

NGO report by Adivasi ry for the CCPR review of the report of India, Comments on LoI paragraphs 31 (a), (b), (d) & (e) and India's reporting on "Rights of indigenous peoples (art. 27)"

Here below are 4 subtitles based on paragraphs 31 (a), (b), (d) & (e) of the CCPR/C/IND/QPR/4

31. (a) the scheduled tribes remain among the most disadvantaged socioeconomic groups

While the government of India provides for the Scheduled Tribes specific rights, entitlements, representation, reservations etc. in the functions of the mainstream society (1), it however does not treat the indigenous life-heritages, ways of life and cultures of economy of the Scheduled Tribes (ST) in culturally equal way but tends to displace their indigenous life-heritages, ways of life and cultures of economy by the mainstreamed commercial ways of life and priorities.

So instead of securing for the STs the rights which are recognised for the indigenous peoples under the UNDRIP in compliance with the UN human rights treaties and instead of respecting their indigenous life-heritages and indigenous rights on their ancestral lands, forests, waters and habitats, the Indian government affirms for them some entitlements to live in the mainstream society according to its patterns.

The indigenous heritages and ways of life of the STs are displaced by those rights and patterns of life which prevail in the mainstream society of India which are not very indigenous but quite globalised commercial patterns - not based on or complying with the rights of indigenous peoples recognised by the UNDRIP even if India assumes it "regards all its citizens as indigenous". (2)

Indigenous life-heritages, ways of life and cultures of economy of the STs are thus discriminated by the government of India in such severe ways that the STs have to suffer so disproportionately from displacement and consequent malnutrition that even though ca. 110 million STs are only ca. 9% of the population of India, still they have been over 40 % of the people displaced in India. (3) During India's independence perhaps ca. 30 million people of Scheduled Tribes have been displaced in the name of 'development' projects.

While India has had in recent decades some of world's highest levels of commercial GDP growth, it has maintained with that growth also some of world's highest malnutrition levels which tend to be highest in India among the STs who have got displaced.

Thus during the past 30 years of high, averagely perhaps ca. 7-8 % GDP growth, the percentage of children under 5 years of age who are wasted due to malnutrition has remained between 15 % and 20 % and has rather grown than reduced. (4) When subsistence use of lands, forests and waters is taken away from subsistence foods and livelihoods of tens of millions of the poor under the commercial control by those who have money that becomes shown as growth in GDP.

Our study on displacement induced malnutrition in Chhattisgarh state of central India also found that underweight is highest among the indigenous tribal Adivasi people who have got displaced by mining and power industries or by commercial sanctuary tourism business. (5)

So "the scheduled tribes remain among the most disadvantaged socioeconomic groups" (6) due to the ways how they get displaced from their sustainable habitats and indigenous ways of life by

discrimination and oppression against their indigenous forest life-heritages and cultures of economy in which they have lived by sustainable subsistence use of lands, forests and waters.

This leads to the disadvantages and discrimination of indigenous peoples also in the realisation of the right to dignified life, rights of minorities and rights to home and self-determination of their life. (7) The ways how the government rules, controls and governs lands, forests and waters do not respect indigenous people's traditional rights on lands which they have traditionally held, used or occupied or their rights "to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional [...] economic activities." (8)

While India has some laws like the Forest Rights Act (FRA) and PESA Act which appear to recognize the traditional rights on forest and cultural autonomy of tribal forest communities, in practice modern administration's mandate holders and criteria determine often with commercial priorities what should be the traditional rights of indigenous tribal communities in forests.

And while the government of India tells that National Commission of Scheduled Tribes (NCST) "has also been set up for ensuring effective protection and implementation of various safeguards provided for the Scheduled Tribes in the Constitution and other protective legislations" (9), the NCST does not have a power to make decisions which would be legally binding.

