

A submission on Jumma indigenous rural women of the Chittagong Hill Tracts (CHT), Bangladesh, regarding General Discussion on Rural Women, under Article 14 of CEDAW, to the United Nations Committee on the Elimination of Discrimination against Women

By

International Council for the Indigenous Peoples of CHT (ICIP-CHT)

Endorsed by

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We welcome and congratulate the Committee on CEDAW for the decision to draft a General Recommendation on rural women, and for the 'Concept Note for the General Recommendation on Article 14 of CEDAW'. We are pleased that the Concept Note raised and discussed some areas, which are relevant for many indigenous rural women. We also thank the Committee for extending the date of submission for written contributions in the process to elaborate on the General Recommendation to allow wider participation.

The concept note and a number of earlier submissions acknowledge the diverse identity of rural women, including rural indigenous women who are disadvantaged in multiple ways. This diversity of rural women must be recognized as an asset because their diverse practices enrich knowledge and expertise. The General Recommendation's recognition of the diversity of rural women has the potential to influence discourse and global development frameworks, including post MDG 2015 development agendas, and Sustainable Development Goals.

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The CHT is the traditional homeland of 11 ethno-linguistically and culturally diverse indigenous peoples who collectively call themselves the Jumma. Jumma rural women of the CHT are one of the most disadvantaged rural groups in Bangladesh. Their population is about 425,000 (estimated as half of the total indigenous population of Bangladesh, which is 856,541 in the 2011 census). The CHT based Women Resource Network estimates that 90% of Jumma women are rural. There is, however, widespread concern that the CHT's population is under estimated in censuses. There is no disaggregated statistics on indigenous/ non-indigenous women, or

for rural or urban women. Nor is there any ethnicity-based data to assess the situation of Jumma women in regard to education, health, access to land, income etc. (this was partially raised in a 2011 doc of CEDAW/C/BGD/Q/7, para 28.4). In terms of education, for example, in the absence of disaggregated data it can only be ascertained that in 2009, the average **literacy rate** for females aged between 15-24 years in the CHT was 49%, well below the national average of 72%. Likewise, the 1991 census showed that the literacy rate in the CHT for females aged 7 years and above was 18%, much lower than the national average of 26%.

In 2008 UNDP estimated that two-thirds of the households in the CHT have no, or very limited, access to basic primary **health** services (http://jobs.undp.org/cj_view_job.cfm?job_id=5326). The situation resulted in mothers of young children regularly suffering from diarrhoea and night blindness at the rates of 3 to 2 times higher than equivalent demographics in other rural areas of Bangladesh. It highlighted that the **maternal mortality rate** in the CHT was 2 or 3 times higher than the national average which itself is one of the highest in South Asia. UNICEF's Multiple Indicator Cluster Survey of 2009 ranked the 3 CHT districts among the 5 worst performing districts in the country in terms of the MDG. UNDP also noted that in the CHT, 74% live without access to a **safe water source** compared to 21% in other rural areas of Bangladesh (<http://www.chtdf.org/index.php/cht-issues/cht-situation>).

Since 1975, CHT has been under **military occupation**. Immediately after the rejection of demands by CHT leaders for incorporating CHT's autonomous status into the 1972 Constitution of Bangladesh, the state began to suppress the early stages of a CHT autonomy struggle. The suppression eventually saw the emergence of an indigenous political organization, the Jana Sanghati Samity (JSS), and its associated armed resistance guerilla group known as the Shanti Bahini. In 1975, when Bangladesh was brought under military rule as a result of a coup in which President Sheikh Mujibur Rahman was assassinated, the CHT became heavily militarized. While the Shanti Bahini was demobilized with the signing of the 1997 CHT Accord, which ended over two decades of war, the Bangladesh government, in contravention of the Accord, maintained its heavy military presence in the CHT. In 2012, the International Work Group for Indigenous Affairs (IWGIA) documented that there is now 1 soldier per 40 civilians in the CHT compared to 1 soldier per 1750 civilians in the rest of the country, even though there is now no insurgency in the CHT (http://www.iwgia.org/publications/search-pubs?publication_id=577).

