# Survival International submission for the Expert Mechanism on the Rights of Indigenous Peoples Study on “The rights of the indigenous child under the UN Declaration on the Rights of Indigenous Peoples”

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Submission under Section 2: India’s failure to adhere to UNDRIP articles 14 and 15

Although the Indian government continues to claim that there are no Indigenous Peoples in India, there are over 104 million Adivasi or ‘Scheduled Tribes’ from 705 ethnic groups who fit international definitions of Indigeneity. As a signatory of UNDRIP, India has a duty to protect Indigenous peoples’ “right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures” (Article 14) and must “take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language” (Article 15).

This submission provides evidence of India’s failure to fulfil these duties and highlights Adivasi voices demanding their Indigenous educational rights.

# Introduction

As expressed in the 2009 Human Rights Council [study](https://digitallibrary.un.org/record/665542) on *Lessons Learnt and Challenges to Achieve the Implementation of the Right of Indigenous Peoples to Education*: “The right to education is an indispensable means of realizing indigenous peoples’ right to self-determination”, but education can only be a tool of empowerment if that education is “culturally appropriate and acceptable”.[[1]](#endnote-1)

The majority of Adivasis in India do not have the opportunity to choose a “culturally appropriate and acceptable” education for their children, and their situation provides ample evidence for the Human Rights Council’s study’s finding that: “Indigenous children often attend the worst schools, with the least educated teachers and the smallest amount of resources.” Recent policy statements and changes have led to the closure of small, village-scale schools and have moved towards an increasingly centralized education in which there is no forum for the diverse languages, beliefs, ways of life and cultures of Adivasi peoples.

As former Special Rapporteur, Rodolfo Stavenhagen, concluded in 2005: “The main obstacle to full enjoyment of the right to education has been assimilationist models of education and education systems’ ignorance of or failure to appreciate indigenous languages and cultures”. This is an accurate summary of the situation for Adivasis in India in 2021.[[2]](#endnote-2)

There is a need for urgent change, but Adivasis are poorly represented in government in India and are rarely meaningfully consulted about factors influencing their lives and lands. It is therefore necessary for the international community to step up pressure on India to ensure that the tens of millions of Indigenous children in the country can access an education that is in line with their rights under UNDRIP.

# Adivasi education in India today: the scale of the problem

Across India there are over 800,000 Adivasi children enrolled in residential schools run by the tribal welfare department, and tens of thousands more in government assisted, as well as private and religious residential schools. The vast majority of these schools could be described as assimilative; only a very small minority have any Adivasi materials in the curriculum or use Adivasi languages as their medium of instruction.

Government village schools are often un- or under-staffed: one [study](https://images.transparencycdn.org/images/2013_GCR_Education_EN.pdf) found a 24% rate of teachers absenteeism in India, only 10% of which was due to legitimate reasons.[[3]](#endnote-3) Very few Adivasi communities have the resources to establish their own learning centers. Parents therefore often have no alternative but to send children to residential schools. The data suggests that approximately one million Adivasi children are currently being educated in a manner that violates their rights under UNDRIP (and under the Indian Constitution).

The current administration of Prime Minister Narendra Modi has made clear its plans to expand the provision of large and mega-large residential schools for tribal children and to follow the model of schools like the Kalinga Institute of Social Sciences – a vast school for 30,000 Adivasi children in the state of Odisha.[[4]](#endnote-4)

The *National Education Policy* (draft) released in July 2020 states clearly that it “strongly endorses the idea of the school complex/cluster, wherever possible”. However, the Director General of Education for the state of Kerala has [spoken out](https://thefederal.com/states/south/kerala/nep-threatens-future-education-of-keralas-tribal-children/) against this policy and its implications, which will disadvantage Adivasi children in remote rural areas the most.[[5]](#endnote-5)

The corollary of the push for ‘clusters’ is the closure of small village schools. In the state of Odisha alone, [785 local schools were closed](https://thewire.in/education/closure-of-schools-in-odisha-leaves-marginalised-children-in-the-lurch) between 2016-17[[6]](#endnote-6) and the state [announced](http://www.stscodisha.gov.in/pdf/annual_repo_2015-16.pdf) the building of 500 new hostels.[[7]](#endnote-7) The Adivasi areas are the poorest served with local schools, have high rates of teacher absenteeism and are seeing the most closures. A further [8547 schools](https://www.thehindu.com/todays-paper/tp-national/tp-otherstates/odisha-closes-828-schools-with-sub-10-student-strength/article21667599.ece) are at risk of closure in Odisha, with almost 160,000 students.[[8]](#endnote-8) For all these families the only options are for their children to drop out or to go to a residential school far from home and totally detached from their lands and culture (see below). This violates the *Right of Children to Free and Compulsory Education Act* (2009), which requires the government to establish neighborhood schools wherever there is a current lack.

