

Questionnaire

1. *Please provide the name of your organization and the country where it is based.*

Kapaeeng Foundation
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2. *What are the main objectives and goals of your organizations?*

Kapaeeng Foundation is a human rights organisation for indigenous peoples in Bangladesh and it was established on 1 April 2004 with the view to working for promotion and protection of the rights of indigenous peoples of the country. The term 'Kapaeeng' is derived from indigenous Khumi language, meaning 'Rights'.

Vision

The vision of Kapaeeng Foundation is to establish a society based on the values of justice, equity and freedom where fundamental freedoms and human rights of indigenous peoples are ensured.

Mission

The mission of Kapaeeng Foundation are, among others, to promote and protect the human rights of the indigenous peoples of the country and to conduct advocacy, lobby and campaign programme for the same at local, national, regional and international level; to establish a strong network and partnership with national, regional and international organizations and individuals working on promotion and protection of human rights as well as indigenous peoples rights and to raise the capacity of the indigenous peoples in promoting and protecting the human rights.

3. *Which indigenous groups does your organization represent and what is the total number of indigenous peoples within these groups?*

Kapaeeng Foundation does not represent any single indigenous community or a single group of indigenous community in Bangladesh. Kapaeeng Foundation tries to represent for all the indigenous groups or the community regarding their Human Rights Violations of the country.

There are more than 54 indigenous ethnic communities with a population of nearly three million have been living in Bangladesh for centuries. Over the years the indigenous peoples in Bangladesh experienced a strong sense of social, political and economic exclusion, lack of recognition, fear and insecurity, loss of cultural identity, and social oppression. Mainstream development efforts have either ignored their concerns and/or had a negative impact on them. Often issues and actions that affect them are not

discussed with these communities or organizations representing them. Thus, they are subjected to stark socio-economic deprivation.

4. Has your Organization participated in any session of the Permanent Forum on Indigenous Issues? If yes, please indicate the year(s)

Yes, Kapaeng Foundation representatives have attended UNPFII sessions in 2009, 2010, 2011, 2012, 2014 and 2015.

5. In what ways does the Permanent Forum on Indigenous Issues support indigenous peoples in your organization?

Through attending the sessions of UNPFII Kapaeng Foundation's representatives

- **Raising the issues of indigenous peoples:** By attending the sessions our participants get chance to raise the emerging issues of our local peoples in the session by presenting statement following the agenda items. Through this way, our government and other international and UN agencies came to know the real scenario of our people. Hence all concern authorities can take action following our presented interventions.
 - **Networking:** Our representatives get chance to strengthen the networks of the Organization through the networks they made during their participation in the UNPFII sessions. They continue to successfully maintain those contacts for greater solidarity in near future.
 - **Capacity Building Training:** Kapaeng Foundation has organized half a dozen capacity-building trainings for indigenous human rights defenders on different areas of human rights of indigenous peoples ever since his return from participation in the meeting. In those trainings the Candidate conducted sessions on UN mechanisms on the rights of indigenous peoples including EMRIP. He shared his real-life experience of engagement with the EMRIP session in the training.
6. At its fifteenth session in 2016 the Permanent Forum's theme will be **Indigenous Peoples: conflict, peace and resolution**. Please provide information as to whether your organization is working on issues related to conflict, peace and resolution for indigenous peoples. Where possible, please include information on the situation of indigenous women in your responses.

Kapaeng Foundation is working for the promotion and protection of the rights of indigenous peoples in Bangladesh. We believe promotion and protection of rights and establishment of peace and harmony is interconnected. Round the year we deal with

number of activities that are relevant to ‘indigenous peoples’, ‘conflict’, ‘peace and resolution’. For example,

We work closely with the National Human Rights Commission of Bangladesh. Whenever we receive any report on land dispute – land grabbing, forced eviction, development project on indigenous peoples’ traditional land – we immediately inform the NHRC and seek their assistance in this regard. So far in 2013, following the communication between Kapaeng Foundation and NHRC, 21 Chak indigenous families got their land back from the land grabbers in Bandarban district of CHT. Similarly, in 2014 and 2015 indigenous Khasi people managed to protect their ancestral land from the Nahar Tea Estate authority with the help of NHRC following the complain lodged by Kapaeng Foundation. Our organization along with Bangladesh Indigenous Peoples Forum initiated to hold several dialogue among the parties (indigenous Khasi people, owner of the Tea Estate and the Government) involved in this land disputes.