In 2011, UN Special Rapporteur Lars Anders-Baer reported the occurrence of 'arbitrary arrests, torture, extrajudicial killings, harassment of rights activists and sexual harassment' of Jummas and the continued use of so-called 'Operation Uttaran' (Upliftment), an executive order that allows the military in the CHT to interfere in civil matters beyond its jurisdiction. In July 2011 the militarized situation of the CHT was highlighted with the UN Economic and Social Council adopting the recommendation of the UNPFII, '[t]hat the Government of Bangladesh undertake a phased withdrawal of temporary military camps from the region and otherwise demilitarize the region, consistent with the safeguards of the peace accord, which will contribute to the ultimate objective of peace and economic and social development, and improve the relationship between indigenous peoples and the Government of Bangladesh' (E/2011/43-E/C.19/2011/14, p. 17).

Between 1979 and 1985, a mass **transmigration program** initiated by the Bangladesh government settled at least 350,000 Bengali settlers in the CHT. In the **militarized** CHT, Bengali in-migration continues in many ways, including self-motivated migration with the state's overt or covert support. While the first census of the CHT in 1872 counted the Bengali population as being 1.74 % of the total CHT population, the 1974 census counted it as 19.41%, and the

1991 census counted the Bengali population as nearly 50% of the total CHT population. Noting Bengali in-migration as the cause of high population growth in the CHT between 2001 and 2011, Pratham Alo, a Bengali national daily, reported that average population growth rate in the CHT was 1.92%, which is higher than the national growth rate, recorded as 1.3%. (Pratham Alo, 17 July 2012). The dramatic increase in the Bengali population has led to pressure on the region's land and natural resources.

A 2013 Amnesty International report documented tens of thousands of CHT's indigenous peoples being landless and trapped in a cycle of violent clashes with Bengali settlers over land use (<https://www.amnesty.org/en/news/bangladesh-indigenous-peoples-engulfed-chittagong-hill-tracts-land-conflict-2013-06-12>). The report established the cause of clashes as being the state's failure to implement the terms of the 1997 CHT Accord. But 16 years on, the most important provisions of the Accord, including settlement of land disputes and demilitarization of the region, are yet to be implemented. Amnesty International noted that '[t]he current situation, with violent clashes being fuelled by disputes over land, continues to cause immense insecurity and suffering for the Pahari Indigenous People, and the Bangladeshi authorities have to address it immediately.'

Military and other security forces are responsible for orchestrating many violent attacks by settlers against Jummas. The aforementioned 2012 IWGIA's report entitled 'Bangladesh: Militarization in the Chittagong Hill Tracts - The slow demise of the region's indigenous peoples' held army personnel's direct involvement, or their covert support, responsible for communal attacks on indigenous villages. It concluded that these attacks resulted in loss of indigenous peoples' land.

Loss of land and insecurity in their villages resulted in mass **internal displacement** of rural Jumma families pushing them into **poverty** and **food insecurity**. A 2009 UNDP baseline survey reported widespread 'food poverty' in the CHT, noting that about 62% of households were living below the absolute poverty line (below 2,122 k.cal), while 36% were considered hardcore poor (below 1805 k.cal). The survey recorded that the prevalence of absolute poor was 65%, and hardcore poor was 44% among indigenous peoples in the CHT. It noted that 94% of women in the CHT were living below the absolute poverty line and 85% of women were living below the hardcore poverty line. It also highlighted that poverty in rural CHT was 1.6 times higher than other rural areas of Bangladesh.

Lack of access to land and insecurity are also leading rural women to have very little opportunity to harvest traditional crops and medicinal plants, which in turn making them poorer in terms of access to food, medicine and other resources. In 1994, internally displaced rural Jumma women of Kurkutyachari, Barkal, reported that they lost a variety of naturally coloured cotton seeds as they couldn't cultivate while fleeing from village to village because they were uprooted from their villages and chased by transmigrant settlers with support from the military.

Lack of access to land, food insecurity and poverty, are forcing many Jumma rural women to **change their occupations**. Many are now working as day labourers in agricultural farms where they face wage discrimination. Jumma women are generally paid BDT 80-100 (BDT80 = \$US 1)/day, compared to a man earning BDT 120/day. Some women are also moving to towns and cities inside and outside the CHT in search of employment. There are about 13,000 Jumma women working in Dhaka (3,000 in the Dhaka Savar industrial zone) and Chittagong (10,000 in the Chittagong export processing zone), mostly in the garments industries, receiving an average wage of BDT 1666.60 (about U\$ 20)/ month. They are often paid less than Jumma men and Bengali women, and face many forms of marginalization. Women Resource Network

highlighted that voices of indigenous men and women have very little scope to be heard as garments industries' trade unions are dominated by non-indigenous workers.

