

India

NGO CEDAW Shadow Report

And status of Adivasi/Tribal Women in

India

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Submitted by

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DEDICATION

This report is dedicated to all the Indigenous Women Human Rights Defenders of India, who with revolutionary spirit continue to fight against all types of oppression, discrimination, violence and working for Peace, Equality, Justice & Freedom for their fellow sisters,

in solidarity with

SONI SORI,

a tribal school teacher from Chhattisgarh, who was severely tortured and sexually assaulted multiple times in police custody, yet she continues to show her courage to stand for truth and justice.

Table of Content

| | |
|--|-----------|
| PREPARATION OF REPORT..... | 4 |
| ACKNOWLEDGEMENTS..... | 4 |
| EXECUTIVE SUMMARY..... | 5 |
| CEDAW ARTICLES AND THE COMMITMENT AND OBLIGATIONS OF THE GOVERNMENT OF INDIA..... | 8 |
| ARTICLE 1, 2, 4, 5: DISCRIMINATION, TEMPORARY SPECIAL MEASURES, SEX ROLES AND STEREOTYPING..... | 8 |
| ARTICLE 6: TRAFFICKING, EXPLOITATION AND PROSTITUTION..... | 9 |
| ARTICLE 7-8: POLITICAL, PUBLIC LIFE AND INTERNATIONAL REPRESENTATIVE..... | 10 |
| ARTICLE 10: EQUALITY IN EDUCATION..... | 11 |
| ARTICLE 12: HEALTHCARE AND FAMILY PLANNING..... | 11 |
| ARTICLE 13, 14: SOCIAL AND ECONOMIC BENEFITS, RURAL WOMEN..... | 12 |
| GENERAL RECOMMENDATIONS (NO.19) ON VIOLENCE AGAINST WOMEN..... | 14 |
| GENERAL RECOMMENDATIONS & CONCLUDING REMARKS..... | 16 |

PREPARATION OF REPORT

This report presents the issues of adivasi/tribal women who came together to voice their concerns at state, national and international levels. The Inter State Adivasi Women's Network (ISAWN) and Indigenous Women's Forum of North East India (IWFNEI) together started the preparation process of this report.

This report reflects the situation of Adivasi/tribal peoples across India who are facing human rights violations to their individual and collective rights. Indigenous women are experiencing multiple layers of discrimination and violence not only because they are women, but also because they are indigenous. Thus, this report makes reference primarily to CEDAW but also included the UN Declaration on the Rights of Indigenous Peoples. Further, this report is a response to the report of the Indian Government submitted to the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW).

A network of more than 30 organizations has been part of this report preparation process. Since September 2013, after the training on human rights documentation, CEDAW and its mechanism, many grassroots level women started documenting the cases of violence in their own region. Around 70 cases of violence against adivasi/tribal women were collected from adivasi/tribal villages. Further, this report including the recommendations was enriched during the National Consultation on the "Situation of Indigenous Women in India: Ways Forward". This meeting was held on June 10-12, 2014 and participated by 68 adivasi/tribal women leaders from 12 states of India with the supported by the Asia Indigenous Peoples Pact (AIPP).

ACKNOWLEDGEMENTS

We the Adivasi/tribal women do acknowledge all the individuals and organizations who assisted us with their valuable input in the process of producing this CEDAW shadow report.

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EXECUTIVE SUMMARY

INTRODUCTION:

In this report, “indigenous peoples” refer to all the major tribes from fifth and sixth schedules as recognized under the Constitution of India. The constitution of India provides special arrangements for these areas.² ‘Scheduled Tribes’ is an administrative term used for the purpose of administering certain specific constitutional privileges, protection and benefits for specific section of peoples, historically considered disadvantaged and backward.³ The Indian Government uses the term Scheduled Tribes (ST’s) to identify adivasis/tribal, in mainland India these ethnic communities are known as Adivasis and in northeast India as Tribals. These 8.2% (estimated to be between 80-100 million) of adivasis/tribals of the total population of India are part of the most marginalized and discriminated because of their distinct identities/ ethnicities, culture, traditions, practices and customary laws. Further, indigenous women are even more discriminated and oppressed due to their sex and gender.