The government's report mentions also the specific status and scheme provided for the Particularly Vulnerable Tribal Groups (PVTGs) "for the socio-economic development" under which "Conservation-Cum-Development Plans are to be prepared by the Governments in the sectors of education, health, sanitation, nutrition, livelihoods, conservation of culture, heritage and recognition of habitat." (10)

But Particularly Vulnerable Tribal Groups (PVTGs) continue to suffer the most from the public and private 'development' projects as they tend to be the most displaced and malnourished even among all STs (11) and their rights to their PVTG habitats which were recognised nearly 18 years ago under the Forest Rights Act, have not become registered or implemented even though they have lived with forests sustainably with relatively little pollution or emissions. (12)

31(b) extractive and other industrial activities, often approved without effective consultation, are undermining the land and forest rights of tribal communities and are resulting in displacement

In India as well as globally, mining and other extractive industries are disproportionately concentrated to the indigenous, tribal areas as these areas can be often taken over under mining or extractive industries with the cheapest costs.

Mining and other extractive and industrial activities get approved without effective consultation or free, prior and informed consent of indigenous tribal communities who get displaced by such mining and industries - and without much compensation.

Mining and industries can take over and pollute forest communities' habitats and environments without big costs and deprive indigenous peoples of their homes, of their biodiversity and their sources of food, health and livelihood of their own, community-based means of subsistence. (If the corporations would instead search, investigate and extract the minerals under the big cities or other already industrialised, 'developed' areas, they would pay for the lands and various compensations and other social and environmental requirements much higher amounts of money.)

Mining and extractive industries target, forcibly evict and displace thus disproportionately the indigenous tribal communities from tribal areas with particularly damaging impacts on Particularly Vulnerable Tribal Groups (PVTG) and other vulnerable indigenous peoples.

The government of India reported on protection of tribal communities in respect to the industrial/corporate takeover of tribal lands and forests that:

"Identifying the distinct way of life of tribals" India would constitutionally guarantee "greater autonomy and powers of self-governance to" the scheduled tribal areas so that "the Governor, advised by the Tribes Advisory Council, may exclude or direct variable application of any law" of a state. And that "to further democratise self-governance by the tribals", "the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) [...] authorises the *Gram Sabha*", a tribal village council "to approve plans and programmes of social and economic development, to be consulted before acquisition of land, recommend grant of mining lease". (13)

But while "many state legislatures have operationalised PESA to varied degrees, making consultation and recommendation from the *gram sabha* a pre-requisite for transfer of land for industrial and other activities" (14), such PESA rules made by the Chhattisgarh state for example have empowered the District Collector to rule what conditions the tribal village council can or can not set for mining or industrial projects to safeguard tribal community's life-heritage.

Thus, while the PESA Act recognizes the tribal communities' traditional cultural autonomy and authority in determining and safeguarding communities' traditional customary practices, still in practice on the contrary:

The state has mandated its modern administration's District Collectors to determine how tribal communities are or are not allowed to get their traditional life-heritages protected - even though the District Collectors usually do not know even what have been such tribal communities' life-heritages and traditional rights which would need to be protected.

The government says also that "The transfer of land for extractive activities in forest areas is circumscribed" also by the Forest Rights Act (FRA) which recognises the forest dwellers' to be registered their traditional rights to "hold and live on the forest land, use, collect and dispose of minor forest produce, use common property resources etc." (15)

But while the tribal community's traditional village council "shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights" (16) still also in respect to the FRA however:

The District Collector and other modern administration mandate holders determine in the District Level Committee in practice often with the criteria of their modern administration and commercial priorities what can or can not be approved to be indigenous tribal communities' traditional rights in forests - even though such modern mandate holders may not know what have been in forests indigenous tribal communities' traditional rights, which were to be registered.

Such procedure does not duly register to the indigenous tribal communities the rights on lands and forests which they have actually traditionally used as required both by the FRA and by the UNDRIP in compliance with the international human rights law, but violates the rights recognised also internationally for the indigenous people.

And when mining company comes to a tribal area it can give to the tribal communities misleading pictures about what will happen and get often tribals who are illiterate to sign documents, which they can not even read.