Kapaeng Foundation organise national level seminar, policy dialogue and round table discussion meeting with the government representatives to find out solutions and to forward recommendations to the concerned government authorities regarding controversial policies and burning issues on indigenous peoples. For instance, in 2014 government has transferred ‘Tourism’ subject to the three Hill District Councils following the provisions of the CHT Accord. However, the process of transferring the Tourism subject was not proper and in line with the spirit of the Accord. As a result, indigenous leaders and CHT institutions including CHTRC were not happy with the process and outcome of the power devolution. In this circumstance, on 20 August 2015, Kapaeng Foundation organise national round-table discussion on “Tourism and Development in Indigenous Peoples’ Region: Local peoples’ participation and Role of Government”. In this discussion Honorable Minister for Tourism has assured to review the government decision and have consultation with the CHTRC. It is reported that now the Tourism Ministry is considering the recommendations forwarded by the CHTRC.

Likewise, in 2015 Kapaeng Foundation organised a national seminar on “Introducing Primary Education in Mother-tongue for Indigenous Children: Present Perspective and Way Forward”. Introducing mother-tongue based primary education was one of the long-standing demands from Adivasi peoples. Different national law and policies including National Education Policy, the National Poverty Reduction Strategy Papers (PRSP) 2005, the Primary Education Development Plan II & III and the CHT Accord of 1997 mentioned about ensuring mother-tongue based primary education for indigenous children. In the said seminar government representatives have assured that the Ministry of Primary and Mass Education is implementing its previous decision taken back in 2013 to introduce mother tongue based education at the primary level for indigenous children. According to the plan, for the first phase, textbooks in five indigenous languages would be produced with Chakma, Kakbarak, Mandi, Marma and Sadri language. It is expected

that this Multi Lingual Education (MLE) initiative will bring positive change in primary education for indigenous children.

Indigenous peoples in Bangladesh are not recognised as indigenous. However, there is a Parliamentary Caucus on Indigenous Peoples. Now at least 37 Members of Parliament are working with this Caucus for the promotion and protection of the rights of indigenous peoples of the country. Chairperson of Kapaeng Foundation is a member of the technical committee of this Caucus. Recently the Parliamentary Caucus has submitted a private bill - Bangladesh Indigenous Peoples Rights Act - to the Parliament. Indigenous peoples organizations including Kapaeng Foundation has actively supported throughout the process of drafting the bill.

One of the mandated priority areas of Kapaeng Foundation is documentation of human rights violations of indigenous peoples and produce annual report on situation of indigenous peoples' human rights. This report helps relevant actors and stakeholders to take necessary actions based on the findings of the report. Moreover, Kapaeng Foundation also conduct media mobilization to bring indigenous peoples issues to the government's attention. Last couple of years the issues of land grabbing by Border Guard Bangladesh (BGB), land grabbing by Bengalee land grabbers, communal attack on indigenous peoples, implementing development project on indigenous peoples land without their FPIC, and incidence of violence against indigenous women has been reported repeatedly following the continuous media mobilization of Kapaeng Foundation.

The *Bangladesh Indigenous Women Network* (BIWN) is a network that was established in 2012 aiming at realizing the rights of indigenous women through a united movement. There are over 54 Indigenous peoples in Bangladesh. Their population makes up around 30 million -- half of who are women. These Indigenous women have been facing domestic, social, communal and state discrimination, deprivation and oppression for ages. In order to end these ongoing deprivation and discrimination on them, indigenous women, led by indigenous women's organisations, have been conducting struggles in different regions of the country. Therefore, for strengthening the communication, coordination and solidarity among women's organisations and activists, BIWN was formed in 2012 by *Kapaeng Foundation* through First Indigenous Women's Conference in the country. Now this is the only indigenous women network that is connected with the national and regional indigenous women organizations from the CHT and the plains. The mission of BIWN is to raise strong voice against discrimination and violence against indigenous women at the national level. Since its establishment, the members of the network have been attending conferences and organizing seminar, press conference, demonstrations etc. along with leaders of national mainstream women's organizations and indigenous experts in Bangladesh. The BIWN has organized its 2nd National Indigenous Women Conference in 2014 in Dhaka and now planning to held

next conference on March 2016. The members of BIWN are trying to promote and protect the rights of indigenous women in Bangladesh through organized advocacy works in national and international level.

