also affected by these programmes but Adivasi women suffer even worse. It is because the Adivasi women are essentially dependent on the forest for their fuelwood and food (like hill potatoes, bamboo shoots, etc.). There was a time when the Adivasis used to tread the forest paths freely but their freedom was restricted later and that restriction increased day by day. Today the Adivasis are mere trespassers into the forest.

Farming patterns are also changing in the hills. Earlier pineapple was grown abundantly and besides it other fruit trees and herbal plants were also grown. But the profit making drive has now turned that agriculture to the plantation or farming of exotic trees and plants including Eucalyptus, Acacia, banana, tobacco, etc. On the other hand, the great contribution women would make to the family through procuring fuelwood, herbal medicine and food has reduced now. As a result, women are losing their importance in the family which they once used to enjoy.<sup>32</sup>

Many Adivasi women have been bound to leave their traditional means of production and earning and take low-wage jobs as construction labourers and the like with which they have never been familiar before. To judge the roles of male and female here we find that men are destroying the natural forest for earning money while women are bearing the brunt of their destruction as they have to work even harder for their mere survival. Not only that, women are facing physical and mental torture also while they are struggling to survive in this unfamiliar situation which is getting even worse everyday.

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<sup>32</sup> "সকল প্রকার বৈষম্য থেকে আদিবাসী নারীদের রক্ষা করতে হবে" (Adivasi Women must be saved from all Kinds of Discrimination), Dilara Rekha, জুম পাহাড়ের জীবন (Life in the Jum Hills), Ed. Mongol Kumar Chakma, Sohrab Hassan and Abdul Awal, Community Development Library, Dhaka, May 2008.

## **Hilly Land used for Military Purpose**

The government has acquired 75,686 hilly land only in Bandarban district of the CHT for military purpose.<sup>33</sup> The government has not consulted with the CHTRC or the concerned HDC. According to the law no land can be acquired without the prior permission of the concerned HDC. People affected by the acquisition complained that the acquisition did not follow other legal procedures either. The government did not take their opinion about on the matter. As a result of the acquisition thousands of Adivasis have been evicted from their ancestral land, lost their land for Jum cultivation and as a result have lost their livelihood. Many newspaper reports exist about the acquisition of land particularly for the Ruma cantonment, Sualok firing practice ground and infantry training centre that has pushed hundreds of Adivasi hill people and permanent Bangalee residents out of their land into wretched destitution.

## **Leasing out of Land and Land for Jum Cultivation**

Another fatal step by the government is the long-term leasing out of hilly land to the people outside the CHT for commercial purpose or setting up industries. Only in Bandarban district such 1605 plots occupying a total land of 40,077 acres have been leased out to the outsiders.<sup>34</sup> This hilly land actually was originally used by the hill Adivasis for Jum cultivation and rearing their community Mouza forest. The leasing of the land has deprived hundreds of Adivasi families from their Jum cultivation and collecting forest resources for different household purposes. Their entire livelihood has been thwarted by the leasing. The lessees are preventing the Adivasi Jumyas to enter these plots and attacking them with their goons.

The lessees have also taken huge amount of loans from the bank mortgaging these plots. However, most of these plots still remain unused by them or breaking the conditions of the lease they are either using the plots for purposes other than for which they have been leased out or have sold them to others. The CHT Accord has made provision to cancel these leases but the government till now has not implemented the provision. On the other hand, the deputy commissioners of the three districts continue to lease out plots to the outsiders.<sup>35</sup>

## **Declaration of Reserved Forest and Land for Jum**

From 1989 onward the government Forest Department (FD) declared 2,18,000 acres of land under Protected Forest (PF) and Unclassed State Forest (USF) as Reserved Forest (RF). But many Adivasis have their recorded homestead and hills, agricultural land under settlement process, traditionally reared community forest and grazing land have fallen into this

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<sup>33</sup> *Doinik Prothom Alo*, July 13, 2007, Qurratul-Ain Tahmina.

<sup>34</sup> A Compilation of list of leasees of Bandarban district by CHT Affairs Ministry, 2005.

<sup>35</sup> *Dainik Samakar*, August 24-31, and September 1-12, 2009.

land. Consequently the declaration brought terrible impact upon the livelihood of the Adivasi inhabitants of the area. The inhabitants of the CHT since the signing of the CHT Accord have been vehemently protesting the declaration of USF as RF. In 1998 a group of Adivasi leaders met the then minister of forest and environment demanding the cancellation of the declaration. Although the minister gave his word to postpone the declaration no step has been taken to reflect his assurance.

### **Forest Management**

Article 33 of Kha (B) Volume of the CHT Accord has made provision for handing over the "development and preservation of forest resources that is not protected by the government" to the HDCs. According to this article, except for the protected forest only all the reserved and unclassed state forests are matters of HDCs. But during the last Caretaker government's rule the ministry of forest and environment had circulated a notice proclaiming that except for the USFs all the protected and reserved forests are the matters of the Forest Department (FD). This is a violation of both the CHT Accord and the three HDC Acts. Many observe that as this matter related to forest and environment management has not been transferred to the HDCs the destruction of the forests has precipitated. And again Adivasi hill women are the most affected by its consequences.

### **Social Forestry and Hill Women**

Government has undertaken many steps to prevent deforestation. Social forestry is one among them. Government also has changed the Forest Act 1927 in 2000 which is known as Forest (Amended) Act. Although the Act has been amended with the declared objective of increasing forest resources, the amended act itself faced severe criticism as destructive for environment and anti-people. Under Articles 28(4) and 28(5) of the amended forest act Social Forestry Rules 2004 have been promulgated. The Rules mention that in the social forestry projects Adivasi communities would have priority besides the landless people and destitute women. But the Rules do not grant any ownership of the land to the participants in the social forestry projects. Also the rules render so much authority to the officials of the Forest Department that the future of the beneficiaries of the projects will depend entirely upon their whims. The FD officials according to the rules have the authority to cancel the participation of any participants at any time.<sup>36</sup>

### **Harassment by the Forest Department and Hill Women**

Adivasis face different kinds of harassment from the FD. False cases are one of the major means of the FD to harass them. Since the customary right of the Adivasis over the forest resources and its discreet extraction is not

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<sup>36</sup> Natural Resource Management Country Studies (Bangladesh Report) by UNDP-RIPP

clearly defined in the Forest Act or the FD officials lack in their perception regarding this right of the Adivasis they become the victims of such persecution. The reality is, the Adivasis are never responsible for the looting of the forest resources and the FD officials as they themselves assist the looters in their plundering of forest resources torture the Adivasis and sue them falsely. There are instances of filing hundreds of cases against a single Adivasi. Not only that even after the CHT Accord many Adivasis lost their life in bullets of the FD forest guards. Adivasis both in the plains and the CHT are persecuted by the FD.

### **Land Management and Resolution of Land Disputes**

The CHT Accord proclaims that no land inside jurisdiction of the HDCs including the *Khasland* suitable for giving settlement can be leased out, given settlement, sold, bought or transferred without the prior permission of the concerned HDC authority. The government also cannot acquisition or transferred any such land without the prior permission of the related HDC authority. The authority of 'Land and land management' has been given to the HDCs. Provisions have been made to set up a Land Commission which will resolve the land disputes in order to recover the land illegally occupied by the Bangalee settlers and return the land to its original owners. Moreover, the Accord has made provisions to cancel all the leases that have been given to the non-locals in contract for rubber cultivation and other purposes.

Yet none of the provisions made into the CHT Accord have been implemented. The affair of land and land management has not been transferred to the HDCs till today. The deputy commissioners completely ignoring the HDC Acts are carrying out all the land related activities such as 'name registration', acquisition, leasing and settlement. On the other hand, the Land Commission in the last 12 years has not done anything to resolve the land disputes. During the Awami League tenure "CHT Land Disputes Resolve Commission Act 2001" was passed. But in that law 19 articles have been included which are conflicting with the CHT Accord. Those articles have not been amended yet.

As the Accord has not been implemented fully the complications regarding the land, forest and other natural resources are increasing day by day. The conflict of forest and land often lead to communal clash and tension. Incidents like attack in the Adivasi villages, arson, murder, rape and abduction are often taking place. The worst and directly affected by this danger-ridden situation are the Adivasi women.

In the communal attack done in order to take hold of the Adivasi land in Maishchhari of Mohalchhari in 2006 led to the rape of four Adivasi women, according to the newspaper reports. On September 3, 2009 for take possession of Bibhison Tripura's land the attackers abducted his wife Gonemala Tripura (50) and killed her. Like many other regions of the world in the CHT also communal and ethnic violence lie behind the attack on the

Adivasi women. Such incidence of violence has absolutely jeopardized the security of the Adivasi women in the CHT.

## **Adivasi Hill Women in Production**

Despite their socio-economic and political marginalization the Adivasi women continue to play significant role in the agricultural production. However, the impact of globalization has been deep upon them. It is increasingly physically uprooting the Adivasi women from their ancestral geographical location alienating them from their community. Adivasi women staying far away from their community and working in different production system in different community are separated from their own traditional social milieu and economic system. Again in their own region globalization has reached at the doorstep of their household through projects like commercial forestry, log extraction, embankment building and extraction of other fuels. These projects uproot the Adivasi women from their own homestead and take away their control over the forest and other natural resources which were the source of their livelihood since their birth.<sup>37</sup>

Till now Adivasi communities foster their general conventional attitude towards women that their proper places are the Jum or agricultural field and home. They should produce crops at the fields and at home weave clothes, cook, rear children and carry out other daily chores. Adivasi males still exclusively dominate in the decision making role both in the community and family. Nevertheless, the conventional attitude towards women is rapidly changing in the Adivasi societies. Many discriminatory ancient customs are disappearing or losing their importance. Their society is now learning to value their work in the occupations other than the traditional ones and their involvement with different organizations.

In the Adivasi societies women are more engaged in the income generating activities than men. But their contribution has always been undervalued. According to the ILO, 45 per cent woman population all over the world is engaged in income generation activities and although in the Muslim countries owing social and religious reasons their involvement is generally discouraged their participation is increasing.

