

Ninth Session of the Expert Mechanism on the Rights of Indigenous Peoples

Palais des Nations, Geneva, Switzerland

11 – 15 July 2016

Agenda item 5: Study and advice on the right to health and indigenous peoples, with a focus on children and youth.

Statement by Mrinal Kanti Tripura on behalf of Maleya Foundation and FIAN International.

Dear Chairperson, expert members of the EMRIP; the Special Rapporteur on the Rights of Indigenous Peoples, distinguished state representatives, indigenous peoples representatives, brothers and sisters:

I would like to congratulate Mr. Albert Barume on his appointment as the chairperson of the EMRIP.

The Maleya Foundation and FIAN International appreciate the study report and would like to take the opportunity of referring to the intersection between the human right to food and nutrition and the right to health of indigenous peoples, in line with paragraphs 22, 33, 48, 49, 50, 62, 76 and 77 of the report.

Lack of access to adequate food and nutrition is one of the underlying causes of violations of the right to health. In addition, when the right to health is affected, nutrition can be negatively impacted.

We would like to call your attention on the case of the indigenous peoples living in the Chittagong Hill Tracts in Bangladesh:

The right to health of these communities has been being violated since the colonization. A main cause of these long lasting violations is the shrinking access to land and other resources.

According to the testimonies of the communities, the access to and control over resources has decreased due to diverse causes including:

- The floods caused by the Kaptai Hydroelectric Project financed by the World Bank and USAID since the 60s,
- The industrial plantation projects promoted by the government
- Government's promotion of migration of Bengali populations into ancestral lands of indigenous peoples of the Chittagong Hill Tracts, creating new conflicts over land
- The expansion of reserve forest areas promoted by the government impeding the use of forest for recollection and hunting and fishing for livelihoods, and
- The non-implementation of some important provisions of the Chittagong Hill Tracts Accord of 1997, including the non-rehabilitation of internally displaced indigenous peoples.
- Non-recognition of indigenous people's collective rights over land and territories.

These are breaches of the government of Bangladesh with its obligations to respect and protect the right to health in connection with the food and nutrition.

Critical are the chronicle famines, specially affecting women and children. The state has not produced disaggregated data, but evidence shows that such famines, are causing starvation in several communities in the region, which could be avoided, if the access to land and other resources would be respected. Undernutrition and hunger, and its consequences on health, could also be impeded if the sufficient resources, which are now dedicated to other activities, would be used by the state to comply with its obligation to fulfill, supporting access to land for the ancestral communities, local production systems and improving the currently precarious health care for the communities.

Even if food aid<sup>1</sup> has brought rice provisions to some of the communities, these have not solved the chronicle situation of hunger. In our opinion, this is a consequence of the lack of realization of the right to self-determined development and the lack of full and effective participation of the communities.

We are also concerned about the mental health. According to the indigenous peoples, this has been negatively affected by the non-compliance with the Chittagong Hill Tracts accord, the communal attacks, land grabbing, rape in the zone, and the isolation of indigenous peoples, which cannot be visited by foreigners without authorization and accompany.

Furthermore, the state is not complying with its obligation to fulfill, since there are no public policies, laws and/or strategies in place to solve these systematic violations of the rights to health, food, and nutrition. In this context, affirmative measures to correct the systematic discrimination suffered by the communities are needed.

We request the EMRIP to advise the Human Rights Council to request the state of Bangladesh to comply with its obligations to respect, protect and fulfill the rights to health, food and nutrition of the indigenous peoples of Chittagong Hill Tracts, in line with the report.

Thank you !

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<sup>1</sup> <http://opinion.bdnews24.com/2016/05/28/as-bandarban-starves-we-do-almost-nothing/>