As Padel and Dungdung have [stated](http://www.minesandcommunities.org/article.php?a=13943): “In effect, the government is abdicating its responsibility towards education, with day schools being closed in large numbers. In addition to the cultural genocide that boarding schools are contributing to, they are also directly damaging a huge number of individual children. Thousands have died in residential schools across India and sexual abuse has been reported repeatedly from tribal boarding schools in Odisha, Chhattisgarh, and elsewhere.”[[9]](#endnote-9)

# The right to establish and control educational systems (Article 14)

Article 14 of UNDRIP acknowledges that indigenous peoples have the right to

establish and *control* their educational systems and institutions, but this is not being realized in India.

The *National Education* *Policy* emphasizes the Modi government’s focus on gaining “private and philanthropic” investment in schooling: “The Policy also calls for the rejuvenation, active promotion, and support for private philanthropic activity in the education sector”. Much of this ‘private philanthropy’ in India currently comes from extractive industries’ Corporate Social Responsibility funds (CSR). There is a real danger of a conflict of interest where educational CSR funds come from extractive companies seeking control over tribal lands where there is significant Adivasi opposition and resistance to resource exploitation. With increased funding from private organizations and CSR funds comes less control for the communities themselves – a direct violation of Article 14.

As Adivasi teacher and activist, Soni Sori, has said: “If people think that getting money or partnering with big corporations will deliver good education for Adivasi children – they are wrong, and this should never happen. What are they actually teaching our Adivasi children by putting them into these schools? They are teaching them to destroy our forests and lands.”[[10]](#endnote-10)

# Form and Substance of Education

The 2009 *Lessons Learnt* study stated that: “The form and substance of education, including curricula and teaching methods, have to be culturally appropriate and acceptable to indigenous peoples.”

In 2012, a study by UNICEF[[11]](#endnote-11) found that: “Indigenous Adivasi culture, knowledge forms and language find no place in the dominant education system”. The situation has not improved since.

A report into the educational status of tribal communities in India by the acclaimed Adivasi Professor Virginius Xaxa concluded: “There is not much effort in developing curricula and devising instructional materials, keeping in mind socio-cultural milieu of the tribals … tribes as a subject figure insignificantly in the school curriculum. There is dearth of textbook materials and of advanced knowledge on the tribes. This makes tribes the most misunderstood social group of the country. Wherever the subject finds some space, the tribals are depicted as quaint and exotic people. Rich cultures, history and dynamics of the tribal society are not touched upon.”[[12]](#endnote-12)

The total absence of Adivasi culture in the national curriculum, the lack of culturally appropriate materials and methods, and the negative stereotyping of Adivasi peoples in existing curricula render it impossible for Adivasi peoples to realize their rights to “an education in their own culture”.

# Right to practice and revitalize culture (Article 12)

The national school calendar needs to be flexible to allow Adivasi students to participate in festivals, rites and practices (including hunting, fishing and farming) that are central to their peoples and their livelihoods. Residential schooling effectively denies Adivasi children their right to “practice and revitalize their cultural traditions and customs” (UNDRIP Article 12). At many tribal residential schools in India, students are only allowed home once a year.

Some schools, dubbed [Factory Schools](http://www.survivalinternational.org/factoryschools), have been particularly identified as divorcing children from their lands, languages, resistance movements and cultures.[[13]](#endnote-13) One school, the Kalinga Institute of Social Sciences (KISS), which has approximately 30,000 Adivasi students on one campus, has been strongly criticized by [Adivasis](https://thewire.in/education/india-factory-school-model-like-kiss), [anthropologists](https://www.sapiens.org/culture/kalinga-institute-of-social-sciences/) and activists.[[14]](#endnote-14)

Gladson Dungdung, an Adivasi activist from Jharkhand, [wrote recently](https://theecologist.org/2020/nov/17/lessons-destruction): “Factory schools like KISS are playing a crucial role in advancing Adivasis’ cultural annihilation. This process must be stopped immediately in order to safeguard our identities, which are inextricably linked to our land, languages and cosmological worldviews.”[[15]](#endnote-15)

