Factsheet
Bangladesh

Introduction: What is the “Indigenous Navigator” (IN) Framework?

The project - Indigenous Navigator - funded by the European Union (EU) is a framework and set of tools for and by indigenous peoples to systematically monitor the level of recognition and implementation of their rights. Its goals and objectives are:

• Generate data reflecting the realities on the ground which can be used to make States more accountable and promote the self-determined development of indigenous peoples,
• Raise indigenous peoples’ awareness of their rights through systematic data-generation,
• Empower them to claim their rights by using the collected data in dialogue with policy-makers and development stakeholders at the local, national and global levels,
• Hold the State more accountable by evidencing their compliance with/or failure to meet human rights obligations with regard to indigenous peoples,
• Deliver data on indigenous peoples’ human rights and development situation to UN agencies and UN mechanisms addressing indigenous peoples’ rights (UN Special Rapporteur, EMRIP, UNPFII),
• Generate evidence regarding States’ levels of attainment regarding the commitments they made at the World Conference on Indigenous Peoples (WCIP) held in 2014,
• Guide and orient development policies and development programs, including those designed to achieve the Sustainable Development Goals (SDGs).

The Indigenous Navigator framework draws from the UN Declaration on the Rights of the Indigenous Peoples (UNDRIP), adopted by the UN General Assembly (UNGA) in 2007. However, the UNDRIP does not include any specific mechanism of monitoring through disaggregated data and indicators. Consequently, a Technical Expert Meeting held in 2010 between the International Labour Organization (ILO), UN Permanent Forum on Indigenous Issues (UNPFII) and UN Office of the High Commissioner
for Human Rights (OHCHR) elaborated a set of strategic and technical guidance on the development of such monitoring framework.

Subsequent to the World Conference on Indigenous Peoples (WCIP) held in 2014, the International Labour Organization (ILO), together with a number of international civil society organizations, formed a partnership to work jointly towards strengthening indigenous peoples’ rights and development through participatory monitoring, in particular with regard to the progress made in the UN Sustainable Development Goals (SDGs). The initiative aims to develop a flexible community-based monitoring framework, allowing indigenous communities to systematically assess the status of implementation of their rights with user-friendly tools and guides, and test these tools in a number of pilot countries. Bangladesh is one of the countries where the Indigenous Navigator is being implemented in collaboration with the Kapaeeng Foundation.

**Indigenous Peoples in Bangladesh: Political, Socio-economic and Cultural Context**

It is generally assumed that at least 54 groups of Indigenous and Tribal Peoples (ITPs) live in Bangladesh. However, the National Committee recommended 50 indigenous communities (Oraon, Koch, Kole, Khasi, Khyang, Khumi, Garo, Chak, Chakma, Dalu, Tangchhangya, Tripura, Pangkhua, Bawm, Barman, Monipuri, Marma, Pahari/Malpahari, Munda, Mro, Rakhaime, Lusai, Santal, Hajong, Kurmi, Mahato, Kanda, Kora, Ganju, Gorait, Gurkha, Teli, Turi, Patra, Bagdi, Banai, Barai, Bedia, Bhil, Bhumij/Bhuimali, Malo/Ghasimalo, Mahali, Mushor, Rajowar, Lohar, Sabar, Hodi and Ho) to be enlisted on the Gazette of “Small Ethnic Groups Cultural Institutes Act of 2010”. They are scattered across the country with the largest concentrations located in the Chittagong Hill Tracts (CHT); north-west (Rajshahi-Dinajpur), central north (Mymensingh-Tangail), north-east (Greater Sylhet), and south-west and south-east (Chittagong, Cox’s Bazar, Potuakhali and Barisal). An exact number of the population of indigenous communities remains a matter of conjecture in the absence of clear disaggregated data. Bangladesh Adivasi Forum, an apex organization of the indigenous peoples in the country, estimates a total population of between 3-4 million which is generally taken as reference.
Socio-economic situation

Worldwide, indigenous peoples account for 5 per cent of the total population and are estimated to be 15 per cent of the world’s poor.