The rights of adivasi/tribal women as women and their right as indigenous peoples shall be understood as interlink and inter-related. Indigenous women are an integral part of indigenous peoples’ collective identity, dignity, cultures and ways of life. Thus, the violation of the rights of indigenous peoples also directly affects indigenous women and the violations of their rights as women also affects them in different ways as indigenous peoples in relation to their welfare and wellbeing as indigenous peoples and as women.

DISCRIMINATION, EQUALITY & JUSTICE:

Adivasi/tribal women are disproportionately experiencing systemic discrimination and injustice. They are over represented amongst the poorest of

² There are certain distinct provisions in the Scheduled Areas to protect and benefit tribals: A. The Governor of a state having Scheduled Areas is empowered to make regulations in respect of the following: i) Prohibit or restrict transfer of land from tribals; ii) Regulate the business of money lending to the members of STs; iii) In making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the state, which is applicable to the area in question. B. The Governor may by public notification direct that any particular Act of parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to such area subject to such exceptions and modification as he may specify. C. The Governor of State having Scheduled Area , shall annually, or whenever so required by the President of India, make a report to the President regarding the administration of the Scheduled Area in that state. D. Tribes Advisory are to established to advise the State Government on matters pertaining to the welfare and advancement of the STs in the state. E. The Panchayats (Extension to Scheduled Areas) Act 1996 under which the provisions pertaining to panchayat (elected village councils), extended to Scheduled Areas also contains special provisions for the benefit of STs.

³ Article 366 (25) of the Constitution of India defines Scheduled Tribes as ‘such tribes or tribal communities or parts of, or group within such tribes, or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution.’ The Scheduled Tribe status confers on the tribe, or part of it, a constitutional status invoking the safeguards provided for in the Constitution in their respective states/UTs.

the poor, have lesser access to health and education services, opportunities for decent jobs and livelihoods. In spite of the huge funds invested for rural development, adivasi communities, including women benefitted the least. In fact, the expansion and operation of mining and extractive industries in all the Adivasi territories, and the building of large dams such as in the tribal areas of North East India created massive displacements of adivasi and tribal villages, resulting to food insecurity, poverty, violence and abuse especially amongst indigenous women and girls. This has increased even more their vulnerability to trafficking and sexual exploitation as they look for means to survive and earn income.

Further, they remain most vulnerable to all forms of violence including domestic violence, rape and sexual assaults, trafficking, witch-hunting among others. State machineries are not addressing the increasing incidents of such violence against indigenous women. Thousands of victims are not given justice, in spite of the existence of laws and measures for the protection of women against acts of violence and abuse.

Due to poor education system or lack of quality education, indigenous women remain in a cycle of illiteracy. Their health condition is also very poor compared to the majority of the population. There is a higher rate of maternal deaths among adivasi/tribal women and higher rates of malnutrition among adivasi children including girls. They are economically dis-empowered by not having land tenure in spite of their role and contributions as custodians of land and natural resources. Millions of adivasi/tribal women depend on the land, forest and water for their livelihoods and for providing food security to their families and communities. The labour of indigenous women are valued less and paid less than men in the private and public sectors despite the national scheme of MNEREGA under which equal wages are required. Due to the degrading socio-economic and political status of adivasi/tribal women, they continue to face severe violations of their human rights, both within their own community and in the wider society.

NON-INCLUSION OF STATUS OF TRIBAL WOMEN IN STATE REPORT:

The state report called list of issues and questions in relation to the combined fourth and fifth periodic reports of India does not sufficiently reflect the specific issues and concerns of adivasi/tribal women. Even if they ranked as most marginalized and discriminated because they are adivasi and tribal women, they are almost invisible in the state report. This also implies the lack of targeted measures and programmes for adivasi and tribal women to improve their conditions and provide an enabling environment for the enjoyment of their rights as women and as indigenous peoples. Numerous cases of violence against

adivasi/tribal villages and adivasi and tribal women are not included or acknowledge in the state report.