The school has received enthusiastic praise from local, state and national politicians and is being heralded as a model to be replicated across India.[[16]](#endnote-16) KISS’s founder has [stated](https://gulfnews.com/lifestyle/a-school-for-odishas-tribal-children-1.1462631) his intention to reach two million Adivasi children in a decade.[[17]](#endnote-17) A branch of the school was recently [jointly opened with the mining corporation, Adani](https://www.survivalinternational.org/news/12316),[[18]](#endnote-18) and the school has signed memoranda of understandings with several other extractive companies.[[19]](#endnote-19)

For India to fulfil its obligations under UNDRIP Article 12, the state cannot look to models like this, but must enable Adivasi communities to develop and access education that is truly under their control, in their languages and embedded in their cultures.

# Right to belong to an indigenous community (Article 9)

Many Adivasi children’s treatment in residential schools is a direct violation of Article 9 of UNDRIP: “Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.”

Across India, organizations affiliated to the Hindutva (Hindu fundamentalist) group the Rashtriya Swayamsevak Sangh (RSS), are establishing schools, hostels and education programs aiming to “bring Adivasis into the Hindu fold”. One organization, the [Vanvasi Kalyan Ashram](https://vanvasi.org/projects/) has 20,000 projects across India and claims that there are over 130,000 beneficiaries of their education projects.[[20]](#endnote-20)

A former student of one such school, Ghasiram Hembrom, [reported](http://www.catchnews.com/india-news/exclusive-inside-a-hindutva-hostel-how-rss-is-rewiring-the-tribal-mind-1450354461.html): “From dawn to night, they made us recite mantras to make us forget our own culture. So that they could pull us into the Hindu fold, and deny we have our own distinct culture. It took me years to see I had so much to love and cherish of my own. Years of inferiority had built up, years of being told we are backward and need to be brought into the mainstream.”[[21]](#endnote-21)

One Santhal Adivasi youth (who wished to remain anonymous) stated: “In Santhali, or any Adivasi culture, the elders teach the children so much. They teach them to make the proper greetings – to say Johar! – and to celebrate the rituals and festivals. But when a small child is left to fend for themselves in such a hostel they lose all sense of community.” He reported that whenever he or his friends asked to go home to attend a community festival, they were refused and belittled.

In 2011, Professor Xaxa concluded that: “Distinctiveness of tribal culture, custom and identity is being systematically kept out of school text and curriculum. If at all they have a place, then it is tinged with the interpretation of Hindutva ideology. Tribal tradition and customs are presented as low and demeaning and are taught to be discarded. In turn they are exhorted to absorb values and traditions associated with the Hindu culture and tradition.” [[22]](#endnote-22)

Under the rule of current PM Narendra Modi, support for the RSS and its affiliated institutions has [increased](https://www.npr.org/2019/05/03/706808616/the-powerful-group-shaping-the-rise-of-hindu-nationalism-in-india),[[23]](#endnote-23) further [endangering](https://www.theguardian.com/world/2020/feb/20/hindu-supremacists-nationalism-tearing-india-apart-modi-bjp-rss-jnu-attacks) the rights of minorities including Adivasis.[[24]](#endnote-24)

# Access to an education in their own language (Article 15)

For the vast majority of Adivasi children, there is no opportunity for them to realize their right, under Article 15, to “have access to an education in their own culture and provided in their own language”. As Professor Anvita Abbi concludes: “We have been institutionalizing the mass hara-kiri [suicide] of the indigenous languages … [as] external forces are … coercing them into linguistic assimilation and abandonment of ancestral languages.” [[25]](#endnote-25)

Prof Xaxa reports that: “The National Sample Survey data reveals that the tribal languages listed in the Eighth Schedule [of the Constitution], viz., Bodo, Dogri and Santhali, are educationally used merely by 0.11 per cent, 0.02 per cent and 0.01 per cent of the tribals respectively.”[[26]](#endnote-26) These are only three of an estimated [270 mother tongue languages](https://censusindia.gov.in/2011Census/C-16_25062018_NEW.pdf) in India.[[27]](#endnote-27) Xaxa highlights the lack of effort towards producing educational materials in tribal languages, outside of the Northeast of the country.