In the non-agricultural government sector (in the absence of jobs in the private sector) finding a local job or job posting is impossible without a bribe. For instance, an average one-time bribe of BDT 2 lac – 5 lac (US\$ 2,500 – 6,250, subject to negotiation) is required to get a job at a government primary school as an assistant teacher. A trained assistant teacher's gross income is about BDT 5,100 (US\$ 64)/month. Many officials from the highest to lowest tiers of office, heads to clerks, ministerial to district/sub-district levels, and brokers (locally called *daalaa*) who have linkages with officials, and appointed and elected heads and officers, are involved in the bribe chain. Because of the demands for bribes, rural women have very little chance to obtain government jobs.

There is a high rate of **Sexual violence** against Jumma women by the military, other security personnel and settlers. 2011 to 2012 figures gathered by the CHT Commission and the Bangladesh Indigenous Women's Network (BIWN), recorded that 95% of the perpetrators of sexual violence against indigenous women and girls were Bengali settlers, staff members of the forestry department or members of the armed forces. 97% of these women and girls were extremely poor. In June 2012, the BIWN with its allied mainstream women's rights organizations called a press conference presenting detailed incidents of violence against indigenous women in the country. 63% of these cases involved Jumma women while the rest involved indigenous women from the plains of Bangladesh. 83% of the CHT cases were sexual assault, including rape, rape and murder, gang rape and attempted rape. 86% of the rape victims were children. For the CHT all perpetrators were Bengalis, 92% of them were settlers. Maleya Foundation's data for the later half of 2012 showed that 70% of the cases in the CHT were rape, gang rape and rape and murder, and 75% of these cases involved Bengali men. Kapaeeng Foundation's record for January 2007 to December 2012 revealed that Jumma women and girls endured 3 times higher violence rates than their indigenous sisters living in the plains of Bangladesh. In most of the sexual violence cases against indigenous women in the CHT the perpetrators enjoy impunity. Information from the Home Ministry on violence against women in the CHT for January 2010 to December 2011 gained by the Bangladesh Legal Aid Services Trust under the Right to Information Act showed that only 2 out of 22 cases in Bandarban and 2 out of 17 cases in Rangamati were given a verdict. The perpetrators were not punished in any of these 4 cases. A 2013 two-part editorial in the New Age, a Bangladesh national daily, documented the systematic sexual violence against Jumma women in the militarized CHT (<http://newagebd.com/detail.php?date=2013-06-12&nid=52554> <http://www.newagebd.com/detail.php?date=2013-06-13&nid=52691>).

Rural Jumma women are also losing their freedom of movement, such as going to and from work on farms, tending cattle, collecting food and firewood from the forest, fetching water, and going to schools, markets and temples, because a high number have been sexually assaulted, raped, and murdered by non-indigenous men during these daily activities. The Women Resource Network stressed that sexual violence against Jumma women by settlers has intensified with an increase of mobility of settlers in the post-Accord CHT.

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This submission, underlining the disadvantaged situation of rural Jumma women in the CHT, proposes the following recommendations to the Committee for inclusion in their drafting of the General Recommendation on rural women.

- Require States Parties to include gender-, and **ethnicity**-, and age- and urban/rural disaggregated data in their national census.
- Require States Parties to address the structural causes of disadvantage and poverty among rural women.
- Require States Parties to address the structural causes of violence against rural women.

'Suggested new provisions to be included in the interpretation of Article 14' in the Concept Note, pp 13-14.

Enabling environment

- Require States Parties to ensure personal security and safety for rural women particularly in areas affected by conflict, and development such as mega dams, mining and demographic change.
- Require States Parties to ensure national and customary laws and practices conform with international laws and standards which ensure equality of men and women.
- Require States Parties to report to the CEDAW Committee on the justice outcomes for rural women under state and customary laws.
- Require States Parties to gain the Free and Prior Informed Consent (FPIC) of rural women in conceiving, planning and implementing projects in their localities.

Impact of macroeconomic policy measures on rural women

- Require States Parties to develop laws, policies and measures to protect and promote rural women's diverse local agricultural methods and products, and thus ensure a diversity of crops and medicinal resources in order to increase health and food security.
- Require States Parties to protect local varieties of food and medicinal resources from patenting by national and international organizations or companies.

Decent rural employment

- Require States Parties to develop policies and measures to strengthen the local economy and create local employment for rural women.
- Require States Parties to develop affirmative action programs to encourage the employment of women in formal and informal institutions in their localities.
- Require States Parties to develop legal and strategic actions to eliminate barriers, such as bribery and corruption, to the local posting and employment of women and men.