Particularly Vulnerable Tribal Group Baiga community in Keshmarda in Kabirdham district of Chhattisgarh got ca. 20 years ago a impression that Balco company (which belongs now to Vedanta corporation) will mine bauxite 15 years from the top of Daldali mountain, where their Baiga village was and that the company will then after that leave the area for them. But as the mining continued, the land and forest, by which Baigas had got their food, water, sources of health and livelihood got gradually degraded, eroded and polluted so that they could get less and less food, herbs or other minor forest produce. Thus after the 15 years had gone their earlier village was not anymore viable habitat for them to live and thus they had to move away.

In other areas where tribals are better aware about how mining would affect them, some of them may try to protest and resist the mining for which the community has not given its consent. But the indigenous communities and their human rights defenders and environmental defenders who oppose mining become often harassed and threatened - like in case of Rawghat iron mining area in Antagarh in Kanker district of Chhattisgarh in 2022. Or the defenders become arrested and falsely blamed like tribal woman activist Hidme Markam who was jailed in 2021 as if she would had been involved in Maoist armed rebellion when she opposed iron mining by Adani corporation to protect the Nandraj hill which was sacred source of food, herbs, water and livelihood of tribals in Dantewada district of Chhattisgarh.

The Indian Government reported now also that it has "issued advisories clarifying that mining lease deeds by the State Governments under the Mines and Minerals (Development and Regulation) Act, 1957 must necessarily be in compliance with provisions of the Forest Dwellers Act" (17) but with such government's interpretation of the FRA that "the context of extractive activities often demands balancing the right to development with the autonomy and cultural rights of tribals and presents difficult situations." (18)

But such interpretation on 'balancing' is not based on the text of the FRA under which the balance of "the right to development with the autonomy and cultural rights of" indigenous tribal people is rather such that:

"Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources" (19) with "the right to determine and develop priorities and strategies for exercising their right to development" (20) and with the right "to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional [...] economic activities" (21) in their lands.

States have to respect "the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources" including the lands on which they live, ensuring that "in no case may a people be deprived of its own means of subsistence". (22) So also "in the case of indigenous peoples" - whose "way of life which is closely associated with territory and the use of its resources" -, it is "the inalienable right of indigenous peoples to enjoy the territories and natural resources that they have traditionally used for their subsistence and cultural identity." (23)

"The close ties of indigenous peoples to the land must be recognized and understood as the

fundamental basis of their [...] economic survival" in order to "prevent their extinction as a people". Their "rights associated with their ancestral lands" are to be "protected, in order to prevent the degradation of their particular way of life, including their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity". (24)

When "deprivation of indigenous peoples' land, territories and resources, the prevalence of life-threatening diseases [...] widespread hunger and malnutrition and extreme poverty and homelessness" result from mining or other 'development' projects, such impacts "prevent individuals from enjoying their right to life with dignity" (25) also as "the lack of alternatives to subsistence livelihoods may place individuals at a heightened risk of vulnerability". (26)

Also "the members of indigenous communities which constitute a minority" have a right "to enjoy a particular culture" as their "way of life which is closely associated with territory and use of its resources" and "in community with others, to engage in economic and social activities which are part of the culture of the community a form of subsistence and an ancestral tradition." (27)

31(d) Adivasis in Raigarh, Chhattisgarh, sold their land to private companies under coercion

Tens of thousands of hectares of traditional tribal lands have been taken in Raigarh district of Chhattisgarh under highly polluting mining of hundreds of millions of tons of coal - either sold illegally to private corporations or acquired by the Chhattisgarh state from tribals without their free, prior and informed consent to be leased to the companies.