In 2015, the World Bank reclassified Bangladesh as a “lower middle income country”. The absolute poverty level significantly declined from about 50 per cent in the early 1990s to about 28 per cent in 2012. This is expected to further decline to around 15 per cent in early 2020s as the country celebrates its 50th anniversary of independence.

However, for the country’s indigenous communities, the situation is far more challenging. It is further compounded by the absence of adequately disaggregated government data on indigenous communities (variedly called as tribe, tribal people, small ethnic communities or groups etc., or in the corresponding Bangla terms). However, Bangladesh Bureau of Statistics has made efforts to include indigenous peoples as ‘ethnic community’ in the population census of 2011.

In overall terms, the indigenous communities fare far worse than national averages. With the lack of adequate government data, the figures below are collated from two reports, respectively carried out by UNDP/CHTDF and OXFAM, UK on the Chittagong Hill Tracts (CHTs) and plains regions:

- Poverty rate higher than the national average (65% in CHT and above 80% in the plains),
- Average income less than the national average (26% in CHT, 41% in the plains),
- Overwhelming dependence on agricultural sector (80% in the plains, 72% in CHT),
- Salaried jobs/business: 3% in CHT and less than 1% in the plains,
- 90% of indigenous peoples in the CHT had some form of land entitlements; median land ownership was 3.2 acres, usually hilly lands. Almost everyone had some sort of land disputes or unrecognized ownership with 25% having lost their land in the past 3 decades,
- On average, two-third of indigenous households in the plains were effectively landless. For certain groups, restrictions on land access was even higher (Santals, Mahato, Pahan, etc.),
- Overall, indigenous peoples living in the North (South and West) were more marginalized and poor,
- Access to credit: in CHT (54%), in the plains (62%) with 10% from moneylenders,
- Only about 5% were aware of Special Affairs Division fund in the plains (now known as Development Assistance for Special Areas (Except CHT)),
- High degree of NGO presence in the plains but very few of the indigenous communities were part of NGO activities,
- High degree of ‘identity crisis’, particularly acute among the indigenous communities with a small population.

The research for these two reports was carried out in 2007 and 2008. However, the ground situation has not changed much ever since. The most recent Multiple Indicator Cluster Survey (MICS) by UNICEF and Government of Bangladesh (2012) finds CHT’s indigenous communities having the highest ratio of maternal and child mortality, along with high primary-school drop-out. The rates are even more acute among the girl children. According to the recently completed Sixth “5-Year Plan” of Bangladesh, the estimated 2 million people in Bangladesh belonging to ethnic minority populations, majority of whom live in the CHT region, are poorly served by health facilities. Their remoteness makes it difficult to attract health workers, and their specific needs in their cultural settings require special measures and adjustments in delivery mechanisms.
The key challenge to address the lack of socio-economic development of the indigenous peoples in Bangladesh revolves around balancing development initiatives and implementation mechanisms unique to indigenous peoples to improve their living conditions through their own leadership and in a manner consistent with each community’s specific socio-cultural situation and tradition. This is particularly important in view of their collective memory of the recent past where development interventions were not inclusive and where past government policies did not address marginalization.

The Baseline Assessment of Skills and Employment of indigenous and tribal peoples in Bangladesh report by Bangladesh Institute of Development Studies (BIDS) and ILO Bangladesh highlighted that informal employment among the ITPs accounts for 89.84 per cent compared to national rural 87.5 per cent.
Another key issue regarding the socio-economic development of indigenous peoples in Bangladesh is the lack of adequate targeted programmes. Such programmes could play an important role in addressing the historical socio-economic marginalization and engaging with unique social features as well as cultural traditions of indigenous peoples. The “Development Assistance for Special Areas (except CHT)” that promotes development and provides special services to small ethnic groups living in the plains is an exception but here too, as one study found, there are several challenges yet to be addressed.

National legal and policy framework

A. Laws in Bangladesh:

Article 23A of the Constitution states: “The State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities.” Articles 27, 28 and 29 of Bangladesh Constitution further provide safeguards and affirmative action provisions for the indigenous peoples of Bangladesh (referred to as ‘backward sections of citizens’).