Further, there is no data dis-aggregation on adivasi/ tribal women in terms of provisions for basic social services such as education, health, employment; on the impacts of development projects and interventions, as well as in the enforcement of laws and policies for the protection of women, among others. Data- disaggregation on the conditions and wellbeing of adivasi/tribal women is critical in monitoring the obligations of the state of India in the implementation of CEDAW. This is urgently needed in order to ensure that the extreme marginalization and discrimination of adivasi/tribal women is being addressed by in a more targeted manner and their needs are prioritized by appropriate state interventions based on their commitments under CEDAW.

FAILURE IN LEGAL REMEDIES:

In spite of the existence of Schedule Tribes (ST)/Schedule Caste (SC) Atrocity Prevention Act, violence against adivasi women is rarely prosecuted under this law, or treated seriously. The criminal justice system has failed to bring justice to Indigenous/tribal women survivors.

There is very weak access to the justice system of the country by adivasi/tribal women. The legal and judiciary system is not gender sensitive and is male dominated. Likewise, most adivasi/tribal women are not aware of their rights including to due process, and have little access to competent lawyers. Further, many adivasi/tribal women in custody of the police or other authorities end up being raped or sexually abused. There is also no legal support in addressing the criminal cases filed against indigenous women's human rights defenders, such as Dayamani Barla, Soni Sori and few others.

Impunity for witch hunting created by lack of law enforcement and weak governance in backward areas where adivasi populations live, cause innocent indigenous women to be persecuted for personal and material jealousies. No concerted efforts have been taken to prevent through addressing the root cause of marginalisation, lack of education health care, weak governance and police apathy.

The Indian government must also examine its relationship with the Adivasi/tribal customary system and how they are strengthening their self-governing system by recognizing legal pluralism. The indigenous peoples' positive customary laws consistent with the respect for human rights and upholding the dignity of indigenous peoples can provide an alternative and more sustainable model for achieving justice and peace.

CEDAW ARTICLES AND THE COMMITMENT AND OBLIGATIONS OF THE GOVERNMENT OF INDIA

We acknowledge that the government has introduced a number of positive initiatives to fulfill its obligations to the Convention on the Elimination of All Forms of Discrimination against Women and addresses discrimination and violence against women. In spite of various existing legal provisions, Indigenous women have been denied their rights to equality, dignity and justice. Serious gaps still exist in the elimination of discrimination against women in public and private life as stipulated in CEDAW.

ARTICLE 1, 2, 4, 5: DISCRIMINATION, TEMPORARY SPECIAL MEASURES, SEX ROLES AND STEREOTYPING

The Indian Constitution says all citizens are equal, but still adivasi/tribal and other marginalized women are discriminated because of their ethnicity, gender and class in the society.

Temporary special measures are not applied as for the empowerment of Scheduled Tribe women. The implementation bodies using welfare approach which brought dependency syndrome and subsides their creativity. Though their health, education, livelihood support and need based skills training, sustainable development activities which build up the capacity of adivasi/tribal women towards full and effective participation in every sector.

Child Marriage: Child marriage practice still exists in rural tribal areas which can be stopped and prevented through quality education, rigorous mass awareness.

Media on Tribal Women: The media is mostly under control of non adivasi cultural background, leading to stereotyping of adivasi/tribal women and their cultures, making their issues invisible. It does not portray their realities and issues.

Recommendations:

- There should be clear provisions and mechanisms to assess and monitor specific programmes and schemes for schedule tribes in order to ascertain its effective implementation.
- The Constitution of India shall guarantee the protection and respect of the rights of the Scheduled Tribes, including women.

ARTICLE 6: TRAFFICKING, EXPLOITATION AND PROSTITUTION

There is a large scale trafficking of adivasi girls and women within India, for exploiting their labour. Migration induced by non-inclusive development/ large projects/extractive industries, loss of traditional livelihoods, lack of quality education, lack of sustainable income opportunities, have led thousands of tribal women to migrate to cities in search of jobs. Many have become victims of trafficking by false inducements and placements agencies. Many tribal girls are employed for domestic work, a sector that is unorganized, unregulated and highly exploitative. Many of the domestic workers are controlled by unregulated placement agencies that induce traffic and control their wages. In spite of the existence of various laws and developmental programmes no visible improvement has taken place. More than a thousand of placement agencies have been still running, yet these remain unregulated. Trafficking in Delhi & neighbouring states has increased manifold in last 10 years.

