

## INTRODUCTION

The Canada-Asia Working Group (CAWG) is an ecumenical coalition mandated under the Commission on Justice and Peace of the Canadian Council of Churches (CCC), a national assembly involving Protestant, Orthodox and Roman Catholic constituencies. Canadian churches and religious organizations have deep and historic links with a wide range of groups in Asia, including partner churches, development agencies, human rights groups and people's organizations. In preparing the following briefs, members of CAWG have made repeated visits during the past year to the countries discussed, and have often worked with local partners in investigation and documentation.

The Canada-Asia Working Group prepares these reports on an annual basis prior to the meetings of the United Nations Commission on Human Rights, which take place in Geneva during February and March. The reports form the substance of our contributions to two days of formal consultations with the Canadian Department of External Affairs held in Ottawa in late January, which are intended to advise Canada's official delegation to the Commission. The reports are subsequently submitted to the Human Rights Commission and distributed to all countries participating in its work. For several years, members of the Canada-Asia Working Group have been delegated by the CCC to assist the work of the World Council of Churches' observer team at the Commission itself.

The growing international role played by many Asian countries is increasingly reflected in all aspects of Canadian life. Yet, the focus of Canada's official interests in the region tends to continue to be almost exclusively on trade matters and economic objectives. Indeed, Canada has even continued to permit the export of military or para-military equipment and services to several states in the region which consistently violate the human rights of their citizens.

It is vital that we recognize that the Asia region is a human community as well as an economic one, and that economic growth in many of its countries has been achieved for the benefit of only an élite few and at the cost of the basic human rights of the vast majority. During the past several years, several governments in the region have become increasingly intolerant of public criticism and resistant toward popular demands for broader participation in public affairs. Despite the international mood of détente, there has been a discernible internal trend toward militarization and the consolidation of authoritarian legal and political systems.

1988 has been a disappointing year with respect to the promotion and protection of human rights in Asia. Religious and ethnic minorities throughout the region continue to suffer severe violations of their fundamental rights. The right to freedom of association and expression is denied in many countries through legislated restrictions on trade unions and non-governmental organizations. We are especially con-

cerned by the increasingly widespread use of preventive detention measures as a means of dealing with political dissent, and by the extensive use of torture which appears to be facilitated by the practice of incommunicado detention. Several governments have taken steps to further reduce the independence of the judiciary and other civil protections, such as access to writs of *habeas corpus*.

Canada was elected to full membership in the U.N. Human Rights Commission in May 1988, and we hope this will enhance the Canadian delegation's capacity to play a creative and constructive role in international human rights advocacy. During the 1988 session of the Commission, the mandates of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteurs on Torture and Summary Executions were extended for two years. This may now provide an opportunity to generate resources and establish standards to strengthen these mechanisms.

We have been disturbed by the tendency of governments, in recent sessions of the Commission, to address only more general and thematic concerns and avoid dealing with the specific country situations of gross and systematic violations of fundamental human rights. Those country situations which are discussed are often characterized by references to "improvements" and other such vague measurements which, in some cases, suggest a subtle movement toward acceptance of a "tolerable level" of human rights abuse. We look to Canada to provide leadership in helping to reverse these trends.

## BANGLADESH

Reports of significant levels of human rights violations in Bangladesh have persisted throughout the decade. These have included instances of widespread arbitrary arrest and detention, torture and extra-judicial execution. In particular, international concern has focussed on the plight of the 600,000 indigenous tribal people of the Chittagong Hill Tracts (CHT) of south-eastern Bangladesh. [1] With the imposition of emergency rule throughout the country on 27 November 1987, concern has extended to the rights of all who express opposition to the government.

### Chittagong Hill Tracts

Since 1979, the government of Bangladesh has actively pursued a policy of encouraging landless ethnic Bengalis from the plains to resettle in the relatively sparsely populated CHT. This policy, which has been implemented with the use of military support, has threatened the traditional land rights and very survival of the area's thirteen indigenous tribal groups. [2]

Increasing competition for land and conflict between the tribal peoples and ethnic Bengali settlers gave rise in 1976 to an armed resistance group within the tribal community, the *Shanti Bahini* (Peace Forces). In turn, their actions brought reprisals by the settlers and the Bangladesh military, acting in their behalf. These reached alarming proportions in 1986 and 1987 when the Bangladesh military reportedly committed forced mass evacuations, indiscriminate attacks and massacres of a number of tribal villages. [3] By early 1988, more than 2,000 people had died in ten years of conflict and there were an estimated 30,000 to 50,000 tribal refugees from the CHT seeking protection in neighbouring areas of India, especially Tripura State.