Some schools claim they provide early years learning in mother tongue languages, but this is usually only a means to more easily wean children onto a regional and/or national language. Such claims are also often [overstated](https://www.sapiens.org/culture/kalinga-institute-of-social-sciences/).[[28]](#endnote-28) In the words of the late Adivasi activist, Abhay Xaxa: “The young Adivasi minds are blindly made to learn language and culture of dominant society.”[[29]](#endnote-29)

# Fundamental rights of the child

The conditions in many residential schools in India are profoundly dangerous to children’s physical and mental health. Studies have reported hostels with no wardens at night, or only male wardens in girls’ dorms;[[30]](#endnote-30) [lack of provision of working toilets and separate girls' toilets](https://www.downtoearth.org.in/news/waste/building-toilets-in-rural-schools-is-not-enough-they-have-to-be-usable-too-63017);[[31]](#endnote-31) [corporal punishment](https://endcorporalpunishment.org/corporal-punishment-of-indias-school-children/);[[32]](#endnote-32) dangerous buildings; and the [sexual abuse of children](https://scroll.in/article/944411/in-odishas-residential-schools-for-adivasi-girls-education-comes-at-a-cost).[[33]](#endnote-33) In addition, children are ridiculed and discriminated against for their Adivasi identity.

There are clear instances where India is in breach of the fundamental rights of children, including the following articles of the Convention on the Rights of the Child:

Article 29c: Education of the child shall be directed to the development of respect for the child's parents, his or her own cultural identity, language and values.

Article 30: …a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

Article 34: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

In 2016, the rape and abuse of tribal girls in a residential school caused outrage. Dr Renuka Bisht for example [reported](https://timesofindia.indiatimes.com/blogs/twinkle-twinkle/tribal-girls-raped-kokare-school-of-horror-in-maharashtra/): “Some of our schools are so far from being nurturing spaces as to be cesspits for torturing children, so inadequate are the safety safeguards, so terribly broken the systems of oversight.”[[34]](#endnote-34) But nothing substantive was changed. In [2019](https://www.survivalinternational.org/news/12284) several more girls in the same state suffered horrendous abuse in a school hostel.[[35]](#endnote-35)

The situation is similar nationwide. As Vidya Das of NGO Agragamee [reported](https://www.indiaspend.com/in-odishas-residential-schools-for-tribal-girls-education-comes-at-a-cost/) regarding the state of Odisha in 2019: “So many children run away but they don’t talk when they come out. There are so many incidents. What we get to know is only the tip of the iceberg.”[[36]](#endnote-36)

# Adivasi demands

There is a growing movement in India of Adivasi people demanding their rights to an education under their control, on their terms, in their languages. Activists from across India have been speaking out about the kind of education they want for their communities, and which resonate with their rights under UNDRIP.

Soni Sori, Adivasi teacher and activist, Chhattisgarh: “Like what we wear and what we eat, our education also should be our own. We need an education that protects the forests.”

Anonymous Adivasi residential school student, Assam: “We should educate tribals to know their own rights. We have to teach them their rights first along with their education, so that they can raise their voices.”

Arjun Khilo, Adivasi teacher and activist, Odisha: “A real Adivasi education… would be rooted in our worship of nature and mountains and our Adivasi values and ethics and traditions”.

Mangal Kunjam, Adivasi activist, Chhattisgarh: “The education in schools and colleges should happen in our language. The curriculum should be based on Gondi language. This can enable our children to know about their language, culture, and values. Adivasi children today feel alienated by school and think, ‘What is this education?’ Children are made to leave their own language and speak other languages, leave their own customs and cultures and are made to practice other customs and rituals in schools. This is an education which only imposes everything on us. This kind of education must be stopped in tribal areas. Instead, we should have an education according to the will and the demands of the people.”

# Recommendations

1. The government of India should place a moratorium on the closing of village schools.
2. The government of India should place a moratorium on the building of large residential schools and on support for schools which have demonstrably failed to respect Adivasi rights, both in terms of child welfare and safety and their cultural and linguistic rights.
3. The government of India should urgently initiate an enquiry into sexual abuse of Adivasi children in educational establishments, involving Adivasi teachers, leaders, advocates, parents and activists in the process. The enquiry should specifically address: Low conviction rates for accused offenders; offenders’ retention in the education sector, which puts further children at risk; and the provision of suitable counselling for victims. It should seek Adivasi ideas for how to prevent future abuse and develop a comprehensive plan of action to protect Adivasi children in educational institutions.
4. The government of India should launch a nationwide process of consultation with Adivasi leaders, teachers, parents, advocates and activists into how to reform the education sector to ensure Adivasi children’s rights are met, and to enable Adivasi communities to fulfil their right to “establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning”.

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