

**13th Session of United Nations Permanent Forum on Indigenous Issues**  
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**Agenda Item 4: Human Rights**

**Statement by**  
Mangal Kumar Chakma  
on behalf of  
Asia Indigenous Peoples Caucus

Thank you, Madame Chairperson, for the opportunity for the Asia Indigenous Peoples Caucus to speak and submit our contribution on this very important and urgent agenda item on human rights.

Despite the General Assembly's adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and several international human rights instruments, the human rights situation of indigenous peoples in Asia remains vulnerable. The human rights of indigenous peoples encompass not only individual civil and political rights but also collective rights, which include those to land and resources, to free and prior informed consent and to participation in decision making.

Many of the human rights violations that indigenous peoples face stem from the non-recognition of their collective rights to lands and resources. This leads to forced eviction from their traditional land, displacement and militarization, which in themselves are grave violations of their individual and collective rights. Military and other paramilitary and security forces have been used to quell local resistance to development projects, resulting to wide-scale violations of their civil and political rights including criminalization and vilification of their legitimate actions.

The individual rights violations are mostly related to abduction, arbitrary arrest and detention, harassment and intimidation, extrajudicial killing, indiscriminate firing and bombing, use of persons as human shields, destruction and divestment of property, torture, and for women, rape and sexual harassment.

On the other hand, the most common violations of collective rights were land grabbing, forced displacement and FPIC violations, mostly due to economic land concessions for plantations, mines, dams and other energy and resource extraction projects. These violations were aggravated by non-compliance with their right to full and effective participation in decision making in matters that concern them and racial discrimination.

Also of concern is the rising count of indigenous peoples human rights defenders among human rights victims. Indigenous peoples human rights defenders suffer from various forms of human rights violations including physical assault, abduction, enforced disappearances and extra-judicial killing over the last three years. The latest victim of extrajudicial killing is William Bugatti who was shot dead in his home province in the Cordillera region, Philippines in April

2014. In Thailand, Mr. Pholachi Rakchongcharoen or "Billy", a Karen indigenous human rights who was helping his community in their struggle to assert their rights to their lands in the Kaeng Krachan National Park is believed to be a victim of enforced disappearance. Mr. "Billy" was last seen detained by the national park authorities. While the Chief of the national park claims to have released him after his detention, his whereabouts are unknown until today.

Also a threat to indigenous peoples' rights are national security laws that Asian governments have enacted in the global fight against terrorism. Generally expanding governments' powers of arrest and detention and to curb basic freedoms of expression, assembly and association, these laws have been used to suppress local resistance and to justify unlawful detention, killings and militarization. In some of these laws, terrorism is defined only in broad terms as in Indonesia and Bangladesh, which go against internationally acknowledged human rights standards.

In Indonesia, the Parliament introduced retroactive laws after the bloody Bali bombings that, contrary to existing criminal laws, allow the death penalty to be imposed and lower certain evidential thresholds.

In Bangladesh, human rights of indigenous peoples are still being violated in an alarming manner. In 2013, at least 11 indigenous people including 4 women were killed and at least 8 communal attacks were conducted by the Bengali settlers and Bengali land grabbers. Having non-recognition as indigenous peoples in the constitution, lack of political participation particularly in plain land, lack of access to justice and impunity of the perpetrators, non-implementation of CHT Accord of 1997 and militarization in CHT have left the indigenous peoples including women completely vulnerable.

In Malaysia, the Security Offences Special Measures Act also fails to meet international human rights standards in several key ways, including by allowing police to detain suspects incommunicado for 48 hours and allowing detention without charge or access to courts for up to 28 days, increasing the risk of torture. Police forces have come under a cloud of suspicion not only for acts of brutality but for causing the death of persons held in their custody, mainly at police stations.

In India, the amended Unlawful Activities Prevention Act (UAPA) retains the ban on 32 organizations proscribed under the repealed Prevention of Terrorism Act, of which 11 are organizations of various ethnic minority groups from the northeast. The amendments to UAPA expand the definition of "person" to include "an association of persons or a body of individuals whether incorporated or not." The Act was invoked in the arrest of ethnic minority activists in the state of Manipur in the northeast.

In Nepal, Indigenous peoples are displaced from ancestral lands in name of conservation of Wildlife, Nature, Forest, Hydro power Projects and Natural resources. Indigenous peoples' mother tongues are not allowed to use as office language in their areas through local government institutions. Tharu Indigenous community child are still working as slave (bonded labor) in western parts of Nepal and government not taking serious actions. Nepal Indigenous girl and women are supplying illegally to different parts of India and other countries.

In Indonesia, the indigenous Semende Nasal community numbering to around 378 lost their source of livelihood when the TNBBS and district government part burned the huts, plants and farming tools of the indigenous peoples in Banding Agung in a move to drive them out of their community which has been declared a national park. Despite providing proof that Banding Agung is their territory, the operations continue which heavily impacts on the daily subsistence of the indigenous peoples who rely on Banding Agung for their livelihood.

With the foregoing, Asia Indigenous Peoples Caucus forwards following recommendations to the UN Permanent Forum on Indigenous Issues and to the Special Rapporteur on the Rights of Indigenous Peoples:

1. To call on Asian states to pull out military troops in indigenous territories and to take appropriate steps to review and reverse their counter-insurgency policies and strategies that are detrimental to indigenous peoples and violative of international humanitarian law. Likewise, call on Asian states for the review of their oppressive and militarist laws and policies to be consistent with UNDRIP and seriously implement their international human rights obligations.
2. Urge Asian states to stop forming and using paramilitary forces and push for the dismantling of paramilitary forces.
3. Push for State recognition of indigenous peoples to ensure full protection of their human rights, especially in Asian countries, who have no legal recognition of indigenous peoples up to now.
4. Take concrete steps to address the human rights impacts of militarization and extractive industries and ensure that the collective rights of indigenous peoples including free, prior and informed consent are recognized and respected.
5. Establish a speedy and effective mechanism of prosecuting and convicting State and corporate perpetrators of human rights violations against indigenous peoples in order to ensure justice to the victims and stop impunity such as in the Bangladesh, Philippines, Cambodia, India, West Papua, Thailand, and others.
6. Implement the CHT Accord properly and to declare a timeline and outline (roadmap) for implementation the CHT Accord.
7. Conduct international investigative missions and call for the UN Special Rapporteur on the Rights of Indigenous Peoples and other appropriate UN bodies to visit Asian countries to look into the problem of militarization and the serious human violations committed against Asian indigenous peoples.

Thank you.