

## Universal Periodic Review

*Submitted by Zo Indigenous Forum.*

### **Human rights situation**

1) There were mass displacements of millions of families due to purported “development” projects. With the displacement, traditional livelihoods are being destroyed on an unprecedented scale. There is an urgent need for the State to acknowledge and address current human rights violations, including: large-scale displacements resulting from development projects and communal violence; enforced disappearances in conflict areas; deaths through encounters; the widespread use of torture and increasing attacks against human rights defenders.

2) According to the recommendations of Committee to Review the Armed Forces (Special Powers) Act (1958) set up by the Ministry of Home Affairs, which recommended the repeal of this Armed Forces Special Power Act (AFSPA). Is India considering resuming the modifications of this Act and which modification will be considered to align the stipulations of this law with international human rights standards? CERD and CEDAW also referred to the report of the Committee to Review the Armed Forces (Special Powers) Act (1958) set up by the Ministry of Home Affairs, which recommended the repeal of this Act.

3) There is high incidence of child prostitution and trafficking of women and girls into forced prostitution deplored by the HR Committee. (CCPR/C/79/Add.81, para. 31) while the government has taken various measures to address this issue, remained concerned that the Immoral Traffic Prevention Act, 1986 does not define trafficking and limits its scope to sexual exploitation. (CRC/C/15/Add.228, para. 74.).

4) million of thousand of indigenous/tribals peoples of India, known as the Scheduled Tribes or Adivasi, continued to be disproportionate victims of “development”, displacement and dispossession, their land contains large deposits of natural resources and the building of infrastructure (particularly dams) have already taken a serious toll on indigenous land and threaten to drive their distinct culture into extinction or threat, the concerned is that there is the lack of transparency, inclusiveness and consultation with those who own the land in the acquisition modalities of land for industrial projects has sparked protests from local socially and economically marginalized communities fearing displacement from their land and homes. In the majority of cases the displacement is also a threat to their livelihood, which for most is entirely based on production from their land. For implementation of projects that affects the lives and community rights of the indigenous people, India must follow the principle of Free Prior and Informed Consent strictly.

### **Implementation of 2008 UPR:**

1) According to Human Rights Council resolution 5/1, “States are encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders”. As in the first UPR there is not much consultation of the civil society especially working for the marginalized groups like Indigenous (adivasi and tribal people).

2) The largest democratic country has failed to extend a Standing Invitation to the Special Procedures UN Special Procedures to make country visits to India. Is there any further steps taken to follow up Recommendation no 14 of the 2008 UPR and recommendation 15 specifically calls the GOI to “Receive as soon as possible the Special Rapporteur on the question of torture”. Despite numerous requests for country visits and have not yet received any response from the government.

(eg: Special Rapporteur on Indigenous people in 2008 even India support UNDRIP in UNGA 2007). There are more than twenty requests by ten Special Procedures Mandate Holders for country visits to India have been left unanswered by the Indian government.

**Recommendation:**

1) The draconian Law (Armed Forces (Special Powers) Act 1935 has still been enforced in NE India and J & K, taking advantage of this security forces has violated human rights always like arrest, detention and encounter etc. This must be repealed or amended in compliance with international human rights laws etc.

2) India has the largest number of indigenous people in a country, it does not recognise them as indigenous, they call them as Adivasi or tribal people, it must have to recognised them as indigenous people.

3) The Government states that it did not recognize any separate category of its citizens as “indigenous peoples” and that there is no internationally accepted definition of the term. (*E/CN.4/2005/88/Add.1, para. 52*) to promote and protect the rights of millions of thousand of Indigenous people in India, it has to ratified the ILO Convention 169 regarding indigenous and tribal people.

4) India is hosting more than millions of unrecognized and recognized refugee, it has no national legislation regarding to refugee as well as a national policy, so it must have a national legislation or policy on refugee. Also is any plan to ratify the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol?

5) Women in India especially the indigenous people and religious minorities continue to face physical, sexual, emotional and economic violence also the North East people have faced physical and emotional discrimination in order to prevent this it has to make a mechanism.

6) To implement the so called development programme in the indigenous land, as they are the owner and keeper of the land they must be consulted, not only the state government, but also the concerned people and without their consent not developmental programme must not be implemented in their land.