Despite their increasing presence in the economic activities and labour market the economic rights of the Adivasi women has not been ensured yet. They have to face many kinds of discrimination regarding participating in the economic activities such as, 1) unequal wage, 2) unfair opportunity for training, 3) unequal access to loan and other productive resources, 4) unequal and limited opportunity of choosing profession, etc. The universal gender discriminatory practice of defining some occupations as women's

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<sup>37</sup> "আদিবাসী নারীদের নিরাপত্তাহীনতা : পার্বত্য চট্টগাম প্রেক্ষিত" (Insecurity of the Adivasi Women) by Dr. Sadeka Halim, জুম পাহাড়ের জীবন, ed. Mongol Kumar Chakma, Sohrab Hassan and Abdul Awal, Community Development Library, Dhaka, May 2008.

work and others for men remains one of the biggest challenges in broadening the work choice for women. Bangladesh including the CHT is not any exception to this which brings major impact upon the life of the Adivasi hill women.<sup>38</sup>

## **Adivasi Hill Women in Development Activities**

After the signing of the CHT Accord local NGOs started to grow and participate in the development activities besides the government organizations. NGOs focusing mainly on women's development are a part of this scenario. Of these organizations worth-mentioning are Khagrapur Mohila Kalyan Samiti, Milonpur Mohila Kalyan Samiti and Anadanagar Mohila Samiti in Khagrachhari district, Garjantoli Mohila Samiti, Jumabi Mohila Kalyan Samiti, Songbi Mohila Kalyan Samiti, Perachhari Mohila Kalyan Samiti and Ranya Nari Sangha in Rangamati district and Bolipara Nari Kalyan Samiti and Ananya Nari Kalyan Sangathan in Bandarban district. There are many more woman organizations in the CHT that are working actively while some are not much active.

These women's organizations are working on different women related issues, such as building awareness about women's rights, expanding women's education, healthcare and treatment, employment, promoting income generation and self-employment activities for rural destitute women, protest and prevent the existing family, social and communal torment of women, etc. International donors like Danish government's agency Danida, UNDP, World Food Programme (WFP), CHT Rural Development Project of Asian Development Bank financially and technically assist these Adivasi women's organization to run their activities. These donors claim to give assistance in favour of the implementation of the CHT Accord. Also different national women development organizations provide assistance to the Adivasi women organizations.

As the women organizations have grown after the Accord which has created a favourable environment for development activities, forming of the women development organizations is regarded as the direct benefit of the CHT Accord.

In the post Accord period the women members of the CHTRC, women members of the reserved seats in the Union Parishads, Vice Chairs of the Upazila Parishads, women commissioners of the reserved seats of the Pourashavas have been participating in the activities of their respective organizations although in a limited periphery. They are working with much patience amidst many constraints.

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<sup>38</sup> "পার্বত্য নারীর পাঁচমিশেলী গল্পে" (Sweet and Sour Stories of Hill Women) Tuku Talukder, জাগরণ (Jagaran), International women's day edition, Ed. Kaldana Chakma, Hill Women Federation and Parbatya Mohila Samiti, Rangamati, March 8, 2005

In the three hill districts the government women's directorate is also working. The directorate mainly runs different training and other programmes with the objective to help women earn which include sewing and computer training, small loan programme, group forming (cooperative), widow allowance, etc. The three HDCs also through Bangladesh Small and Cottage Industries Corporation (BSCIC), social welfare department and cooperative department are implementing different projects in order to increase women's earning capacity. Although these activities are not designed exclusively for the Adivasi hill women but they participate in large number in these programmes.

According to 1991 statistics women's participation in economic activities in the CHT is 12.67 per cent against that of 6.70 per cent at the national level.<sup>39</sup> This statistics, however, does not provide the separate scenario of economic activities of the Bangalee and the Adivasi hill women. Yet from our observation and experience we can definitely say that the almost twice as much percentage of CHT accounts for Adivasi women's wide involvement in the productive and economic activities.

UNDP under its Promotion of Development and Confidence Building project provides assistance in forming a network of the women's organization in the CHT with the aim of women empowerment and capacity building. So far the project has mainly organized training and awareness building activities. Besides, women are also beneficiaries of the different programmes undertaken by WFP for women's capacity buildings such as maintenance of village roads, VGD, cash assistance, etc.

Ananya Nari Sangathan of Bandarban has undertaken projects for women development. Khaagrapur Mohila Kalyan Somiti of Khagrachhari is implementing projects for women empowerment, capacity building, prevention of violence against women, etc. so far for 1405 women beneficiaries. Garjantoli Mohila Kalyan Samiti in Rangamati is implementing health and micro credit related programmes. Progressive has projects for promoting waistloom. Other local NGOs like Jabarang, Toimu, Graus and Hilehili working for general development issues are implementing self-employment, healthcare and empowerment related programmes particularly for women.

## **Adivasi Hill Women in Employment**

Bangladesh Constitution in its Sub-clause (A) of Section 29(2) states that the state may formulate special provisions so that the backward sections of its citizens can be suitably employed in the government jobs.

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<sup>39</sup> Mapping Chittagong Hill Tracts Census Indicators, 2001 & Trends (Bangladesh), Geographical Information System (GIS) Unit, Local Government Engineering Department (LGED), Bangladesh, International Centre for integrated Mountain Development (ICIMOD), Nepal and Mountain Environment and Natural Resources Information Systems (MENRIS), April 2006.

Accordingly five per cent of all government jobs is reserved for the Adivasis. However, that is not properly realized i.e. often the Adivasis do not get the jobs even though the seats are vacant. Since 1972 in a total of 22 Bangladesh Civil Service (BCS) batches 29,667 cadres have been appointed. Counting five per cent of them there should be appointment of 1483 Adivasis since '72 but in reality the number is much smaller, needless to mention that the number of Adivasi women cadres is even more frustrating.<sup>40</sup>

The CHT Accord does not mention anything directly about the employment and jobs of the Adivasi hill women. However, provisions have been made in Article 10 of Gha (D) Volume of the Accord about reserving quotas for the Adivasi hill people in the government jobs. Besides, Article 18 of Gha Volume of the Accord states that only the permanent residents of the CHT will be appointed in all the government, semi-government, council-run organizations and autonomous institutions and the Adivasi hill people will be given priority in these appointments.

And this provision also is not properly followed. CHTRC has proposed and the ministry of CHT affairs has advised the establishment ministry to incorporate the provision of CHT Accord stated above in its related provisions and regulations. But the establishment ministry has not paid any heed to that, nor has it implemented the related provisions of the Accord. Consequently the outsiders are being appointed in the jobs of CHT directly affecting the Adivasi hill residents and their women suffering the worse as usual.

According to the International Labour Organization (ILO) 45 per cent of women all over the world is now actively engaged in income generating work. According to the same statistics 90 per cent Adivasi women participate in agriculture sector. However, it is universally known that despite their active participation in economic activity and their increasing presence in the labour market women have not been still able to ensure their economic rights. Discriminatory wage, less access to loan and inequitable ownership productive resources and unfair division of occupations pose the major hurdles for women towards their achieving economic independence. Economic disparity and discriminatory social behaviour only perpetuate women's lesser position in the society.

Adivasi women are not at all economically independent. An Adivasi woman has to act at the same time as a wife, a mother and a wage earner for the family. She gives birth to children and rear them, does the household chores, goes to the field to do the agriculture, weaves clothes on the loom at home. Yet after taking so much workload on her shoulder and having mobility and access to the market the Adivasi woman remains subordinate to the males of the society tied by the net of patriarchy. In the Adivasi families males

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<sup>40</sup> Situation of Indigenous Women and ILO Covention on Discrimination by Dr. Sadeka Halim, Sanghati 2007, Bangladesh Indigenous Peoples Forum, 9 August 2007



dominate in taking all the decisions. Adivasi women suffer the worst in the existing scenario of wage structure that favours men against women. They get simply half the wage of the males for giving the same amount of labour.

Since the Adivasi communities lag behind in education their presence in the job sector is quite insignificant. The few Adivasis you find at the offices have even fewer women among them. As the impact of globalization heightens more and more Adivasis particularly women are heading for the urban areas in search of work.<sup>41</sup> According to some sources around 20,000 hill Adivasis are working as labourers in different industrial setups including the Chittagong Export Processing Zone (CEPZ). In Dhaka from seven to 10 thousand hill people are working in different factories including those in the Dhaka EPZ at Savar. More than half of these labourers are women. According to another statistics, women workers are increasing daily in the garment factories including those in the CEPZ and DEPZ. These women staying far from their own society, environment, culture and relatives often face adverse social situation, as have been observed by different related studies. There are complaints of sexual harassment by their Bangalee co-workers also although not in a large scale.

In some particular jobs demand of Adivasi hill women has increased, such as, at the women's beauty parlour as beauty workers, at the hospital and clinics as nurses and at the private offices at the front desk. But the salary is very low in these jobs. Discriminatory wage and loss of social security are the inevitable consequences of such employment. Despite they are working hard to help their family financially their community do not look at them with proper respect.<sup>42</sup>

Women are given general preference in the appointment of teachers for the government primary schools. But at this level Adivasi hill women are lagging behind the national average. In 2001 percentage of women teachers at the national level was 37.64 while that of the Hill Adivasi women in the government primary schools under the three HDCs was 28.96 only. According to the 2001 statistics, of a total of 3304 government primary school teachers only 957 were women.<sup>43</sup> After the CHT Accord had been signed Rangamati HDC appointed 108 headmasters/headmistresses for the government primary schools during 1999-2000. Of them 35 are women. A total of 888 assistant teachers were appointed of which 458 are women. This

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<sup>41</sup> The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review, Raja Devasish Roy, PRO 169, International Labour Standards Department, ILO Geneva and ILO Office, Dhaka, 2009

<sup>42</sup> "সকল প্রকার বৈষম্য থেকে আদিবাসী নারীদের রক্ষা করতে হবে" (Adivasi Women must be saved from all Kinds of Discrimination), Dilara Rekha, জুম পাহাড়ের জীবন (Life in the Jum Hills), Ed. Mongol Kumar Chakma, Sohrab Hassan and Abdul Awal, Community Development Library, Dhaka, May 2008.

<sup>43</sup> Mapping Chittagong Hill Tracts Census Indicators, 2001 & Trends (Bangladesh), Geographical Information System (GIS) Unit, Local Government Engineering Department (LGED), Bangladesh, International Centre for integrated Mountain Development (ICIMOD), Nepal and Mountain Environment and Natural Resources Information Systems (MENRIS), April 2006

statistics does not provide the number of Hill Adivasi and Bangalee teachers. Many, however, from their observation say that the number of hill women teachers is much more than the Bangalee women teachers.

In Ananya Nari Sangathan in Bandarban, Kharapur Mohila Kalyan Samiti in Khagrachhari and Garjantoli Mohila Kalyan Samiti and Progressive in Rangamati – in these four women organizations 10 women are working as directors among 23. Of 96 workers of these organizations 49 are women. Apart from them an analysis of five local NGOs such as Trinomul, Jabarang, Toimu, Grous and Hilehili shows that out 44 directors 14 are women and of 457 workers 230 are women. In the office of World Food Programme at Rangamati of 11 employees at managerial positions five are women. But none of six non-managerial workers are women.

