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Written statement* submitted by the Asian Indigenous and Tribal Peoples Network (AITPN), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 December 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Religious Profiling of Hindu Minorities in Bangladesh

“We remain concerned at the continued manifestation of racial crimes, intolerance and religious profiling. There is an urgent need to address such developments before it creates further divisions in society, and breeds further intolerance and hatred”- H.E. Mr Reaz Rahman, State Minister for Foreign Affairs of Bangladesh while addressing the High Level Segment of the 60th Session of the Commission on Human Rights on 17 March 2004.

Only if H.E. Mr Reaz Rahman looked at the profiling of the Hindu religious minorities by the government in Bangladesh under the Vested Properties Act and the massive violations of economic, social and cultural rights.

The ruling Bangladesh National Party which His Excellency Ministers belongs to had shelved the implementation of the Vested Property Return Act on 26 November 2002 to allow the Government unlimited time and the right to lease such properties until they are returned to their owners i.e Hindu minorities. In April 2001, Sheikh Hasina government passed the Vested Property Return Act to return lands ostensibly to obtain the Hindu votes prior to the 1 October 2001 elections. This law required the Government to return land that was seized under the Vested Property Act, a law that allows "enemy" (in practice, Hindu) lands to be expropriated by the State. The Government was tasked to prepare a list of vested property holdings by October 2001, and claims were to have been filed within 90 days of the publication date. The Government never published the list of vested properties.

The Vested Properties Act is basically the Enemy Property (Custody and Registration) Order II of 1965 that was adopted by Pakistan government after the 1965 India-Pakistan war. The Enemy Properties Act identified the Hindus as enemies and systematically dispossessed them of their properties. As most Hindus left then West Pakistan (now Pakistan), Hindus in then East Pakistan (now Bangladesh) were worst affected.

After independence, then President of Bangladesh, Sheikh Mujibur Rahman in his Order No. 29 of 1972 changed the nomenclature from Enemy Properties Act (EPA) to ‘Vested Property Act’ (VPA), what the United Nations Special Rapporteur on Religious Intolerance, Abdelfattah Amor in his Interim Report to the Millennium Session of the UN General Assembly (A/55/280/Add.2 dated 9 August 2000) stated “without altering the content of the law”. As the Awami League leaders had appropriated most of the Hindu properties under the Pakistani regime, Mujib wanted to protect their interests and therefore, Bangladesh government took the control of the lands. India neither protested in 1972 nor it does now.

The impact of the EPA/VPA has been devastating for the minority Hindus. The Association for Land Reform and Development (ALRD), a Dhaka-based NGO, in its 1997 report *“Political Economy of the Vested Properties Act in Rural Bangladesh”* states that a total of 10,48,390 Hindu households have been affected and an estimated 1.05 million acres of land have been grabbed. About 30 percent of the Hindu households have become victims.

The ALRD further stated that the implementation of Enemy Property Act has accelerated the process of migration of Hindu population from mid 1960s onward. “The "missing Hindu population" has been defined as the difference between the size of Hindu population

as reported in the official census documents and the estimated Hindu population assuming "no out migration" calculated on the basis of the following assumptions: (a) between 1961 and 1991 the mortality rates were similar, for all religious communities, i.e., mortality rates are secular (religious-neutral) and (b) during the same period the fertility rate among the Hindu population was 13 percent less than the fertility rates among the Muslim population (estimate based on recent contraceptive use rates).