The government has set up schemes to respond to this growing exploitation. The government report claims that through the *Ujjwala* Scheme, 68 rehabilitation centers were set up, 10,000 police personnel were trained to handle trafficking. The report however doesn't give any account of its impact & outcomes. Several cases of police atrocities have been reported, who physically tortured innocent tribal young women in railway stations and police stations. It has been our experience that several times we have to fight with the police for registering complaints related to domestic workers issues in Delhi. There are cases of police taking bribes from the placement agencies and maid's owners to silent the cases.

(According to the data, as many as 300 cases of trafficking were registered with the police since January 2001 to November 2013. Of these, the highest number of cases, 94, was registered in 2013, followed by 76 in 2012 and 44 in 2011. (Times of India, Jan 27, 2014). Human Trafficking rises threefold. As many as 441 people have been rescued from the clutches of traffickers between 2010 and October 2013 in Ranchi. (Times of India)

Recommendations:

- Ratify ILO convention no. 189.
- Regulate placement agencies for domestic workers
- Put in place measures and policies for accountability of police forces involved in trafficking.

- State should take appropriate steps to have an interstate anti trafficking network and conduct greater awareness and education campaign to sensitize on this issue in adivasi/tribal areas.
- States to establish a transparent database by mapping of trafficking cases and to develop and implement appropriate strategies to prevent trafficking.

ARTICLE 7-8: POLITICAL, PUBLIC LIFE AND INTERNATIONAL REPRESENTATIVE

Participation of tribal women leaders in Panchayat Raj Institutions (Self Governance System in adivasi states) and in decision making bodies remain insufficient as men are still largely dominant. . The quantitative representation of adivasi/tribal women increased in the Panchayat election due to broader support by and participation of women. However, their performance needs to be enhanced with appropriate capacity building support in order to effectively raise the concern and issues of women and for community welfare in general. For many women working in this male dominated political field, adivasi/tribal women representatives are also vulnerable to violence such as sexual harassment and mental and psychological harassment. Due to low level of literacy and knowledge of the political system, some adivasi/tribal women representatives are also being manipulated to take decisions that are contrary to the rights and welfare of their communities or constituencies.

Further, the baseless policy to limit adivasi/tribal women electoral candidates with a maximum of two children is very discriminatory to the full participation of women in electoral politics and representation.

Further, adivasi/tribal women are also entitled to fully participate in all aspects of decision-making on matters that concerns them. For indigenous peoples, the right to free, prior and informed consent including adivasi/tribal women is an essential element to the right to self determination of indigenous peoples. This applies to all areas of decision making from personal (i.e health care) to public matters (i.e. development) and requires full and effective information as basis for their collective decision including adivasi/tribal women.

Recommendations:

- The Government shall provide financial, technical and security support to adivasi/tribal women for the full and effective participation and representation in decision-making bodies.

- Government shall enforce laws and measures to protect adivasi/tribal women including elected representatives, as well as ensuring a gender-sensitive environment to enable the independence and full participation of adivasi/tribal women in decision-making without fear or favor.

ARTICLE 10: EQUALITY IN EDUCATION

Discriminatory practices against students from tribal and other marginalized communities still continue in schools and higher educational institutions, in terms of poor quality of education, inadequate facilities, admission policies, provision of scholarships etc. The ministry of Human Resource and Development including UGC have not taken sufficient measures to create and monitor equal opportunity cell or anti-discriminatory units in higher educational institutions.