Signing of the CHT Accord has made the growth of the NGOs possible in this region creating employment opportunities for women. So it can be viewed as the direct result of the Accord.

### **Adivasi Hill Women in Education Sector**

According to the Article 10 of Volume Gha (D) of the CHT Accord the government will continue to reserve quota in the government jobs and government owned higher education institutions for the hill people until they achieve the same level of government jobs and higher education as in the other regions of the country. To facilitate the higher education of the hill people further provisions have been made in the Accord to give more scholarships to the tribal students in the educational institutions and for their higher education and research work in foreign countries.

Quota has been reserved in different educational institutions for the hill students. Although quota is reserved for the hill people in BCS it is not properly implemented. No step has been taken for granting government scholarship to the Adivasi students to facilitate their higher education and research abroad. Moreover, in the Mymensingh Agriculture University 'tribal quota' has been transformed to 'hill tracts quota' under which the settler students from the CHT have been included.

According to the UNICEF survey the national literacy rate has increased. Although the national male literacy rate is equal to the national average female literacy rate lags far behind the national average. Of them the Adivasi women are yet further behind. According to the information gathered, the Adivasi girl children suffer most regarding their education due to poverty and other socio-economic constraints faced by their families. Also gender based discrimination is an important cause. Due to the free primary education admission rate of girl students in the government primary schools is higher than that of the boys. But girls cannot progress further from the secondary level. In the remote areas and in many rural areas women's education is not regarded as a human right but as a matter of less importance and luxury. Often furthering of women's education depends on a good family income.

According to the 2001 statistics literacy rate of Adivasi women is much less than their male counterpart. The statistics of the same year finds the national average of literacy at 45.3 per cent while that of the CHT is 37.35 per cent. Male literacy rate of that year in the CHT was 49.6 per cent and that of the female was 40.80 per cent.<sup>44</sup> In this statistics, however, separate information of the Adivasis and the Bangalee was not available. Some hill women with knowledge of the related field observe that the percentage of female literacy rate among the Adivasi women should be much less than the Bangalee women in the region. UNICEF in its World Children Situation report of 2004 states the importance of women's education and the manifold benefits of investing in education which ultimately impact positively to reduce their risks related to health, economic development and violence.

In the CHT seven out of every ten women are illiterate.<sup>45</sup> In many families girl children are not encouraged for education. In the Adivasi families rate of going to school among the boy children is higher than the girls while the dropout rate among the latter is higher than the former.<sup>46</sup> Among the Adivasi ethnic communities themselves literacy rates differ. A study on the children of 11-12 years shows this difference. Conducted in several villages in the CHT the study shows that the highest literacy rate is among the Chakma community at 36.20 per cent while the lowest is among the Mru at 2.90 per cent which has a small population. This study, however, does not reflect the literacy situation of the Adivasis in the whole CHT since it has been conducted only in a few villages. According to the same study literacy rate among the Marma community is 26.60 per cent and in the Tripura community 18.5 per cent.<sup>47</sup>

The study mentioned above does not provide any information about the existing inequality between the education of the girl and the boy children. Usually in an Adivasi family the boy children are prepared for education because he will earn for the family in future. He will provide his parents when they will grow old. The general perception about girl children is their future lies in the kitchen and so they do not need education. This is major reason behind the higher dropout rate among the girl children than the boys in the Adivasi families.

The CHT Accord does not directly mention anything about women education. However, the Accord has made provisions to hand over the matter of giving lessons in mother tongue at primary and secondary levels to the HDCs. Primary education has long been transferred to the HDCs through the Hill District Local Government Council Act 1989. But education in mother tongue in primary and secondary levels as a matter transferred to the HDCs has not been put into effect yet.

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<sup>44</sup> Ibid

<sup>45</sup> Gender Profile: The Chittagong Hill Tracts, CHTDF-UNDP 2005.

<sup>46</sup> CHT Livelihood Security Assessment Report, CARE-Bangladesh, Sutter, Phil, 2000.

<sup>47</sup> *Counting the Hills, Assessing Development in Chittagong Hill Tracts*, edited Mohammad Rafi and A. Mushtaque R. Chowdhury, UPL, 200.

Lack of education in mother tongue poses a major difficulty for the children to learn their lessons. It is also a major reason for Adivasi children to drop out. When a child from the very first day in the very first class see his/her teacher giving lessons in Bangla s/he understands nothing and feels helpless. Soon they lose their interest in learning and eventually leave school untimely. If at least at the primary level lessons could be given in the mother tongue of the children they would learn much more easily. This matter has not been incorporated in the national women or education policies even.<sup>48</sup>

Lack of security is another major reason for women education lagging behind. In the CHT Adivasi women are often victims of human rights violation. Even after signing of the CHT Accord the Adivasi women still face harassment and sexual abuse by the Bangalee settlers and the security forces members. As the military camps have not been withdrawn which was due according to the Accord the Adivasi girl students constantly feel threatened. Young and adolescent women of the remote and hilly areas suffer the worst in this regard. Many parents do not want to send their daughters to school simply for security reason.

There are differences of opportunities and facilities regarding education between different Adivasi communities in the CHT. Since the ethnic communities with small population like the Mru, Lusai, Pankho, Khyang, etc. live in remoter areas they cannot much access the education facilities.<sup>49</sup> Government rules and regulations also act as impediments to set up primary schools for these communities in remote areas. For example, according to the government rules setting up a primary school requires registration of land in the name of the school and at least 100 students (150 students at the national level). Land registration has many complications in the CHT. Also many times land, forest and hills are regarded as the common property of the Adivasi community where registering land for the school becomes a less important matter. In the very remote areas where 15 or 20 families live in scattered manner collecting 100 students is out of question. So at the root the government rules make it impossible to set up primary schools in the very remote areas of the CHT. Girl children of these small communities inevitably remain deprived from education in such situation.

## **Adivasi Hill Women in Health and Treatment**

Health affair has been transferred to the HDCs. As in other regions of the country in the CHT also health care and services are inadequate. Except for the District and Upazila towns healthcare hardly exists in the remote areas. So death rate is the highest in this region and women are in great risk due to absence of care for mother health. Children are often deprived of vaccines

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<sup>48</sup> Article read at the roundtable discussion organized by Parbatya Chattagram Mohila Samiti and Hill Women's Federation at the VIP lounge of national press club, Dhaka on July 18, 2008.

<sup>49</sup> UNLOCKING THE POTENTIAL: Poverty Reduction Strategy Paper (PRSP), People's Republic of Government of Bangladesh, 2005, p-152

for two reasons mainly, one, the health workers do not come timely and two, unawareness of the family.

Chittagong Hill Tracts is a malaria prone area. Most of the malaria patients are found in this region. Diarrhoea, Hepatitis, Anaemia and TB are also widespread in the region. Treatment facilities of these diseases are quite inadequate. Doctors are too reluctant to stay in the Upazila level hospitals. In the remote and hilly areas there are no government healthcare and treatment facilities.

Mothers are usually so busy with their daily work burden that many times they cannot make time for the care their children require for the temporary illness after taking vaccines. Besides, there is difference of government health services regarding different ethnic communities. Communities like Mru, Lusai, Pankho and Khyang with smaller population as they live in the far and remoter regions hardly have any access to mother and child healthcare and other treatment services. Nor are there safe drinking water and sanitation facilities in these areas which directly affect the health of women of these communities.

Adivasi hill women in the CHT have very little access to quality health services owing to the unconcern of the health authority, unskilled management or inadequate healthcare services. As a result, prevalence of anaemia, reproductive health complications, child death are abnormally high. Particularly in the very remote areas deaths of mother and child at birth occur regularly due to obstetric complications.

### **Adivasi Hill Women in Village-based Cottage Industry**

Adivasi hill women with their traditionally designed in colourful clothes, ornaments are true representation of their own cultures. They are the living carrier of Adivasi tradition. These clothes have a range of designs which reflect the distinctive features of their community. These dresses are traditionally woven in waist looms.

It is the women that carry the tradition of their loom through the posterity. Each generation learning the craft from their mothers and grandmas hands it down to their daughters and granddaughters. By wearing the clothes they carry the tradition physically also. The distinctive designs and the attractive colour combinations of this craft have won the heart of the international fashion arena.

The arts of brewing wine and cooking are also the knowledge of Adivasi women. Different kinds of cakes are a special feature of the Adivasi cuisine. And there are many other interesting recipes also of each of the Adivasi community. It is imperative to preserve the tradition of this cuisine.

Seed preservation is also another skill and knowledge bank of Adivasi women.

Bamboo and cane made furniture, kitchen wares and many other household use objects are an inseparable part of a traditional Adivasi household. And this is also the craft of women mainly in the hill communities. They are skilled in making baskets and many other objects of household use with cane and bamboo. There is a range of beautiful designs of this craft.

Waist loom is an inseparable part of the life of Adivasi women in traditional society. Earlier to prove one's competence as a bride an adept hand at waist loom was compulsory.

With the entry of market economy hill women are making traditional dresses for selling also. But they are mostly deprived of the fair price of their commodity. Middlemen get the lion's share of the profit.<sup>51</sup>

Bangladesh Small and Cottage Industries Corporation (BSCIC) matters has been handed over to the three HDCs. The HDCs has undertaken different initiatives to develop the weaving and cane-based cottage industries for hill women. Capital constraint and lack of access to the market are the main problems hill women are facing who work in these industries, say many observers.

### **Situation of the Repatriated Adivasi Hill Female Refugees**

Adivasi refugees had started to repatriate from 1997 under a 20-point agreement between the Bangladesh government and the leaders of the refugees which signed on March 9, 1997. Later the agreement has been incorporated into Article 1 of Volume Gha (D) of the CHT Accord. Under the agreement and the Accord a total of 64,609 refugees of 12,222 families had repatriated. The repatriated refugees received most of the economic facilities through the Task Force agreed upon in the agreement. They get ration from the government, the adults get five kg and minors get 2.5 kg of ration each week.

However, the repatriated refugees have not got back their land and homestead yet. Article 11 of the 20-point agreement specifically states that the repatriated refugees will get back the land which they own. According to the CHT Repatriated Jumma Refugees Welfare Association, 9,780 families have not got back their paddy land, groves and homesteads. As their land and 40 villages are still possessed by the settlers these refugee families have not been properly rehabilitated. Repatriated 890 families did not get the money for buying cows.