7. *In the outcome document of the World Conference on Indigenous Peoples (A/RES/69/2), member States committed themselves to “taking in consultation and cooperation with indigenous peoples, appropriate measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the Declaration....” (Paragraph 7) on the Rights of Indigenous Peoples and that the action be developed in consultation with Member States, Indigenous Peoples and the Inter-Agency Group on Indigenous Issues.*

In relation to the outcome document of the World Conference on Indigenous Peoples, please outline the following:

- (i) *Has your organization been involved in any state-led measures to implement the UN Declaration on the Rights of Indigenous Peoples? Please provide details on the level of your participation.*

No.

- (ii) *What are the major success as well as the remaining obstacles for the implementation of the UN Declaration on the Rights of Indigenous Peoples for the people that organization represents?*

Indigenous peoples’ are not recognized as ‘indigenous’ in Bangladesh this is the main obstacle for the implementation of UNDRIP. Moreover, government and mainstream society are not respectful and sensitized enough on ethnic and cultural diversity of indigenous peoples.

- (iii) *Is your organization involved in the collection and dissemination of disaggregated data or culturally relevant data on indigenous peoples?*

Yes, we are trying to collect disaggregated data on indigenous peoples. As Kapaeeng Foundation is a human rights organization it collects data and information related to violation of human rights including indigenous peoples’ rights to ancestral land and culture.

8. *How does your organization implement the UN Declaration on the Rights of Indigenous Peoples at the community level?*

The UNDRIP contains 24 preambulatory paragraphs and 46 operative articles which list and explain the international human rights of indigenous peoples. Among important contents of the Declaration are: the right to self-definition as indigenous peoples; the

right to self-determination; rights to lands, territories and natural resources; the right to free, prior and informed consent for development activities on their lands and territories; and rights embodied in the other human rights instruments. The Declaration is also special because it talks of collective rights. This is particularly important for indigenous peoples, because many aspects of our life are common, or shared, such as ownership of lands and resources.

Our organization arrange mass awareness and capacity building training on understanding the UNDRIP for community peoples. Until and unless they are aware or sensitized on the contents of the declaration it won't be meaningful for them. Hence we make aware community people by arranging training, community seminar, awareness rising campaign etc.

9. Does your organization provide regular or ad hoc capacity-building programmes on indigenous peoples' rights for staff and members of the community or planned capacity-building activities in this area?

Yes, we organize capacity building training for indigenous peoples on regular basis. Sometimes we get support from ILO and UN Women in this regard.

10. Does the United Nation support your organization's work on indigenous peoples' issues?

As a UN agency ILO directly support our organization's work on indigenous peoples through its project "Indigenous and Tribal Peoples Project", including –

- (a) Organizing country level preparatory meeting on UNPFII
- (b) Organizing training on indigenous peoples rights and ILO Conventions 107, 111 and 169
- (c) Regional consultation/workshop/seminar on ILO Convention 107, 111, 169 and indigenous peoples' issues and
- (d) Capacity building training support of CHT Headmen Network and *Jatiya Adivasi Parishad*.

Moreover, UN Voluntary Fund also support our representatives to attend the UN sessions related to indigenous peoples rights including, EMRIP and PFII.

11. Please provide information of conferences and other meetings to be organized or supported by your Organization for 2016 and 2017.

- National preparatory meeting for UN mechanisms related to indigenous peoples – 2016/2017
- National dialogue on post COP21 Paris Climate Change Conference
- National workshop on REDD+
- 3rd National Indigenous Women Conference 2016
- Regional Capacity building training for indigenous women and girls
- Indigenous Youth Conference 2016 & 2017

- Indigenous Peoples' Human Rights Defenders Conference 2017
- Organize Human Rights Fair 2016
- Indigenous Youth Peace Camp 2016 & 2017.