Recommendations:

- To ensure the quality education, adequate facilities, knowledge and information sharing to manage their sustainable livelihood in the tribal majority districts and states.
- Proper implementation of RTE on students-teacher ratio to improve quality education in government schools
- Pre-primary & Primary Schools should be run by the Panchayats to maintain quality education.
- Violence against girl students (sexual harassment in Raikia School, Kandhamal, Odisha) in residential schools should be stopped
- There should be equal provision, facilities, opportunity for Tribal Residential schools to other places similar to Central Schools like in Navodaya.
- The ministry of Human Resource and Development including UGC should take sufficient measures to make the equal opportunity cell or anti-discriminatory units in higher educational institutions function effectively to ensure proper implementation of the reservation system for adivasi/tribal students and employment in universities of adivasi/tribal

ARTICLE 12: HEALTHCARE AND FAMILY PLANNING

The lack of access to health services as well as poor health facilities & amenities, lack of doctors and staffs specially in the areas of adivasi/tribal

areas is worsening the health condition of adivasi/tribal women. Further, there is a failure in the proper implementation of the health schemes and projects such as *Janani Suraksha Yojna* in rural areas of which adivasi/tribal women are not benefitting properly. As a result, they are suffering from reproductive health, diseases like anemia, malaria HIV/AIDS, Blood Pressure, cancer and diabetes is very common. Further, there is higher rate of maternity deaths among adivasi/tribal women and higher incidents of malnutrition among adivasi/tribal children including girls.

The health and well-being of Adivasi/tribal women is interlinked with their natural environment. Thereby the displacement of adivasi/tribal women affects them adversely including their physical, mental and psychological health. Their traditional knowledge including on traditional plants and herbs is also weakened because of their removal from their natural habitat where they practice sustainable resource management systems as one of the critical source of their traditional knowledge.

Recommendations:

- To formulate with the participation of adivasi/tribal women appropriate and targeted health programme for adivasi/tribal women in order to respond effectively to improve their health condition.
- To recognize and promote the traditional knowledge including traditional food systems of adivasi/tribal women as a key element for respect of their right to health and well-being.

ARTICLE 13, 14: SOCIAL AND ECONOMIC BENEFITS, RURAL WOMEN

Indigenous women make significant contributions to the development of the community. Despite some improvements in their socio economic status in both rural and urban areas, their rights and priorities remain insufficiently addressed in legal frameworks, national and local policies, budget, as well as in investment strategies at all levels. They continue to face disparities in access and control over resources. One of the essential tools that can be used to promote equality and empowerment is gender-responsive and gender budgeting. Therefore, National Legislation of Tribal Sub Plan (TSP) is an urgent need for proper allocation and implementation of programmes.

Indigenous women are discriminated in rural and also urban setup due to their ethnic identities. They do not have property rights, inheritance rights and land right as the concern is for both their collective as well as individual rights. Due to lack of land or property rights women are easily subjugated as powerless and

considered as weak so subject to different forms of violence against women. The agricultural works of rural women are not paid nor reflected in the national income.

Rights of Adivasi/Tribal Women Domestic Workers:

In India, nearly 50 million domestic workers, of whom 90% are women ranging from ages 8-65/70yrs mainly come from tribal, dalit & other marginalized communities. Over the years, attempts have been made to have a national legislation under Domestic Workers (Conditions of Service) Bill, 1959; Workers (Conditions of Service) Bill, 1989, Housemaids and Domestic Workers (Conditions of Service and Welfare Bill), 2004 etc. but till today, there has been no common legal framework at the national level to promote and protect the rights of the women domestic workers.

Recommendations:

- A Gender Cell should be separately establish in both at Central and State levels to allocate TSP funds to the Ministries/Departments which can clearly show the schemes formulated for the development of women under a separate budget heads. A clear gender equity component should be made earmarking 50% budget share for women under TSP. The gender dimension should run through not only in the programmes meant for the ST women and girl-children but also in the general schemes, projects and programmes.
- It should be mandatory that women occupy headship role in the implementation of schemes that pertain to their development directly and provide them with adequate trainings to enable them to discharge their tasks effectively and efficiently.
- To protect the domestic workers from all forms of violence, the Government should ratify ILO C 189 and its recommendation; recognize domestic work as 'work' and reform laws, policies and regulations to ensure domestic workers enjoy the full protection of labour laws including occupational health and safety and employment rules and regulations in their state/ country.
- State should make Provisions in the tribal majority states in India to protect the rights of women of adivasi/scheduled tribes' communities through the implementation of UNDRIP along with CEDAW.
- The Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 needs to be implemented properly as this gives the right of joint entitlements on the forest land records to women.