Most of the repatriated families who have not got back their land are living a wretched life. Among them particularly the women are in a more vulnerable position. Here the plight of a group of 26 repatriated families can be mentioned as an example. These families since their repatriation have been

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<sup>51</sup> Occupations and Economy in Transition: A Case Study of the Chittagong Hill Tracts, Raja Devasish Roy, Traditional Occupations of Indigenous and Tribal Peoples: Emerging Trends, Project to Promote ILO Policy on Indigenous and Tribal Peoples, ILO, 2000

staying at the transit camp made at Dighinala Model Primary School. A market called Bowalkhali has been raised on their land which has not been removed to return the land to their legal owners.

Instead of returning their land to these refugee families the government tried to evict them from the camp. On August 20, 1999 led by Swapan Kumar Pal, a magistrate newly arrived at this work station led a police force and a team of VDP members formed by the Bangalee settlers in an operation to evict these families. At that time only women and children were in the camp. Police and the VDP members beat them with batons indiscriminately injuring 10 women and a baby of six months. Later in 2007 during the rule of Fakhruddin government they were finally evicted from the transit camp and forcibly taken to another place in the name of rehabilitation. Their land properties have not been returned yet.

The government had given assurance that the settler Bangalees would be taken away from the area of the hill refugees. But they had completely ignored it. As a result conflicts between the hill people and the Bangalee settlers have become regular. Particularly children and women face the violence of the settlers.

The incident of attack on Purnashova Chakma is mentioned here. Purnashova is a repatriated refugee living in Betchhari Bibhuti Bhushon Karbari Para of Merung Union under Dighinala Upazila. On January 21, 1999 when Purnashova went to her land to do farming work a settler named Unus attacked her with a chopper. She was rescued by other hill people working in the land next to hers. Unus was trying to grab Purnashova's land for a long time.

Runa Chakma (15), a student was gang raped by a group of settlers when she went to her school on September 2, 2006.

### **Situation of the Internally Displaced Adivasi Hill Women**

Article 1 and 2 of Chapter "Gha" of the CHT Accord made provisions for rehabilitation of the internally displaced hill people (i.e. tribals) through the Task Force after identifying them. The Task Force was formed for the rehabilitation of the returnee refugees and the internally displaced hill people. In the meeting of the Task Force the internally displaced persons have been defined as "the tribal people who have left their own villages, Mouzas, regions and gone elsewhere of their home country owing to the abnormal situation prevailing for long time in the Chittagong Hill Tracts (Khagrachari, Rangamati and Bandarban)".<sup>52</sup>

Nevertheless the internally displaced Adivasis have not been rehabilitated in these 12 years after signing of the Accord. Moreover, although the CHT

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<sup>52</sup> Minutes of the third meeting of "Task Force for the Repatriation and Rehabilitation of Refugees from India and Identification and Rehabilitation of the Internally Displaced People" held on June 27, 1998 at Khagrachari Circuit House.

Accord states that only the internally displaced hill people are to be rehabilitated by the Task Force but government with political intention has included the Bengali settlers also in that category and undertaken initiatives to rehabilitate them in the CHT. Special Affairs Division under the Prime Minister's office sent a letter to the Task Force on July 19, 1998 ordering it to take step to rehabilitate the Bengali settlers in the CHT taking them as internal refugees, which is a clear violation of the CHT Accord. In protest of this violation of the Accord the two representatives of the PCJSS and Jumma Refugee Welfare Association had walked out during the ninth meeting of the Task Force in 2000. Later on 90,208 Adivasi hill families and 38,156 Bengali settler families were unilaterally declared as internal refugees in the 11<sup>th</sup> meeting of the Task Force held on May 15, 2000 in absence of representatives from the PCJSS and Jumma Refugee Welfare Association. However, due to vehement protest from the hill people against the government drive of rehabilitating Bengali settlers in CHT the activities of the Task Force became almost standstill.

Presently most of the internally displaced hill people are living in the reserved forests, traditionally run common lands in and around Jum locations and Mouzas under community ownership, homesteads of relatives wherever available, and so on. Many of them are leading a miserable life being a floating wage and farm laborer, or by running small business and working as law paid sub-standard employee in various factories including those located in the Export Processing Zones (EPZs) in Chittagong and Dhaka district. The internally displaced hill people living in the reserved forests, community run traditional Jum fields and Mouza outskirts are being compelled to lead miserable life working as wage laborer or cultivating a small piece of Jum as 'forest villager' termed by the Forest Department. In those reserved forests usually in the remotest hilly regions there is no school, health centre or other government services. As such they remain completely deprived from education and health care services.<sup>53</sup> They easily catch diseases like malaria, diarrhoea, hepatitis and anemia. In all these cases the hill women and girls/babies become the worst deprived and so the common victims. Although very few of these internally displaced families can manage to provide education to their children by sending them to Upazila and district town yet the girls remain deprived from such opportunity due to insecurity and different social impediments. The internally displaced peoples receive no rations from the government which is just the opposite case for returnee hill refugees.<sup>54</sup> Some local NGOs have taken initiative to implement educational and socio-economic development projects for the internally displaced people (IDP) but such initiatives are very nominal and of temporary nature.

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<sup>53</sup> Internally displaced in CHT continue to suffer, New Age, Dhaka, Thursday, 14 February 2008.

<sup>54</sup> BANGLADESH: Indigenous people and religious minorities still affected by displacement, International Displacement Monitoring Centre (IDMC) and Norwegian Refugee Council (NRC), Geneva, Switzerland, 16 July 2009; Web: [www.internal-displacement.org](http://www.internal-displacement.org)



These IDPs become victims of harassment by the Forest Department and law enforcing agencies on a regular basis. The work opportunity and wages of the IDPs living as 'forest villagers' depend on the willingness of forest officials. As a result, they have to lead a very miserable life with constant food insecurity. On top of that the forest department, BDR and the military use to conduct raid and attacks on the Jum fields of these IDPs off and on. They demolish their Jum houses and destroy Jum fields terming the shifting cultivation as illegal one. For example, the Forest Department demolished more than a dozen Jum houses of the Jum cultivators in Farua region under Bilaichhari Upazila of Rangamati district on January 30, 2000. Again on June 23, 2005 the BDR personnel demolished 20 Jum houses of the hill people entirely during an attack in New Lonkor and Old Lonkor areas of Sajek union under Baghaichari Upazila of Rangamati district. Recently seven villages of the hill people in the Baghaichari region of Sajek were burnt down on April 20, 2008 in an attack perpetrated by Bengali settlers and their instigators.

# **Post CHT Accord Period and Violence against Women**

## **Family Violence**

Hill people have been suffering from the oppression of the feudal social structure of their own communities. Their feudal lords never thought to take initiatives for development of their own communities or to work in their people's interest. So the social perception about women in the hill society is backward. Women stays at the end step of the social hierarchy in the hill communities. They are to entertain the men, machine for reproduction of children and a servant for the family. They are to waste away in the labour room, kitchen and the bedroom. No matter how much labour household chores demand from them patriarchal society does not regard even a penny for it.

Besides maintaining the entire household hill women are bound to work in the agriculture fields also. But they do not have any ownership of the means of production. Feudal society denies Adivasi women all her rightful entitlements. Moreover, if they do anything wrong or goes little outside her strict boundary that the society has chalked out for them they have to face inhuman torture both mental and physical which may end in their physical existence also. In the post-Accord period some progress has been made to reduce patriarchal social control of Adivasi women which, however, is still far from adequate.

Driven by aggressive globalization market economy and capitalism are making their headway into the society of the hill communities. However, it has somewhat relaxed the traditional restrictions over hill women and brought some opportunity for their mobility outside family boundary and for economic activities outside their traditional occupations. Nevertheless hill women are still crossing the hurdles of remnants of the feudal restrictions and values of their society that pose much difficulty towards their achieving more economic, individual and social freedom.

## **Social Violence**

Both the society and the state as they are dominated by patriarchal values and structure discriminate against women regarding almost all their entitlements and facilities as citizens including education, health and treatment. The perpetual discrimination compelled the Adivasi hill women to

lag far behind their male counterpart in all socio-economic spheres. Although hill women are not bound by socio-religious restrictions as much as the Bangalee women it is not true, however, that they live a life completely free of gender discrimination. Rather in many hill communities women do not get their deserved credit and honour although they work much more than the males.<sup>55</sup>

Generally incidences of brutal violence like severe torture for dowry, acid throwing, murder of wife, rape etc. are much less in the Adivasi hill communities in comparison with the Bangalee or many other communities. Yet Adivasi women face torment from their family and relatives in different level like calling them names, occasional beating, burden them with a lot laborious work. Such torments are likely to happen in very poor families or to those who have alcoholic husbands.

According to the CHT Accord, "mitigation of social, cultural issues and conflicts of the tribes following the tribal customs" is the matter of the three HDCs [Article 34(ga) of 'Kha' (B) Volume of the Accord]<sup>56</sup> and the CHTRC [Article 9(ng) of 'Ga' (C) Volume of the Accord]. By means of this authority the HDCs and the RC can take initiatives to prevent family and social violence against women and raise awareness about the issue. But the present interim HDCs have not undertaken any step regarding it. Major reasons for this are that the present representatives of the HDCs are not elected, these are not full councils since only after the HDC election full councils will be formed and absence of any women representatives in the interim HDCs. Present interim HDCs have been formed with five representatives in each Council selected by the party. The present HDCs are not quite interested about keeping their accountability to the people. Since they have been selected by the national government their face is always towards Dhaka rather than towards the people. They are more interested rather to look after their own interest than the people's welfare.

As the CHT Accord has not been realized the CHTRC also has not been empowered according to the law. As a result, the RC faces many impediments to take step in order to prevent family and social violence against Adivasi women.

## **Communal Violence**

The Adivasi people of the CHT for centuries have been oppressed by the reactionary and feudal structure of their society on one hand and by the rulers of other communities who came from outside this region. Their fate has been determined handed down from one imperialist and expansionist

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<sup>55</sup> "সকল প্রকার বৈষম্য থেকে আদিবাসী নারীদের রক্ষা করতে হবে" (Adivasi Women must be saved from all Kinds of Discrimination), Dilara Rekha, জুম পাহাড়ের জীবন (Life in the Jum Hills), Ed. Mongol Kumar Chakma, Sohrab Hassan and Abdul Awal, Community Development Library, Dhaka, May 2008.

<sup>56</sup> It has been integrated into the Rangamati, Khagrachhari and Bandarban HDCs by means of Acts 9, 10 and 11 of 1998 according to the CHT Accord.

ruler to yet another - from the British to the Pakistani to the Bangladeshi. Ethnic and communal oppression that had started several centuries ago gradually took root in this region. After the liberation of Bangladesh military was deployed with different pretexts. Settlement of Bangalees (1979-1984) with the government initiatives not only uprooted the Adivasis from their land but created security risks for both the Adivasi men and women.<sup>57</sup> In this situation torture, murder, confinement, arson had started on the Adivasis. Women were one of the prime targets of the torturers. Inhuman torture, rape, murder after rape, sexual assault on the road and offices, abduction of Adivasi women became regular phenomena.