On tribal lands sold illegally to corporations, the government of India responded that the acquisition of land "through coercion is illegal" also in general and "transfer of land from tribal to a non-tribal through coercion is also outlawed [...] in areas designated as Scheduled Areas under the Fifth Schedule of the Constitution" including also "certain areas in Raigad district of Chhattisgarh" (28)

Where tribals in Scheduled Areas have not accepted the conditions under which the tribal lands have been captured away from their possession, such lands shall be returned to the tribals in accordance with the "Section 170-B of the Chhattisgarh Land Revenue Code, 1959" which "provides for the return of land in scheduled areas where a non-tribal is shown to have taken possession of land illegally from a tribal owner." (29)

Under the section 170-B whoever "is in possession of agricultural land which belonged to a member of a tribe" "shall [...] notify to the Sub-Divisional Officer [...] all the information as to how he has come in possession of such land". (30) If the notification is not duly provided or if the Sub-Divisional officer "finds that the member of aboriginal tribe has been defrauded of his legitimate right he shall declare the transaction null and void". (31)

But while tribal land which had been source of food and livelihood for the tribals, had been taken for coal mining by non-tribals in 1556 cases in Raigarh, the land has been returned to its tribal users only in 380 cases whereas in 1176 cases the land has remained acquired from the tribals coercively or in violation of the section 170-B. And mechanisms to challenge the takeover of land through courts may often require one to invest more time and money than what the affected tribal communities can provide.

The government wrote that "apart from the legal mechanisms that exist for challenging coercive sale of land, the matter of coercive selling of land by the tribals to private companies was

proactively taken up by NCST, a quasi-judicial body, which issued a set of recommendations to the state government in this regard." (32)

But the NCST (National Commission of Scheduled Tribes) does not have power to give binding orders and India has still not enacted or ensured any protection of tribal rights to be effectively secured or implemented in practice on the ground - neither by state nor by district level administration. Thus Chhattisgarh and Raigarh did not in 2018 respect or fulfil NCST recommendations or India's international obligations on its indigenous tribal communities' rights.

The NCST (National Commission of Scheduled Tribes) had 2.January.2018 sent a letter both to the District Collector of Raigarh and to Rajesh Tripathi - an activist who had brought those 1556 cases violating the section 170-B - summoning them to attend a meeting on 15.1.2018 to address Kunkuni land scam where tribal land had been taken by non-tribal in violation of the section 170 B of the Chhattisgarh Land Revenue Code.

But as the District Collector did not attend that meeting, the NCST has not succeeded taking any further steps on the issue. So these 1176 cases of tribal lands acquired coercively away from tribals have remained unaddressed.

To respect and implement its obligations to secure for indigenous tribal people the indigenous tribal lands which they have traditionally used, India would need to effectively enact and implement the laws to prevent such forced evictions of indigenous tribal people

CCPR should get clarity from the Indian government and from the NCST are they actually ready and able to get these violations duly investigated and addressed now - or do India's existing procedures leave such violations of tribal rights to tribal lands un-examined and un-addressed ?

Or how India's obligations on rights of indigenous tribal people and on progressive realisation of these rights will get implemented also in those remaining 1176 cases which Rajesh Tripathi filed to be addressed as coercive acquisition of tribal land in violation of the section 170-B and of India's international obligations?

31(e) land for coal mining was acquired by the Government without seeking the free, prior and informed consent of Adivasis

The government has taken continuously more and more lands and forests away from the indigenous communities in Raigarh to lease it to the corporations for coal mining.

While there are already many running coal mines and 6 power plants, in addition there are some 64 new proposed mines in process, for various private and public corporations (Jindal, Adani, Hindalco, NTPC etc.. First the government locates coal block and when the companies starts to pay to the government, it builds with the police and revenue department pressure to the people telling them if they do not accept this, they will anyway lose the land but gain less.