GENERAL RECOMMENDATIONS (NO. 19) ON VIOLENCE AGAINST WOMEN

Violence against adivasi/tribal women within and outside the community is a serious issue as women are the target. Women are physically, mentally & sexually suffer a lot which affects/restrict their mobility, performance and output of any responsibilities. Rural tribal women are more vulnerable as they suffer more of patriarchal attitudes regarding their subordinate roles.

Widows and Single Adivasi/tribal Women in particular, are branded as “witches” and are thus subjected to inhuman acts such as stoning and severe torture by community members. “Witches” are women who are accused of causing unexplained illness, death or bad luck to members of the village so they must be eradicated or condemned to death. While the practice of “witch hunting” is not part of the beliefs of adivasi peoples, it was introduced as a form of providing “explanation” to un-expected illness or bad luck for members of the village. As most adivasi are animist and have low literacy, they have “adopted” this belief, which is now being used as an excuse by opportunists to take away the properties of old, widows and single women in most cases. In spite of reports filed by women to police and other authorities on those involved, many of the cases remain unresolved.

While there is a law to prevent the practice of witch hunting is not properly implemented likewise penalty for offenders is minimal and does not provide justice. According to reports during 1991-2002 there were 733 cases reported of witch killings. In the year 2011, 34 witch killings and 196 cases of witch blaming were reported in Jharkhand itself.

CASE 1: *On 17th May 2013 night, some people forcefully entered house of Mr Shankar Singh, Village: Badkatoli, Police Station: Bano, State: Jharkhand in search of his wife accused as witch and openly fired at his family. Mr Shanker Singh was killed on the spot, while his wife was hit on her thigh. They also took her to the forest and slit her neck. On 18th May, 2013 Devanti Kumari (daughter) filed FIR and recorded her statement at police station. Accused James Samad, Chhotu Singh, Golden Samad, Sandeep Samad and Xavier Samad were booked under IPC sections 452/302/201 and 27's Arm' Act 3/4/5 and are now in jail.*

CASE 2: *7-yr-old tribal girl student of Sewashram Residential School in Keonjhar District of Odisha returned to hostel after holidays. The teachers refused her to accept the girl back in the school saying that she is a witch, as she by the nights turns into a cat and sucks blood of others, and was sent back home. This was reported by the media and the government swung into action. At*

present the girl is under protection and care of Child Development and Protection Officer). The school was directed to accept the girl as its student.

Recommendation:

- The law on the prevention of witch killing shall be amended to include stricter sanctions and penalties to offenders and should be implemented properly.

Militarization/State Violence: The Central Indian states and North East India are sites of intense violent conflict. In these areas killings, abductions, illegal detentions, torture and sexual assault by the security forces are commonly reported, with most of those affected being STs. The Armed Forces (Special Powers) Act, 1958, India's most draconian anti insurgency law, is an adaptation of British colonial law that was enforced in 1958 in the Naga areas of Assam and Manipur. The Act provides sweeping powers to armed forces personnel to search and destroy habitations and houses, to detain people on suspicion and to kill with impunity. Similar tactics are being used in Central India in the areas where the armed Maoist guerilla organizations operate. In the State of Chhattisgarh, for instance, the National Crime Records Bureau reported that 138 people lost their lives in fake encounter (killings where the police claim to have fired in self defense) in southern Chhattisgarh. Moreover, the 'salwa judum' militia Dantewada in Chhattisgarh, a state supported armed group has driven more than 400,000 people from their homes since 2005 and emptied 644 villages.