This situation completely jeopardized Adivasi women's security and they suffered twice as much the Bangalee women. On one hand, the hill women became victims of communal and ethnic oppression and violence and suffered under the patriarchal structure of their own community on the other. Yet their sufferings have always been ignored.

Lack of security of the Adivasi women always poses the major risk in all spheres of their life. Even in the post-Accord situation their abuse by the non-Adivasi male colleagues at their offices and on the roads have not been stopped or reduced. Adivasi women are the helpless victims of a fanatically nationalist and communal section of the majority community of the country. The Adivasi women are the victims of rape, abduction, murder, forced marriage and religious conversion by this extremist section of Bangalee community. One of the examples of such incidents is the abduction of Kalpana Chakma on June 12, 1996 by Lt. Ferdous and his gang which created much outcry both home and abroad.

Article 1 of CHT Accord admits the necessity of preserving the features of the CHT and its holistic development. Although the Accord does not directly mention anything about the withdrawal of the Bangalee settlers it however, includes some important articles or matters in its provision of preserving the features of the CHT. Some of these are as follows:

- Defining the permanent non-tribal resident
- Preparation of voters' list exclusively with the permanent residents of the CHT
- Issuing of the certificate of permanent resident by the Circle Chief
- Forbidding the settlement, transfer, leasing out and acquisition of land without the prior permission of the HDCs
- Appointment of only the residents of in jobs of the CHT giving priority to the hill people
- Preservation of birth and date statistics by the HDCs in the CHT

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<sup>57</sup> Challenges for Judicial Pluralism and Customary Laws of Indigenous Peoples: the Case of the Chittagong Hill Tracts, Bangladesh by Raja Devasish Roy, Arizona Journal of International and Comparative Law, 2004.

- Resolution of land disputes through the Land Commission and returning of land of the hill people illegally occupied by the Bangalee settlers

Apart from that provisions have been made in the Accord that except for the border security forces and the six permanent cantonments at three hill districts and Alikadam, Ruma and Dighinala all the temporary camps of military, Ansar and Village Defence Party (VDP) would be taken back to their permanent camps in several phases for which definite time limit would be set. This provision has yet to be fully realized. According to PCJSS, they have received letters of withdrawal of only 31 temporary camps out of 500 in last 12 years period. The government, however, has sometimes claimed that 71, sometimes 172 camps have been withdrawn and recently it has claimed that 200 camps have been withdrawn.

Women rights workers view that the reason behind continuation of ethnic and communal violence against the Adivasi women even after the CHT Accord has been signed is the lack of proper implementation of the Accord. The government has not taken any step to preserve particular features of the CHT which they are supposed to do according to the Accord. Moreover, a particular section of the government is doing many things in clear violation of the Accord. They are rehabilitating the Bangalee settlers in the CHT, expanding the cluster villages (Guchhagram) of the Bangalee settlers, provoking the settlers to forcibly occupy the Adivasi families' land, incorporating the outsiders including the Rohingya refugees in the voter-list of CHT, issuing certificate of permanent residents by the deputy commissioners, giving jobs and other facilities, giving land settlement and lease to outsiders, etc.

Second reason is the non-withdrawal of the temporary camps of military, Ansar, APB and VDP from the CHT and not determining the timeline for withdrawing all such camps in last 12 years after signing of the Accord. Not only that, the government has rendered special power to the army in 2001 in the name of 'Operation Uttaran'. By means of that authority the Ansar, VDP and APB members are allowed to run operation anywhere in the CHT without any restraint which is a violation of human rights, view many.

On the other hand, the Bangalee settlers are committing communal violence including rape, abduction and murders with the objective to forcefully take possession of the hill people's land. As usual one of their major targets is the hill women. Almost nothing has been done according to the CHT Accord to solve the settler issue: no initiatives have been taken to solve the land disputes by the Land Commission, cluster villages having Bangalee settlers have not been dispersed, ration for the Bangalee settlers has not been stopped, no initiatives have been taken to rehabilitate the settlers outside the CHT, violating the Accord the government has endowed the deputy commissioners of the three hill districts to issue certificates of permanent residence by which the settlers are getting the certificates without any restraint, the voter-list for the CHT has not yet been prepared incorporating the permanent residents only.

All these factors have encouraged the Bangalee settlers to continue their communal and ethnic violence against the hill people. As usual the primary victims of their attack are women, children and old people of the Adivasi community.<sup>58</sup>

Another major provision of the CHT Accord to employ only the permanent residents in which the hill people will get priority at all the offices under government, semi-government, RC and HDCs and autonomous rule has yet not been properly implemented. Consequently, the whole administration of the three districts and all the Upazilas including general administration and the law and order offices are still overwhelmingly dominated by the aggressively communal and nationalist government officials. These officials, coming from outside the CHT with a fanatically anti-hill people sentiment, in some cases are backing the extreme communal and nationalist section of the region with active administrative assistance to commit heinous violence against hill women.

So hill women can be saved from the ethnic and communal violence only when the CHT Accord will be fully and properly realized. Proper implementation of the matters mentioned in the Accord will certainly end the military rule, Bangalee settler problem, communal violence against women including rape and abduction, administrative cooperation provided by the anti-Adivasi outsider officials to the aggressively communal and nationalist sections, etc. And only then the Adivasi women will be free from the hideous ethnic and communal violence.

End of the conflict through the CHT Accord in 1997 has not ended women's verbal abuse and sexual harassment by the members of the security forces and Bangalee settlers. The Accord, however, has reduced some risk in this regard. During the period between 1998 and 2008 at least 51 hill women have been raped in the CHT as a result of communal attack. At least 20 women have been sexually assaulted. Here we should keep in mind that many incidents of rape and sexual abuse are never known because of the traditional negative attitude of the community towards the victims. During the same period many women have victims of false cases, murder, abduction, forceful marriage, etc.

All this information only depicts the pathetic reality of the hill women in the post-Accord period.

The victims of sexual abuse suffer not only physically but they suffer terribly from deep mental trauma. They become fearful and panicked. When any brave woman betrays information about her torture – such things happen quite rarely – and files complaints against military/para-military or police personnel they are threatened by those personnel and their supporters. In

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<sup>58</sup> "সামাজিক ও জাতিগত নিপীড়ন থেকে জুম্ম নারী সমাজের প্রকৃত মুক্তি কোন পথে?" (Which Way is the Freedom of Jumma Women from Social and Ethnic Oppression?), Udayan Chakma, *Nari Progoti O Barta*, ... issue, Rokya Kabir (ed.), Bangladesh Nari Progoti Sangha, Dhaka.

most cases the accused are not punished instead the victims are further harassed.

Two important reasons among others why the torture of the Adivasi women is not given due attention may be that very few Adivasi women are present in the political parties, local, district and regional councils and lack of necessary financial ability to handle these situations.

## **Justice and Legal Assistance**

Earlier in the CHT the authority of handling the civil and criminal cases was rested only with the administrative officers at the district and divisional levels. In order to transfer that authority to the judicial officials under the ministry of law, justice and parliament 'Chittagong Hill Tracts Regulation (amended) Act 2003 (Act No. 38 of 2003) was formulated. This Act states that these courts will be bound to judge the matters of conflict according to the existing law, customs and methods of the concerned district and it also clearly and formally recognizes not only the personal laws of the Adivasi ethnic communities but also their customary laws, systems and methods.<sup>59</sup>

The CHT Regulation (amended) Act 2003 will not affect the judicial activities of the Circle Chiefs and the headmen which they carry out according to the customary laws of the respective Adivasi community. The specified jurisdiction of the states court has clearly excluded the customary judicial system of the hill people. It means that the family related and other disputes that can be tried or mitigated in the courts of the Raja/Circle Chief and headmen will not be included for trial in the state courts.

Following the CHT Regulation (amended) Act 2003 Judge Court was brought into effect in the three hill districts from July 1, 2008 during the rule of Caretaker government led by Dr. Fakhruddin Ahmed. It can be taken as one fruit borne by the long struggle for separating the judiciary from administration. Provisions have also been made to resolve the cases of the Adivasis according to the customary laws of their communities. Beside it the traditional judicial system also exists.

On February 24, 2008 the High Court ordered to establish three separate courts in the three hill districts under Prevention of Women and Children Repression Act to try the cases related to the torture of women and children. This step has added a new dimension to the prevention of torture on women in the CHT. However, these courts in the CHT are not altogether separate as are the Prevention of Women and Children Repression courts in the other districts because the judicial responsibilities are rested upon the Session Judges of the concerned hill districts. They will act as Special Tribunal Judges in dealing with the cases concerning women and children repression.

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<sup>59</sup> The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review, Raja Devasish Roy, PRO 169, International Labour Standards Department, ILO Geneva and ILO Office, Dhaka, 2009.

The establishment of the courts for prevention of torture on women and children, however, has failed to do anything substantial to stop the communal violence in the CHT. Prolonged judicial processes, non-cooperation of the administration and other related authorities, lack of financial ability of the Adivasi hill people to run the cases, want of adequate legal assistance, discriminatory social values, etc. act as the major impediments towards the Adivasi women for not getting any fruit from these courts.

As is evident from the reality of the CHT the Adivasi women are still far from getting fair and impartial justice even in the post Accord era. That the special governance system has not been established in the CHT and the civil administration has not been overhauled and re-formed with the combination of Adivasi and Bangalee officials, both mentioned with great importance in the Accord, are the major reason behind this. Civil administration of the CHT still is dominated by officials from outside the CHT who are not only ignorant about the social system, culture and rights of the Adivasis of this region but communal also. As a result, when the Adivasis go to the administration for lodging complaints of abuse often they face non-cooperation and hostile attitude from the police and concerned officials.

An incident of gang rape of two Marma women is mentioned here as an example. They were raped during the attack of the Bangalee settlers on Saupru Karbari Para of Maischhari in Mohalchhari of Khagrachhari district on April 3, 2006. The hospital became filled with wounded Adivasis on that day. Some were chopped on the head, others had injuries on their legs, hands of backs. The women mentioned above were admitted also. But in no time conspiracies and harassment had started from different corners. The doctors did not want to examine them. They made many pretexts to avoid their responsibilities saying that since it was a matter of police case they needed written permission from the police for medical examination and so on.