Apart from the stipulations of the Constitution, a number of legal and legislative measures exist for the promotion and protection of the rights of the indigenous people of the country. The most important are:

- **CHT Regulation Act, 1900 (also known as CHT Manual of 1900):** The law has been amended several times over the subsequent decades, most recently following the signing of the CHT Accord and remains the key legal reference in matters pertaining to family and civil laws, land ownership and tenure and traditional tribal justice.
- **East Bengal State Acquisition and Tenancy Act, 1950:** The law forbids the transfer of lands owned by indigenous peoples (‘aboriginals’ in the original text) to non-indigenous (‘non-aboriginal’ in the original text) persons without the express consent of the relevant Government’s official, currently the Upazilla Nirbahi Officer (UNO).
- **CHT Regional Council Act, 1998:** The law stipulates the setting up of the CHT Regional Council, its power and authority and the resulting decentralized administrating set-up out of the CHT Peace Accord.
- **The Rangamati, Khagrachari and Bandarban Hill District Council Acts of 1998:** The laws set up the three Hill District Councils, their power and authority as part of the region’s decentralized administration, including land administration.
- **The Chittagong Hill Tracts Development Board Ordinance 1976 (amended 2012):** The original ordinance established the CHT Development Board as a regional development organ and stipulates its power and mandate. The amendment brought about modifications in its administrative and operational process.
- **The CHT Land Dispute Settlement Commission Act, 2001 (amended 2013):** The law is enacted to bring out a durable resolution of the region’s land disputes.
- **Executive Order for the Establishment of the CHT Refugee Task Force, 2001:** The EO sets forth the composition of the Task Force, and its authority and mandate in rehabilitation the India-returned refugees and those who were internally displaced during the decades of conflicts in the CHT.
- **Small Ethnic Groups Cultural Institutions Act 2010:** The law was intended to set up separate cultural institutes for the indigenous peoples (small ethnic groups in the texts). However, an unintended outcome of the law has been its list of the 27 indigenous groups which is often contested for not being inclusive of all indigenous groups in the country.
The Vested Property Act (formerly Enemy Property Act) of 1965: The original act is believed to be a result of the India-Pakistan war in 1965 and intended to confiscate the land properties of the people, primarily Hindus, who earlier migrated to India. However, in the subsequent decades, the law has been criticised in the context of confiscation of land properties of the Hindus (first during Pakistan, and after in Bangladesh when it emerged as an independent country in 1971) and the indigenous communities in the plains who were also understood to be as ‘Hindus’.

B. Sectoral Development Policies:

The Government of Bangladesh has launched the 7th five Year Plan for the period of 2016-2020. The plan includes different development efforts on education, health, social protection and other basic social services, including for indigenous peoples. The overall achievement, however, will depend on its meaningful implementation. An important aspect highlighted in the document states: “one particular concern that needs attention is the issue of resolving land disputes emerging from common-law and tradition based land use patterns. In the absence of well-defined property rights, this is a sensitive matter and requires informed resolution in social inclusion section”.

Therefore, it is noted that the issue of land rights of indigenous communities and its fair resolution is a key challenge for their socio-economic development and cultural identity.

The Government of Bangladesh has also enacted different Acts, Ordinances and Policies to protect and promote the rights, socio-economic development and cultural diversity of ethnic peoples on a broad range of areas. The National Education Policy stipulates the rights of indigenous children to receive an education in their mother tongue language. Similarly, the Bangladesh Shilpakala Academy Act 1989, Bangladesh Folk Art and Crafts Foundation Act 1998, Bangladesh National Cultural Policy 2006 and Small Ethnic Groups Cultural Organisation Act 2010 (as mentioned above) lay down a number of stipulations for promotions and protection of the cultural traditions and heritage of ethnic communities with the objective of ensuring cultural diversity of the nation.