According to the information in the population census, the average annual growth rate of the Muslim population was 3.13 percent for 1961-1974, 3.08 percent for 1974-1981, and 2.20 percent for 1981-1991 periods. Assuming a 13 percent lower fertility rate for the Hindus compared to the Muslims, the average annual growth rate in the Hindu population under "no-out migration" situation would have been 2.72 percent during 1964-1971, 2.68 percent during 1971-1981, and 1.92 percent during 1981-1991. By extrapolating the above rates, the Hindu population in 1971, as shown in Figure 4, would have been 11.4 million, instead of 9.6 million as reported in the official documents. The actual Hindu population in 1981 would have been 14.3 million (12.5 million of 1981 plus 1.8 million missing during 1964-1971), instead of 10.6 million as reported in 1981 census document. Similarly, had there been "no-out-migration", the Hindu population in 1991 would have been 16.5 million (12.8 million as on 1991 plus 3.7 million missing during 1964-1981), instead of 11.2 million as reported in 1991 census document. Thus, the estimated total missing Hindu population during 1964-1991 was 5.3 million, i.e., 196,296 Hindus missing every year since 1964 (estimate based on information in Figure 4). The approximate size of the missing Hindu population was as high as 703 persons per day during 1964-1971, 537 persons per day during 1971-1981, and 439 persons per day during 1981-1991".

The migration of Hindus during 1991-2001 increased further due to rising religious fundamentalism in India and its effects on the Hindu minorities in Bangladesh. The United Nations Special Rapporteur Abdelfattah Amor who visited Bangladesh during so-called liberal Awami League's rule in May 2000 reported that "women from minorities and ethnic communities were vulnerable to violence from outside their communities..... Hindu, Buddhist, and Christian women were obliged to endure a climate of insecurity, due to an increased risk that they would be assaulted (notably in the form of sexual harassment and rape). This increased risk stemmed from the repercussions, within Bangladesh, both of international events concerning their community (for example, the anti-Hindu attacks — which included a significant number of rapes — during the Ayodhya episode in India), and/or of the so-called honour question. With respect to the latter question, it appears to be established and common practice that attempts to subject, or commit violations against minorities and ethnic communities should take the form of threats, or actual assaults (in this instance rape) on the honour of women, who represent the honour of the whole community. This occurs, for example, within the context of conflicts, for the appropriation of property, etc."

These forms of violence against minorities continue unabated. The Dhaka based *The Daily Star* in its issue of 8 October 2002 while summing up the human rights record of the BNP government for the first year reported, "since 10 October 2001, more than 500 instances of repression on the religious minority have taken place across the country excluding a series of attack on the Hindu community immediately after the October 1 general elections. Between January and August 2002, 442 incidents of communal attacks and repression on the minorities took place. More than 50 such incidents occurred every month during the

period. As the government took no effective measures, many sought refuge in neighbouring India.”

London based *The Guardian* reported on 21 July 2003 that rape and torture by fundamentalists emptied the villages of Hindu minorities in Bangladesh.

In July 2004, a house of a Hindu family of Ananda Kumar Dey at Parandah village in Sadar upazila of Satkira was forcibly evicted by his neighbour Mujibar Rahman, a local BNP leader in order to grab his land. Some people led by Mujibar Rahman attacked and beat Ananda's family members including his wife Rupa Rani Dey and damaging their house completely.

On 23 August 2004, a local BNP leader, Abdul Jabbar launched a brutal attack against the six Hindu families at Adampara village under Rangpur district by looting their belongings, sexually assaulting the women and girls and later on, setting the houses on fire in broad daylight. These were perpetrated in order to grab their lands.

The *Hindu, Bouddha, Christian Oikya Parishad*, an apex body of religious minorities of Bangladesh, in a report in August 2004, reported 226 cases of “serious persecution”, involving murder, rape, looting and arson in 2004 alone against Hindus, Buddhists and Christians but also indigenous peoples including Santhals, Manipuris and Garos. 20 men of these communities were murdered and 22 of their women raped in addition to 181 cases of looting and forcible occupation of properties. There were attempts to burn alive 38 families to grab their properties. Over 52 adivasi families were forced to flee their homes in Dinajpur because of threats.

After shelving the implementation of the Vested Property Return Act, Bangladesh National Party cadres have been leading the charge to dispossess the Hindu and other religious minorities from their lands through a reign of rape, torture, killings and arson. Not surprisingly, the minority Hindu population comprised just 9.2 percent of the population in 2001, down from 18.4 percent in 1961. The dark age policies continue unabated.

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