A photocopy of Article 32 of Prevention of Women and Children Repression Act was then given to the doctors in the hospital. This particular article states that when any person, victim of crimes under this act, would be brought to a hospital the on-duty doctor would immediately carry out the medical examinations of the victim and give a certificate regarding the medical examination to the victim and inform the local police station of that criminal incident. The article further states that in case the medical examination is not carried out within a logical period of time the responsibility would be of the concerned doctor and it will be regarded his/her inefficiency and misconduct.

After supplying the Act to the duty doctor persons taking care of the victims went to the civil surgeon. It was seven in the evening. He didn't open his door and when he was telephoned somebody from his home informed that he was not at home. After crossing a sea of troubles the next day a medical board was formed comprising the civil surgeon, resident medical officer (RMO), two doctors and a senior nurse. By then 48 hours had passed. On April 5, 2006 around 2.30 p.m. the victims were taken into the examination



room. Many departments became active at this of course not with good purpose. It was as if a battle had broken out. The examination was at last carried out with amidst much anxiety.<sup>60</sup> The doctors then started procrastinating and raise pretexts to give the medical examination report, although according to the Prevention of Women and Children Repression Act 2003 only the victims or their guardians are entitled to this report. Added with their ploys the pressure of higher authority, special forces, telephone from the ruling party leaders and so on.

Many times the police refuse to take the case. In many other instances even if they take the cases no steps are taken against the perpetrators. Many times the accused are arrested but soon get out because of the weak charge framing by the police. There is no instance of punishment of the accused in any of the incidents of sexual abuse, rape, abduction and murder that have been committed of the Adivasi hill women during the post-Accord period. In most cases even a hair of the accused was not touched leaving the victims in perpetual sufferings. The whole situation has only contributed to encouraging the perpetrators to continue to act their own criminal way.

On August 26, 2003 the Bangalee settlers burnt down 14 Adivasi villages. Complaints came of rape of 10 women during that attack. A representative team of the permanent committee for the ministry of CHT Affairs along with many human rights organizations investigated the incident. But they had always kept silence about the rape incidents. The government snapped arrogantly at the demand of judicial enquiry.

During the Caretaker Government led by Dr. Fakhruddin Ahmed National Human Rights Commission was formed on November 18, 2008 under the National HR Commission Ordinance 2008. Of the three members of the Commission a DU teacher belonging to a hill community was included. However, the Commission still remains more or less inactive due to the unconcerned attitude of the government. Crossing many hurdles the Human Rights Bill was passed on July 9, '09 in the national parliament. But complaints are there that the Commission has not been endowed with adequate power.<sup>61</sup> It is particularly because the incidents of human rights violation by the military have been left outside the jurisdiction of the Commission.<sup>62</sup> Yet in most cases the members of the military are accused for human rights violation of the hill women.

So the hill people cannot expect much from the HR Commission regarding seeking justice for the wrongs done against them. And in reality also Adivasi hill women did not get any assistance or justice even after the founding of

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<sup>60</sup> "মানবিকতার ছেঁড়া স্বপ্নের জামা: সমকালীন পার্বত্য চট্টগ্রাম প্রসংগ" (The Torn Clothes of Humanity), Hemanta Tripura, *Jumma Sangbad Bulletin*, international indigenous people's day issue, information and publication division, PCJSS, Rangamati, July 9, 2006.

<sup>61</sup> A toothless human rights commission at best, Editorial, New Age, 11 July 2009

<sup>62</sup> HR Commission made strong, The daily Star, 10 July 2009

the Commission. However, the Commission had played some role in freeing Ranglai Mru, headman, HR activists and public representative who had been horribly tortured by the army. But it has taken no step so far to prevent the continued communal violence of which hill women are the prime victims.

A major impediment to women's getting justice and fair treatment regarding the violence perpetrated against them is lack of legal assistance. Most Adivasi hill people are poor and so they do not afford to run the cases. Despite many national-level HR organizations come forward with legal assistance it often proves quite inadequate and temporary. Women rights activists view legal assistance as a prime requisite for prevention of violence against hill women.

## Case Studies

### **Case Study 1: Konika Chakma deprived of Husband's Property and the Post of Karbari**

Pulak Baran Chakma was the Karbari or village-head of Nappi Para. He was the only son of his father. Konika, his wife and Dipika, his daughter were all he had in his family. One night Pulak Baran became senseless and was taken immediately to Rangamati Hospital where he died the same night. Konika became helpless with her 12 years old daughter. She was only a housewife when her husband was alive.

After her husband had died her neighbours, relatives and elder ones advised her to get married again. But Konika declined. Taking care of her daughter was what prompted her to decide not to marry again. Later she married Dipika off. Life moved on for Konika with more or less ease when her in-laws started giving her pressure to write her husband's property to Pulak Baran's cousin brother's sons. They did so because as Dipika was married to a man of different *Gojha* (Clan) so if she got her father's property, it would mean that the property to go to a different *Gojha*. According to the Chakma customary laws, daughters do not inherit their father's property. The logic behind such customs is almost universal in the patriarchal society – since in patriarchy family lineage is counted through the father's line women are regarded belonging to their husbands' clans. Women do not have any clan of their own.

But Konika did not support this conventional view. She believed that since Pulak had left his own offspring, although she was a woman, it was she who deserved to get her father's property.

Konika then came to Rangamati and met the Raja of Chakma Circle. She told him her plight. Raja then called Sonatan Chakma, headman of that Mouza. After a discussion with Sonatan and with his recommendation the Raja gave appointment to Konika as the Karbari of the village. It means she was given her late husband's position by Raja's order. The Raja then sent letter informing her appointment to all concerned offices. He also requested Sonatan to give her all assistance she needed to carry out her responsibilities.

But from the day Konika got her appointment as the Karbari of the village some people including her brother-in-law Nonyaram Chakma started plotting a conspiracy against her.

One day they had called a village meeting where they declared that the village people should not accept a woman Karbari. To accept the judgment of a woman Karbari in the village mitigation meetings would bring ill luck to the males of the village, and not only that, it would be ominous for the entire village, they said. So they suggested that the villagers would select a new Karbari. Then they said that since Nonyaram Chakma was Pulak's paternal cousin and Pulak did not have his own brother, he should be appointed the Karbari. Thus Nonyaram became the Karbari of the village violating the decision of the Raja. Konika Devi informed it to Sonatan Chakma, the headman.

Sonatan called Nonyaram and some senior people and told them that the appointment of Konika was a decision taken by the Raja. But they objected on the same logic that a woman cannot be a Karbari. They also said that being a woman Konika would not be able to move as she would need as a Karbari and be able to think as a man. Nonyaram said that he was appointed by the villagers. He consented to their decision thinking the interest of the whole village.

Some days later Nonyaram started claiming the land next to Konika's homestead as his own. In this land Konika used to grow vegetables. Around 10 years ago Konika's father-in-law bought this land from Nonyaram's father with Tk.5000.00. Nonyaram's father was dead when this dispute between Nonya and Konika began. There was evidence of Nonyaram's father selling the land to Konika's father-in-law in the headman's register. However, since land registration has been postponed in the district the sold land was not headman's register showed the *dag number* i.e. the specific piece of land that was sold by Nonyaram's father along with the headman's report. Nonyaram claims that as his father was imprudent he sold it. He also said that now that his family members increased he would not let Konika take the land. He would cultivate the land himself, he said.

Konika Devi planted teak trees and bamboo to mark the boundary of the land when it was bought. Now those trees are full grown. Nonyaram and his family members started quarreling with Konika Devi at any pretext and cutting the teak and bamboo from that land. Nonya then called the seniors of the village and said that he had let Konika to use the land so far because she was a helpless widow and now he wanted to use that land. The seniors then advised Konika to divide the bamboo and teak trees in equal share between Nonya and her and return the land to him. Konika refused to give back the land. Then Nonyaram forcibly occupied the land.

Konika then wrote an appeal to the UP Chairman and Mouza headman. These authorities informed Nonyaram for time and again to appear before them to which he paid no attention. He then gave murder threat to Konika Devi who did not dare to stay home any more. Now she stays in a small room at the district town. In her village home live her daughter, her husband and their two children. Dipika is a teacher in the neighbourhood school set up by UNICEF. Her husband looks after the land of his mother-in-law. Konika

Devi has filed a general diary at Jurachhari police station mentioning her life risk and asked for security. Police went to her village but found none.

### **Case study 2: Madhabilata Chakma, Woman of unusual Mettle**

Madhabilata Chakma is an uncompromising soldier of the struggle of woman rights. She has long been battling for stopping the family, social and ethnic oppression of the hill women to establish their equal rights and equal honour. She has been involved in her struggle to establish equal rights of women of her society since the 1960s during the national wake of the ethnic communities in the CHT. Madhabilata is still a frontline soldier of woman rights struggle. Now she is a member of CHTRC, chair of CHT Mohila Samiti and a central member of PCJSS.

Madhabilata was born on December 20, 1938 in Hatimara village of Chhoto Mohaprum in Rangamati. Her father Girishchandra Chakma was a middle class farmer and mother Torkopudi Chakma a homemaker. They had two sons and four daughters of whom Madhabilata was the youngest. Her two brothers Banshi Mohon Chakma and Madan Mohon Chakma were primary school teachers. Girishchandra moved his family from Mohaprum to Komolchhari village of Khagrachhari in 1940-41. Girish's elder brother was headman. He took Girish to help in his official work and made him a Karbari i.e. village head. So Madhabilata grew and went to school in Komolchhari. She studied up to class six in the local school which was at that time called a M.E. school. After that Madhabilata could not study any further as there was no secondary school near. Also break up in their joint family affecting their financial ability hindered her from pursuing further education.

Madhabilata came to her maternal aunt's house in Mahaprum in 1959. At that time she started teaching in Ghuichhari primary school for Tk.20.50 monthly salary. But she could not do her job for long. In 1960 came the greatest catastrophe of the Adivasi people's life in the CHT through the building of Kaptai dam. Kaptai dam devoured 54 per cent arable land of the CHT. About a hundred thousand hill people had lost their homestead and cultivable land in the Kaptai lake. Having lost all the means of their livelihood thousands of Adivasi went to India and Burma (Myanmar). The darkest calamity moved Madhabilata profoundly.

Those who stayed in the CHT started their new struggle for survival. The then Pakistan government undertook a whitewash rehabilitation programme. They started promoting horticulture among the hill people because there was not enough arable land. At the same time sericulture and the traditional loom were also promoted by the government. Madhabilata took training in sericulture from Rajshahi in 1961. After going back to the CHT she started promoting it among other hill women from families with hardly any means of livelihood. When in 1964 the sericulture programme was withdrawn she joined as a loom instructor in Social Welfare Department for Tk.90 monthly salary.