National Human Rights Commission reported that several complains of killings, gang rape and destruction of villages by the 'salwa judum' and the security forces are credible and that the persecution of the guilty is not taking place. Even after three years the cases remain pending with the Supreme Court, choose to accept the argument of the state government that the members of the Salwa Judum are special police officers appointed under the State Police Act. While filing of affidavits, counter affidavit, and action taken reports continue, till date no compensation has been paid to those whose lives and homes have been destroyed, and the guilty security personnel remain unprosecuted. There are many cases of state violence of anti Maoist operation and AFSPA. In the central India Operation Green Hunt, Operation Anaconda besides the already mentioned Salwa Judum in the pretext of anti-naxal operations has caused much unrest and severe violation of human rights here.

Case 1: *A 35 year old Adivasi school teacher Soni Sori, subjected as maoist supporter was tortured and sexually assaulted multiple times in custody (stripped naked, electrocuted, stone inserted in private parts). Even though recently granted bail, she awaits for a trial and justice. Ankit Garg, the Superintendent of Police, who was responsible for the custodial violence on Ms Sori was awarded a gallantry award from the President of the India by ignoring heinous crime he has done to an Adivasi woman. In a way it was to encourage the police officer to continue this kind of act.*

Case 2: *Mrs. Leishiwon Mashangva, 36-yr-old mother of 8 children along with other 2 men from New Canaan village in Senapati District of Manipur were picked up by the state forces on 19th August, 2011 while collecting pig's feed. They were blindfolded, kicked with their boots and beaten by policemen till they lost consciousness. Mrs Leishiwon suffered with multiple injuries due to which she is now not able to breastfeed her 5 months old baby. In this connection memoranda was submitted to the Hon'ble Home Minister and to the National Human Right Commission on September 5th 2011. But no action has been taken till date.*

Recommendations:

- The Govt. should stop militarization and sexual violence against women by military & para-military forces as per the guidelines of the UN Security Council Resolution 1325.
- Strengthen the anti-violence strategies in the community level through traditional self governing system such as Parha, Doklo, Manki and Manjhi Parganit (in central India).
- There should be a strict enforcement of law and protection mechanism for the women activists and human rights defenders from any form of violence and harassment.
- The state should take immediate action to form joint monitoring and evaluation framework with indigenous women to measure the impact of policy related to eradication of violence against indigenous women and girls both at central level and state level

GENERAL RECOMMENDATIONS & CONCLUDING REMARKS

Inspite of the existence of affirmative laws to protect the rights of women, as well as on adivasi/tribal peoples, adivasi/tribal women are not benefiting fully

for the realization of their rights, dignity and well-being. They continue to be victims of discrimination, violence and injustice in almost all aspects of their life—from economic, political, social and cultural aspects. They are disproportionately lagging behind in the human development index and their vulnerabilities to all forms of violence remain un-abated. The discriminatory attitudes and practices against adivasi/tribal peoples in general and adivasi/tribal women in particular remains prevalent including in the judicial system. There is little understanding of the customary practices, history, concerns perspectives and aspiration of adivasi/tribal peoples including the roles and contributions of adivasi/tribal women.

There is a need to have a disaggregated data on adivasi/tribal women in social, economic and political fields in order to ascertain and develop appropriate measures, policies and programmes to meet their needs and improve their conditions and wellbeing in the context of respecting their rights as women and as indigenous peoples.

The obligations of the Indian government in implementing the provisions of CEDAW need to be reflected in all the relevant agencies and bodies at all levels especially those relating to adivasi/tribal peoples and adivasi/tribal women. These shall include the Ministry of Tribal Affairs, National Commission for Scheduled Tribes and Tribal Sub Plan and Integrated Tribal Development Projects has to be implemented properly to improve the situation of Indigenous peoples particularly women. The Commission for Scheduled Area and Scheduled Tribes, Committee on welfare of Scheduled Castes and Scheduled Tribes, National Scheduled Finance and Development Corporation and Tribal Marketing Development Federation.

Further, there is a need to establish effective monitoring mechanisms on how these agencies are functioning in addressing the rights, welfare and needs of adivasi/tribal women. The government's accountability to the marginalized sectors including the adivasi/tribal women needs to be strengthened in relation to their obligations under the CEDAW.