C. International standards relevant to indigenous peoples and Bangladesh:

Bangladesh is signatory to and has ratified several international human rights conventions. The country is yet to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). Similarly, Bangladesh is a party to various UN and other multilateral institutions, whereby the policies on indigenous peoples of these institutions apply to the country. The table below illustrates the overall picture:
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<thead>
<tr>
<th>Treaties/ Policies/ Declarations</th>
<th>Ratification by Bangladesh</th>
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<tr>
<td>International Covenant on Economic, Social and Cultural Rights (CESCR),</td>
<td>5 January 1999</td>
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<tr>
<td>International Covenant on Civil and Political Rights (ICCPR)</td>
<td>6 December 2000</td>
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<td>International Convention on the Elimination of All Forms of Racial Discrimination (CERD)</td>
<td>11 July 1979</td>
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<tr>
<td>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</td>
<td>6 December 1998</td>
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<tr>
<td>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</td>
<td>4 November 1999</td>
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<tr>
<td>Convention on the Rights of the Child (CRC)</td>
<td>2 September 1990</td>
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<tr>
<td>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)</td>
<td>7 October 1998</td>
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<tr>
<td>ILO Indigenous and Tribal Populations Convention, 1957 (No. 107)</td>
<td>22 June 1972</td>
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<tr>
<td>ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)</td>
<td>22 June 1972</td>
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<tr>
<td>Convention on Biological Diversity (CBD)</td>
<td>3 May 1994</td>
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<tr>
<td>Paris Agreement on climate change</td>
<td>22 April 2016</td>
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<tr>
<td>ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169)</td>
<td>Under consideration of ratification by Bangladesh</td>
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Bangladesh also has endorsed the Johannesburg Declaration on Sustainable Development that recognizes the “vital role of the indigenous peoples in sustainable development” and the Economic and Social Council (ECOSOC) Resolution 2000/22 that establishes the United Nations Permanent Forum on Indigenous Issues with the mandate to advise and recommend to the ECOSOC on six subjects: (1) Economic and Social Development, (2) Human Rights, (3) Culture, (4) Education, (5) Health.
Key challenges and gaps

Pervasive poverty, lack of meaningful employment, access to basic services such as health, education, drinking water, etc. are key development needs of the indigenous peoples in Bangladesh. However, the biggest challenge is the lack of proper consultation and participation of indigenous communities in development interventions. This issue is particularly significant as various interventions carried out in recent history failed to deliver their development promises and made the indigenous communities grow suspicious of large scale government sponsored interventions. The box here illustrates a clear example of the lack of consultation with the indigenous peoples regarding infrastructure development interventions.

The acute identity crisis among the indigenous peoples is also linked to their growing sense of acculturation. The government’s setting up of Small Ethnic Groups’ Cultural Institutions by legislation, prima facie is a positive step. Yet, there is considerable scope for improving the functioning of the existing institutions and the implementation of their activities to better reflect the commitments of the government.

The issue of land rights may be described as among the most important challenges in responding to the development concerns of the indigenous peoples of Bangladesh and their human rights. A vast majority of the indigenous peoples continue to practice customary tenure, many of which, remains unrecognized by the government. Combined with rampant fraudulent practices and pervasive corruption, the indigenous communities are often in a position of weakness and marginalization. The issue of land rights violations also has strong implications on the livelihoods of the indigenous peoples who are predominantly engaged in agriculture. In the past, land related conflicts may have occurred in connection with developmental and environmental projects such as hydropower generation, forest reserves and the creation of military bases.

A key challenge in properly addressing the development needs of the indigenous peoples in Bangladesh is ensuring their access to justice in the face of violations of human rights. The issue is documented by NGOs such as the Kapaeeng Foundation in its annual Human Rights Reports on indigenous peoples in Bangladesh. In parallel, an issue of equal importance pertains to the rights of the indigenous women. The cases of sexual abuse and violence against them are widely documented, including by Kapaeeng Foundation, and are grounded in a persisting culture of impunity that does not bring the culprits to justice. There is also an additional intra-societal dimension to the indigenous women’s issues. The family laws of some indigenous communities are governed by customary laws which are usually discriminatory towards women, giving them little or no rights over issues such as

Box: World Bank Finance Road Construction Project in the CHT

The World Bank agreed to finance construction of a land port at Thega Mukh. A road linking the proposed port to the Chittagong port was also included in the proposal. The alignment of the road was expected to traverse large tracts of natural rain forests and habitations of indigenous communities.

A preliminary study was conducted by the executing agency of the project, the Local Government Engineering Department (LGED) under the Ministry of Shipping. However, the study failed to carry out proper consultations with the CHT indigenous representatives, including the CHT Regional Council.