In 1960s led by Manobendra Narayan Larma began the great effort to mobilize the hill people with the consciousness of a national identity. Madhabilata was spirited by the call of M.N. Larma and besides doing her job as the loom instructor started mobilizing and educating the hill women about the social and ethnic oppression and discrimination. In 1967 she resigned from her job protesting the wrongdoing of her superior authority. She then began mobilizing hill women to form weavers' cooperatives in order to help them become independent.

After Bangladesh was liberated Parbatya Chattagram Jana Sanghati Samiti, the first political organization of the hill people was established in 1972. Aaround the same time Madhabilata came in contact with the headquarter of PCJSS situated in Majherbosti in Rangamati town. Inspired by the PCJSS leaders she became involved in the party activities. She mainly collected members for the PCJSS, created awareness among the hill women and motivated people through campaigning about the discriminations and exploitations of the hill people. Mobilization process of the hill women was much boosted up at this time. In early 1973 in order to establish an organization with the hill women an organizing committee was formed incorporating hill women with progressive ideas and better mobilizing capacity. In different areas of the CHT regional organizing committees were also formed.

After the murder of Bangabandhu Sheikh Mujibur Rahman on August 15, '75 it became impossible to run any democratic movement in the changed situation and so PCJSS was compelled to start armed struggle. In 1975, however, initiated by Jotyirindro Bodhipriyo Larma a women's convention was held in the CHT through which a political organization of the hill women called Parbatya Chattagram Mohila Samiti (CHT Women Forum) was established. Madhabilata became the chair of the organization.

She was then given responsibility of mobilizing women in Ichhamoti area (Kaukhali and Laxmichhari area). There she mobilized the Adivasi village women and led the formation of women's forum. Hill women crossing many impediments gathered under the Samiti. Later Madhabilata mobilized women in regions like Kachalong, Panchhari, Dighinala, etc. In 1976 Madhabilata successfully completed the political and military training course organized by PCJSS for its women members. It was difficult to continue the activities of the women's forum in the post 1976 period. Some women activists surrendered facing tremendous pressure from the government. But Madhabilata declined to take the same path.

In the continued battle the mobilization of hill women became limited within the families of the PCJSS members. Madhabilata during this time concentrated on motivating and mobilizing women in the member families. In 1988 she was selected as a central member of PCJSS, a position she is still holding.

Earlier the hill society, particularly the Chakmas did not admit of their women to go to market places. That traditional view gradually changed through the awareness raising campaign by the Parbatya Chattagram Mohila Samiti. The range of mobility of the Adivasi hill women increased. Under the leadership of Madhabilata and her comrades waves of women rights movement swept across the CHT bringing a long-term impact on the hill society towards establishing equal rights of women. This awareness has strongly impacted a section of hill women who with solemn promise are taking further the women rights movement in the hill society once initiated by their predecessors like Madhabilata.

After signing of the CHT Accord PCJSS members submitted their arms to the government. Madhabilata is the only enlisted female among the PCJSS members who had submitted their arms and came back to normal life. She was selected member of the interim CHTRC established in 1999.

Madhabilata is still leading Parbatya Chattagram Mohila Samiti. In her elderly years she is still working tirelessly to mobilize hill women in the movement for implementation of the CHT Accord and organizing protest against the social and ethnic oppression of the hill women. Madhabilata, dedicating her entire life in the fight for the rights of her community, did not have the time to marry and start her own family.

### **Case study 3: Tears of a raped Widow**

Sonali Chakma (take name) is a widow of 26 years of Hajachhari village of Baghahat Upazila of Rangamati district. She had been passing her days in more or less sufferings with her three children. Jum cultivation and produce collected from the forest were their means of livelihood. They used to collect dried branches and leaves and bamboo from the forest when they had time after working in the Jum field. In this way Sonali was feeding her children.

In 1986 the Bangalee settlers burnt down villages of hill people with the assistance of security forces in different places of Khagrachhari including Merung of Dighinala Upazila. Sonali's home was in Merung. Sonali's husband took shelter in the depth of the forest with his family. Many crossed the border to take shelter in India. Sonali's husband stayed inside the country and by doing Jum cultivation in the forest fed his family. He could produce several months food from the Jum which sustained the family despite with terrible hardship. In 1992 Sonali's husband fell sick in some incurable disease and died without treatment.

Sonali then started living with her children in Hajachhari village of Baghahat making a shelter along with other evicted Adivasi families. She could not return to her own village in Merung even after the Accord since it was occupied by the Bangalee settlers. Sonali submitted a form as an internally displaced family to the Task Force in 2000 hoping that it would help her get back her land and get rehabilitated. But she is still living in Hajachhari as the Task Force had failed to do anything to return her land.

In this situation with the assistance of the chairman and member of Sajek Union Parishad Sonali was enlisted for the widow allowance. The amount was scanty but it was useful for her destitute family. One day while Sonali was on her way to collect the allowance she was brutally raped by a member of the security force.

The incident happened at the Ditila army camp situated on the midway between Baghahat and Baghaichhari. Like in other places of the CHT at this camp also the soldiers stopping all the civil vehicles searched the people and their belongings.

In the morning of April 10, 2006 Sonali Chakma went to Upazila town to collect her allowance. When she went to the office of Baghaichhari Upazila Nirbahi Officer she was told that she would have to come later. On that day allowance for the old people was being given. She was to come to collect her money after the New Year festival of the hill people. Sonali then quickly got into a Khagrachhari bound coaster. It started around 10.30 am and reached Ditila camp around 11 am.

At the camp all the passengers including Sonali were asked to come down for the search purpose. Subedar Kobad Ali and two other Ansar members searched the passengers. They looked into the widow allowance book which Sonali was carrying with her. After they saw it they asked her to sit in the passenger shed and asked others to get into the coaster and leave.

Later Kobad Ali bade the two Ansars to leave. They addressed him as 'Sir' and left. After they had left Kobad Ali grabbed Sonali's hand and dragged her forcefully into a room of the camp. Sonali was screaming for help. But nobody came in her rescue. She struggled with all her might to get rid of the man but could not be saved.

In the only bed of that room Kobad Ali raped Sonali. After he raped her he threatened her not to betray anything of the incident. He said if she revealed anything to anybody she would be killed. Around an hour later she was boarded on a jeep.

Later when the incident was known to others Sonali was taken to Rangamati hospital. There the doctors refused to examine her without the permission of the police. Rangamati military brigade denied the whole thing. Its authority stated that in order to destroy the image of the army some vested groups had invented the rape incident. On the other hand, army soldiers went to Sonali's village and threatened that she and her children would face their extreme end if they further proceed with the incident.

Sonali was finally surrendered to the monster in the shape of the state. She went to her village thinking of her children's future. Only the trees and plants, birds and animals in the wild shed tears for her. Justice ever remains beyond her reach.



#### **Case study 4: Land grabbing Settlers take Ponemala's Life**

Ponemala Tripura (50) lived in Murapara village of Sindukchhari Mouza in Mohalchhari Upazila under Khagrachhari district. Her husband Bibhishon Tripura is illiterate and a sick man. Ponemala's family had cultivated Jum in some hills in Sindukchhari Mouza for generations. With change of time Jum cultivation is not any more as beneficial as before. So Ponemala like many of her neighbors grew horticulture in her hills. There are both wood and fruit trees in her groves.

Ponemala suggested by some educated people of her village appealed to the deputy commissioner for settlement of the hills with the recommendation of the Headman. Settlement was under process when land settlement became postponed in the CHT. So she could not take settlement of the hills. However, she would get the settlement of these hills once the land settlement process would resume because her ancestors had cultivated them for generations and moreover, she had recommendation from the Headman.

Meanwhile, some Bangalee settlers became greedy about Ponemala's land. Md. Afsar Ali (son of Hamid Gazi), Khayrul Ali (s/o Ajjor Ali), Rustom Ali and Nawab Ali (s/o Afsar Gazi) and others tried to grab her hills in 2006. But their first attempt to occupy her land was prevented by the efforts of CHTRC and the civil society. But at that time they seriously damaged her groves.

Their next attempt was in 2009. On May 9, that year the settlers again attacked in a group and destroying her trees planted new saplings.

Ponemala informed the attack to the local MP and Task Force chairman Jatindra Lal Tripura. Honourable MP wrote to Upazila Nirbahi Officer (UNO) to take immediate action. The UNO sent the Kanungo to the place of incident for investigation. But Kanungo went there just for the sake of the UNO's order and the UNO also did not take any step. It encouraged the settlers to take even more aggressive attempt.

Ponemala and her husband hoping for a better produce that year did Jum in two hills. The husband and wife gave night vigil to protect their fields from the wild animals. So they stayed separate at night in the two hills. The settlers observed this and planned for their fatal attack.

On September 9 evening Bibhishon called his wife to see how she was doing. He called her name but there was no answer. He then went to the Jum field which his wife was guarding. But he didn't see her there. He searched for her around that place and called her name but failed to find her. Fearing something very bad might have happened Bibhishon rushed to his village two km away to inform his community. His relatives and neighbors after combing the place the whole night they found Ponemala's dead body in a brook a km away from her Jum field.

Signs of injury were found near the ears of Ponemala's body. Her relatives believe that the assassins after catching her took her to beneath the hill. Then they drowned her in the brook. Autopsy of Ponemala's body was carried out at Khagrachhari district hospital on September 5, 2009. After the murder was made public a wave of conspiracy were started by the military and the police. First they pressurized Ponemala's husband and relatives for coming to a compromise. Secondly they had attempted to campaign this murder as the result of internal conflicts of Tripura community. They were trying utmost to run the course of the procedure to a false trail.

The officer-in-charge of Guimara police station came for a field investigation on September 4, '09. On his way back after his visit to the place of incident he took signatures of four persons including Bibhishon Tripura on an unwritten paper saying that it was an evidence of their witness that the police had come for the investigation. But later police filed a murder case with Guimara P.S. accusing four Bangalees and a Tripura villager. Among the accused the land grabbers Md. Afsar Gazi, Khayrul Ali, Rustam Ali and Nawab Ali were mentioned alright but the inclusion of Sholoana Tripura, inhabitant of Ponemala's village in the case was a clear conspiracy. Police probed whether there was any conflict between Ponemala and her community people. They discovered a small dispute between her and local UP member Sholoana and made use of it.

Next the police ran a propaganda that the murder might be a consequence of the conflict between Ponemala and Sholoana. The latter was arrested and put to jail. Bibhishon and other villagers appealed to the police for his release saying that Sholoana was an innocent villager living on Jum cultivation. But the OC didn't care.