Although the basic issues of the CHT remain unresolved, there have been a number of potentially positive developments during 1988. First, the government of Bangladesh entered into a process of dialogue with the *Parbarya Chattagram Jana Samhati Samiti* (JSS), the political party representing the interests of the tribal peoples of the CHT and associated with the *Shanti Bahini*. Talks were held in December 1987, and in January and February of 1988. Unfortunately, the talks failed to produce a political settlement recognizing traditional land rights and appear to be stalemated. It is perhaps a measure of the tribal peoples' frustration and desperation that, during the week of the last round of talks, 37 people were reported killed by the insurgents in three separate incidents.

Second, the Bangladesh government appears to have taken measures to prevent further human rights abuses. In a meeting with representatives of Amnesty International in

January 1988, the government indicated that the military has been given verbal instructions "not to engage in or permit any reprisals against members of the tribal population" and that "security forces are no longer authorized to search tribal villages and interrogate their inhabitants." [4] Although the government has reportedly carried out some investigations into past abuses, the nature and extent of such investigations are not known, nor is there any indication that perpetrators have been brought to justice or victims compensated.

### National State of Emergency

Beginning in late October 1987, the government of Bangladesh imposed a crackdown on political dissent by arresting members of opposition parties, including a number of Members of Parliament. On 27 November 1987, following widespread public protests demanding the resignation of President Ershad, the entire country was placed under emergency rule and all fundamental human rights guaranteed by the Constitution were suspended and all political activity prohibited. Some 4,832 persons were arrested; about half of them under the terms of the Special Powers Act which permits arbitrary arrest, without warrant, and indefinite detention without trial.

On 6 December 1987, the President dissolved Parliament. The major opposition groups declared a boycott of the ensuing general election held on 3 March 1988. The election campaign period was marked by violence. Fifteen people were killed and another 300 wounded in Chittagong on 24 January 1988 when police fired upon an anti-government demonstration. More than 100 were killed during local elections on 10 February 1988. A state of political tension and violence has remained in effect throughout the year. The Special Powers Act continues to be used arbitrarily.

### Recommendations

We recommend that the Canadian government:

1. urge the government of Bangladesh to ratify and respect the basic U.N. human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Covenant Against Torture;

2. support the efforts of international human rights agencies to gain free access to the Chittagong Hill Tracts for purposes of investigating allegations of abuse and assessing current human rights conditions;

3. urge the government of India to refrain from any refoulement, or forcible repatriation, of refugees from the CHT until conditions in their home territories are considered safe by assessments made by reputable, independent human rights agencies; offer financial and medical aid to the refugees from the CHT currently in Tripura, India;

4. urge the government of Bangladesh to undertake a full investigation of human rights violations reported since 1986, and ensure that any guilty parties be brought to justice and compensation be made available to the victims;

5. ensure that no part of Canada's development assistance, or other economic supports to the government of Bangladesh through international financial institutions, contributes to non-tribal resettlement programs in the CHT; as the largest recipient of Canadian development assistance, the government of Bangladesh should be advised of the importance of human rights criteria in the determination of Canada's aid program, and urge that all political prisoners be released, full political and civil rights be restored, and concrete steps be taken to guarantee the collective land rights of tribal groups in the CHT and achieve a negotiated, political solution to the CHT.

## Notes

[1] For example, for five consecutive years the International Labor Organization has criticized Bangladesh over its failure to fulfill its obligations under the ILO Convention on Tribal Populations.

[2] These tribal communities, the largest of which is the Chakma tribe, are collectively known as the Jumma people. Regulations confirming their land rights were initially conferred in 1900 by the British colonial administration, and reaffirmed in the 1947 Constitutions of India and Pakistan. In 1947, the tribal groups comprised approximately 98% of the population of the CHT. However, hydro-electric development in the 1960s flooded some 40% of the prime arable land in the CHT, and about 100,000 tribal people were displaced. The 1972 Constitution of Bangladesh made no recognition of indigenous land rights. At present, the tribal peoples represent less than 50% of the CHT population.

[3] Amnesty International, *Bangladesh: Unlawful Killings and Torture in the Chittagong Hill Tracts* (October 1986); *Violations of Human Rights of Members of the Tribal Populations of the CHT* (September 1987).

[4] Amnesty International, *Bangladesh: Report of a Mission Concerning Reported Human Rights Violations in the Chittagong Hill Tracts, 24-30 January 1988, March 1988.*