Indigenous peoples’ organizations and community subsequently lodged a complaint to the World Bank’s Inspection Panel which subsequently stopped the World Bank’s funding to the project.


divorce, maintenance, inheritance etc. This calls for sustained campaigns and efforts for social reforms within the indigenous communities.

Finally, the **paucity of relevant data on indigenous peoples** continues to pose important challenges for designing appropriate development initiatives addressing their needs. The government data are usually silent on indigenous issues, with limited data predominantly emanating from scattered survey results by NGOs and other parties.

**Linking challenges to SDGs:**

After making exemplary progress on the UN Millennium Development Goals (MDGs), Bangladesh is committed to achieving the targets of the Sustainable Development Goals (SDGs). Given their marginalization, all the 17 SDGs are relevant to the indigenous peoples of Bangladesh. However, the following six are particularly important and are also addressed in the context of the Indigenous Navigator framework.

- **Extreme poverty is a major obstacle for the empowerment of indigenous peoples of Bangladesh (related to SDG 1)**
  
  Bangladesh has more than halved its incidence of poverty over the past 25 years surpassing one of the key Millennium Development Goals. However, many indigenous peoples continue to remain among the poorest, and socio-economically most marginalized, requiring urgent initiatives for their development.

- **The lack of access to quality education is a major barrier confronted by indigenous peoples in Bangladesh (related to SDG 4)**
  
  Indigenous children, in particular indigenous girls, continue to face one of the highest dropout rates at primary level in Bangladesh. At high school and tertiary levels, the situation is even more dismal. A host of factors may be attributed for the perpetuation of this vicious cycle. However, the lack education in/of mother tongue, a culturally sensitive curriculum and extreme poverty play the most crucial role. The government’s recent initiative of introducing education of mother tongue languages for selected groups of indigenous communities is being welcomed, although its scaling up to cover more children and the inclusion of other indigenous groups would also be important.

- **Indigenous women and girls in Bangladesh face multiple discrimination (related to SDG 5)**
  
  Indigenous women and girls are one of the most disadvantaged and socio-economically vulnerable sections of the country’s population. They often face multiple discrimination due to their status as a religious minority, indigenous identity, and gender. Gender-based violence is also a critical issue. The Government of Bangladesh has ratified a number of international treaties related to the elimination of violence against women, provided in the table above. In addition, the Women and Children Repression Prevention Act 2000 and section 376 of the Penal Code of Bangladesh stipulates that “whoever commits rape shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.” However, implementation continues to be a critical problem for ensuring that indigenous women and girls are protected from gender based violence.

- **Inclusive economic growth and promoting decent work can secure livelihoods and ensure the empowerment of indigenous peoples in Bangladesh (related to SDG 8)**
  
  Bangladesh has witnessed steady economic growth since the early 1990s contributing to considerable reduction of poverty in the country. In 2015, Bangladesh was declared as a lower middle income country. The government further set a higher target to reach middle income level by mid-2020s. However, it is critical that this target ensures inclusive economic growth and promotes decent work
opportunities that can provide sustainable livelihoods for the indigenous peoples of Bangladesh. As mentioned above, they remain among the poorest and most marginalized, and an overwhelming majority of them continue to depend on small-holdings or subsistence based agriculture.

- **Social discrimination exacerbates the challenges and risks faced by indigenous peoples in Bangladesh (related to SDG 10)**

  Indigenous peoples, particularly indigenous women experience social exclusion on multiple levels. This calls for enabling their participation in political, civic, economic and cultural activities to promote a more inclusive society in Bangladesh, which is vital for tackling inequalities.

- **Shock-induced vulnerabilities are major problems for indigenous peoples in Bangladesh (related to SDG 13)**

  The indigenous communities in CHT and coastal regions experience regular climate-induced disasters due to their geographic locations. These communities primarily rely on agriculture and livestock for their livelihoods. As a result, climate change, coupled with a general lack of assistance, makes them particularly vulnerable. In 2017, many people were killed in landslides in CHT. Hill cutting, unauthorized human settlements, deforestation, faulty infrastructure construction and change in agricultural and forest activities were identified by some as the main man-made causes behind the landslides. Such environmental threats require targeted support to ensure indigenous peoples can develop effective adaptation and mitigation capabilities in the face of natural disaster and climate change.