The four settler Bangalees accused by Ponemala's husband and her relatives for her murder remained free. Immediately after the murder an investigation team from CHT Commission and ALRD visited the place of incident and talked to the accused settlers also while police informed they did not find those four accused. So they are still roaming freely.

Immediately after the murder Lt. Colonel Kamrul, zone commander of Guimara Zone along with Guimara police station called Sindukchhari UP Chairman Suinu Pru Chowdhury to his camp for mitigation September 6, '09. On the other hand, Guimara P.S. authority also asked Bibhishon and Ponemala's relatives to be present at the P.S.

On September 16, '09 in a press conference Durbar Network complained that Rashedul Islam Bhuiyan, investigation officer of Ponemala's murder case from Guimara P.S. took bribe from the accused Bangalees mentioned above to cover them up and maneuver to include innocent Sholoana as an accused in the case (case no. 01, dated September 04, '09, under Article 302 of Penal Code). Durbar representatives further said that Rashedul was also instrumental in the arrest of Sholoana while leaving those who have

been originally accused by Ponemala's husband and relatives because they had harassed Ponemala for a long time and gave her life threat.

The almost inevitable end of this case is that it will be blurred forever through the false trails that the police and the concerned administration have compelled it to take and the concerned parts of the administration. Justice will ever remain out of reach. The only question remains now, will Ponemala's family be able to save their land ultimately for which she gave her life?

### **Case study 5: The Undaunted Struggle of Shefalika Tripura**

Struggling with many difficulties stemming mostly from the pressures from the outside and sometimes from their own communities also Adivasi hill women continue to vital roles in the society. They are working for the empowerment of the Adivasi hill women, for the socio-economic development for their own as well as for others and all the more against the constant racial and communal oppression perpetrated and promoted mostly by the state. For her outstanding role in the society human rights and development worker Shefalika Tripura was awarded *Ananya Shirsha -10* in 2006 which is an award given by *Ananya*, a Dhaka-based women centred magazine.

Shefalika was born in Toilefar village of Matiranga Upazila in Khagrachhari district on December 6, 1960. From her early childhood she saw the unbearable sufferings of hill people. Lack of education, healthcare and the least scope to live like human beings after all, made hill people's life miserable. Everyday they have to face the threat of communal conflicts. Fighting all the adversaries surrounding her and her community Shefalika proved her courage and ability and herself has become a unique example of bravery.

Shefalika, when she was only 14 was married without her will to Olindro Lal Tripura, a primary school teacher. Despite her deep interest she could not proceed with her education. She had to grow vegetables and paddy in the land 5-6 miles away from her husband's home. She had given her hand in ploughing the land along with the labourers. At one point of her life she came to Dighinala where her husband was posted. There she was invited by UNICEF that took initiative to form cooperatives with hill people.

Shefalika was well-known for her nature of socialization and hard work which prompted UNICEF officials to call her. She was made chair of the cooperative. Shefalika later took sewing training in Khagrachhari BSCIC centre and got a tailoring trainer's job in UNICEF in the same area. She also started a cloth business creating a small organization named "Rikhtuk" (meaning traditional container for keeping clothes). Without Shefalika's business it would have been very difficult for her children to get higher education. After coming to Khagrachhari she formed Khagrapur Kalayan Samiti, a cooperative of hill women. The major activities of this Samiti include

undertaking activities for women's welfare and education, raise awareness about illegal occupation of land, etc. At present she is the chair and executive director of the organization.

Shetalika has been working untiringly for the empowerment of women and so that women can get equal inheritance rights. After working in Khagrachhari and Matiranga now is busy in mobilizing hill women in Mohalchhari also.

Shetalika has been intimately involved in Durbar Network and has been district representative of the Network since 2003. "I have become this much courageous since I have joined Durbar. Whenever there is any news of torture of any woman I rush to her," she said.

Not been able to pursue her own education Shetalika has tried her best to provide her children with higher education. Of her four children Gitika Tripura is the eldest. After completing Masters in political science from Jahangir Nagar University she is now working in an NGO. Next is Binodon Tripura who after completing his Masters in mathematics is now working in a local NGO. Lipika Tripura is studying on media science in Kolkata while the youngest daughter Pipika Tripura studying honours in Dhaka University.

# Recommendations

## A. On the Constitution

- Give recognition to the ethnic identity, language and culture in Bangladesh Constitution through its necessary amendment.
- Give constitutional recognition to the traditional land rights of the indigenous people (Adivasis) following the ILO Conventions 107 and 109 and the UN Declaration of Rights of the Indigenous Peoples undertaken in 2007.

## B. Regarding the International Treaties and National Policies

- Ratify properly and immediately the ILO Convention 107 on Indigenous Peoples and Tribal Communities
- Ratify immediately ILO Convention 169 on Indigenous Peoples and Tribal Communities
- Include separate/special chapters on the development of Adivasi women in the national women policy
- Take opinions of Adivasi women organizations in order to include chapters on the rights of Adivasi women in the national women policy
- Include separate sections in the national sectoral policies with the objective of preserving the interests of the Adivasi communities including their women, or formulate different policies for the development of Adivasi communities including their women regarding their rights of education, land, health, sanitation, etc.
- Add lessons on Adivasi rights including CHT Accord and special governance system of the CHT in different training curriculums such as Bangladesh Public Service Training Centre (BPSTC), Bangladesh Military Academy, National Defence College (NDC), judicial service and police service training.
- Eliminate all kinds of racial, cultural, religious and gender discriminations and stop backing of such discriminations by the state

## C. National Parliament and Local Government System

- In order to ensure the representation and participation of Adivasi hill women in the governance related activities reserve quota in the

representative bodies including the national parliament and the local councils

- In order to bring consistency with the CHT Accord and under recommendation by the CHTRC amend all the laws and regulations related to the CHT or, add special sections/articles to these laws. Take necessary initiatives to accomplish this through Bangladesh Law Commission

#### **D. Implementation of Chittagong Hill Tracts Accord**

- Implement the CHT Accord properly without further delay and aiming at this declare a roadmap based on specific timeline of the implementation
- Bring the CHT Regional Council (CHTRC) Act 1998 in full effect and finalize the activity regulations of the CHTRC
- Bring the three CHT Hill Council Acts in full effect and with this aim handover the 33 subjects (which include a total of 68 activities) of these districts including district law and order, police (local), land and land management, primary and secondary education in mother tongue, education, youth development, local tourism, etc. to the CHTDCs and hold the CHTDC election. Ensure representation of hill women in the interim CHTDCs.
- In order to settle the land related disputes under the recommendation of the CHTRC amend Land Commission Act 2001 and by appointing the Chairman along with the necessary manpower make the Land Commission fully effective
- Withdraw all the temporary army camps and Operation Uttaran
- Rehabilitate the internally displaced Adivasi hill people in the CHT while stop the attempt to rehabilitate the Bangalee settlers in the CHT counting them as internally displaced people of the CHT which is a clear violation of the CHT Accord
- Formulate necessary regulations in order to implement the provision of the CHT Accord to appoint only the permanent residents of the CHT in all the jobs of this region and add necessary provisions regarding this in the related laws
- Cancel all the leases given out to the outsiders before and after the CHT Accord for rubber and other plantations
- Return the 9236 repatriated hill refugee families their land and cancel all the bank loans of the repatriated refugees
- Appoint hill people on priority basis in the officer and non-officer posts of the CHT Affairs ministry in order to ensure effective role of the ministry in implementation of the CHT Accord and to grow the ministry properly sensitive about CHT issues

## **E. Regarding Production and Development**

- Ensure participation of Adivasi hill women in local and national development activities
- Undertake special training programmes and loan schemes free of interest or with very small interest in order to create entrepreneurs among the Adivasi hill women
- Implement properly the agenda included in the Poverty Reduction Strategic Paper (PRSP) for the socio-economic development of Adivasi women
- Undertake campaign programmes against all kinds of aggression of militarization and in the name of development and against elimination of ownership over land and resources and of cultures or the inclusion of cultures

## **F. Regarding Education**

- Take special initiatives for extending education among the Adivasi hill women
- Introduce primary education in mother tongues for the Adivasi children
- Undertake effective initiatives for showing respect, preservation and extension of Adivasi cultures
- Being respectful to the special education need of the Adivasi children implement the international pledges regarding education

## **G. Regarding Job and Employment**

- Undertake special initiatives for the Adivasi women
- Reserve quota for Adivasi hill women in the Bangladesh Civil Services in order to ensure the representation and participation of the Adivasi hill women in the civil administration
- Undertake projects for capacity building of the Adivasi hill women so that they can run self-employment-based income generation activities. Facilitate marketing strategy for the smooth access of the Adivasi women with their products.

## **H. Regarding Prevention of Violence**

- Take special measures to stop the violence against the Adivasi women
- Establish separate commission on the Adivasi affairs under the National Human Rights Commission
- Withdraw all the temporary army camps and cancel Operation Uttaran from the CHT following the agreement of the CHT Accord in order to ensure the safety of Adivasi women
- Rehabilitate properly the Bangalee settlers outside the CHT to prevent violence on the Adivasi hill women. In order to do this stop gradually

the ration of the Bangalee settlers inside the CHT and introduce the ration including the rehabilitation package outside CHT in the plains. Accept the financial aid from the spontaneous and interested donors and development partners in the Bangalee settlers rehabilitation programme.

- Investigate all the incidents of sexual abuse, rape, murder, abduction, etc. happened to the Adivasi hill women and ensure exemplary punishment for the criminals
- Undertake legal assistance programme for Adivasi women victims of violence
- Revive the traditional system to safeguard the Adivasi women from family violence and run campaign to raise awareness to erase negative attitudes, concepts and unfair treatment of the Adivasi people and Adivasi women.

## **I. Property Inheritance Rights of Adivasi Women**

- Ensure property inheritance rights of Adivasi hill women
- Undertake initiatives to raise awareness about property inheritance rights of Adivasi hill women
- Introduce marriage registration system in the Adivasi society.

## **J. Empowering Adivasi Women Leaders**

- Scope for Adivasi women so that they can practice their ability in fields including health, education and decision making; and empowering Adivasi women so that they can play more important role in establishing their rights in family and social levels while in the movement for the rights of the ethnic people.
- Undertake gender-sensitive programmes in the Adivasi organizations and communities.
- Strengthen Adivasi women's participation in all kinds of leadership and governance system. Organize special courses for leadership development and field visits for their exposure.
- Inspire women to take decision making responsibilities after they achieve necessary capacity to do so.
- Unlearn any pre-conceived ideas about the role and thoughts of women and select competent and experienced women as leaders.