### Bangladesh’s engagement with SDG process

Following its significant progress on the MDGs, Bangladesh has also demonstrated strong commitment towards the attainment of the SDGs. A separate unit under the Prime Minister’s Office (PMO) is currently set up with the task of monitoring and coordinating all government’s efforts on achieving the SDGs.

The Government of Bangladesh has submitted a Voluntary National Review (VNR) of the country’s progress at the High-Level Political Forum (HLPF) of the United Nations in 2017. The review mentioned “marginalized” and “vulnerable” segments, albeit without providing a comprehensive list of criteria to define communities and groups most at risk of being left behind.

Furthermore, on 18 May 2017 the Citizen’s Platform for SDGs, Bangladesh collaboratively arranged a conference with the NGO Affairs Bureau and the Prime Minister’s Office on the “Role of NGOs in implementation of SDGs in Bangladesh” in Dhaka. The objective of the event was to enhance the partnership between government and non-government organizations as well as build trust and mutual respect regarding the implementation of the SDGs in Bangladesh. The Platform is a civil society initiative that currently includes more than 70 partner organizations working on SDG issues across the country. The Bangladesh Indigenous Peoples Forum, national alliances of indigenous peoples in Bangladesh and the Kapaeeng Foundation are all members of the platform.

### Indigenous Navigator in Bangladesh

The Indigenous Navigator framework being implemented in Bangladesh is working to address the challenges facing indigenous peoples. The initiative is set to provide community generated disaggregated data of relevance across all SDGs, enhance the capacities of indigenous communities regarding their rights and development, as well as facilitate dialogue with multiple stakeholders. It is further seeking to ensure the full and effective engagement of indigenous peoples in national
planning, implementation, monitoring, and the SDGs’ review processes. Indigenous peoples’ participation and consultation will also serve to ensure that the need for justice, equality and sustainability for all is taken into account, and indigenous peoples are also empowered to contribute towards sustainable development for all as partners.

Endnotes:

1 The Indigenous Navigator is a collaborative initiative realised with the support of the European Union by a consortium of six partners: International Labour Organization (ILO); Asia Indigenous Peoples Pact (AIPP); Forest Peoples Programme (FPP); International Work Group on Indigenous Affairs (IWGIA); Tebtebba Foundation; The Danish Institute for Human Rights; and Indigenous Peoples Major Group for Sustainable Development. In Bangladesh, the ILO is collaborating with the Kapaeeng Foundation to implement the initiative.

2 Although the Bangladesh government prefers to use the term ‘tribal’ or ‘ethnic minority’, the factsheet uses the term ‘indigenous peoples’ given the global nature of the project.

3 Ministry of Culture established a ‘National Committee’ for the enlistment of indigenous peoples in Bangladesh and decided to publish the 50 indigenous peoples in the Gazette soon.

4 Based on the most recent available data in the Bangladesh Household Income and Expenditure Survey (HIES), 2012.

5 Socio-economic Baseline Survey of Chittagong Hill Tracts (2009) by Dr. Abul Barakat (Team Leader). Others are: Dr. Sadeka Halim, Dr. Avijit Poddar, Md. Badiuzzaman, Asmar Osman, Md. Shahnawaz Khan, Dr. Matiur Rahman, Murtaza Majid, Golam Mohiyuddin, Sushmita Chakma, Sharmina Bashir. The data for the survey were collected in 2007. The report was formally published in 2009.

6 Not Myth but Reality (2009) by Dr. Shahed Hassan and Md. Ayub Ali, Published by: Pathak Samabesh, Dhaka. OXFAM carried out a detailed baseline survey on the plains land indigenous peoples in 2007-08. Based on the findings of the survey, the book was subsequently published in 2009.


8 Center for Indigenous Peoples Research and Development (CIPRAD) conducted a research study on the ‘Participatory Development Discourse focusing on Special Affairs Division Program under the Prime Minister’s Office and Non-Government Interventions’ commissioned by the program support unit of Human Rights & Good Governance, DANIDA-Bangladesh, March 2005 by Albert Mankhin and Dr. K Siddiqi.