According to the government of India that how its power to acquire land is generally limited by "the rights of people" and "the requirement of consultation" for the "acquisition of land and rehabilitation of the displaced" (33) "does not extend to certain purposes which are crucial for the basic infrastructural and fuel needs of the society at large" including land "acquisition under the Coal Bearing Areas Acquisition and Development Act, 1957". (34)

But the UN High Commissioner for Human Rights clarified already in 2011, that 'development' does not justify human rights violations. She said that as "In India, social unrest and conflicts over land acquisition for development and mining projects" occur, "Adivasis defending their ancestral lands and community forests are often subject to threats and harassment, despite the existence of constitutional protections, Supreme Court judgments and progressive national legislation requiring consent of tribal communities, and community rights over forest use." As "natural resource extraction projects such as mining are land-intensive and water-intensive and often directly affect the collective rights of indigenous peoples to their lands and territories" they tend to "result in human rights violations involving forced evictions, displacement [...]. This is certainly not what we mean by development". (35)

"Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources" (36) on which they live.

And the CCPR has ruled that "a State may legitimately take steps to promote its economic development" as far as such "development may not undermine the rights" of the minority or force "its members to abandon their land and their traditional economic activity". (37) State has thus to assess and "determine the impact [...] on traditional economic activity" to ensure that affected community's members can "continue to benefit from their traditional economy" and "to minimize the negative consequences and repair the harm done" (38) when for example communities' water gets polluted and dries out and land gets degraded. (39)

In January 2024 India's National Green Tribunal overturned the approval of the Gare Pelma II coal mine in Raigarh for failed public consultation, health risks and cumulative environmental impacts. The air, water and soil in the region has been polluted by a multiplicity of coal projects of the coal blocks area. In at least 90 of the 116 villages of the area groundwater levels had dropped due to the various extractive industries in the area. Forests have been destroyed, fish are dying. "42.7% of pre-school children in the region were underweight. Acute respiratory infection (20.9%) constituted the most common morbidity among pre-school children". Mine had been approved for Adani Group subsidiary as mine's developer and would-be operator but in the approval process the government officials had 'colluded' with the officials of the corporation to exclude from public hearing the people who opposed the project, while admitting a select group of supporters. (40)

Already in 8.11.2016 Chhattisgarh Human Rights Commission had sent to the District Collector of Raigarh a letter to ask explanation what he will do to secure justice to those who are suffering in the coal mining affected area from silicosis (lung disease caused by inhaled crystalline silica dust).

Coal mining area has been polluted by heavy metals like aluminum, arsenic (carcinogen), antimony, boron, cadmium (carcinogen), chromium, lead (probable carcinogen), manganese, nickel (probable carcinogen), selenium, zinc and vanadium.(41)

State has "the duty to protect life" with dignity and secured access" to "food, water, shelter, health care [...] sanitation [...] and social housing" and to "treatments designed to reduce maternal and infant mortality." (42) As tribes who are vulnerable and exposed to displacement face lack of food and livelihood, have underweight and related sicknesses, in coal mining area of Raigarh in villages of Baroud and Kudumkela, the vulnerable Manjhi tribe is particularly exposed. "While averagely 23 % of the people in Baroud and Kudumkela had had smaller meal than needed once or more times during the past 30 days, among the Manjhi tribe in the same villages 29 % had had smaller meal

than needed once or more times during the same period.

While average weight of adults was only 42,4 kg in Kudumkela among Manjhis, it was 46.8 kg among others there and while it was 45,4 kg among Manjhis in Baroud, it was 49,2 kg among others there. [...] Manjhis were also 2 times more likely to go to sleep hungry without dinner than others". (43)

State has to secure the nutrition of the affected vulnerable tribes and prevent "environmental degradation, climate change and unsustainable development" as "serious threats to [...] the right to life." "Implementation of the obligation to respect and ensure the right to life [...] with dignity, depends" on whether states prevent such impacts "caused by public and private actors". (44)

State must prevent "the adverse effects on the community's health and the integrity of the territory" and not allow "the continued contamination of the rivers [...] their livestock, a source of food, and the ongoing destruction of their crops and the resources in the forest where they forage" (45)

As "no one shall be subjected to arbitrary or unlawful interference with his [...] home" and "everyone has the right to the protection of the law against such interference" (46) people have to be provided also "the security of person necessary for return or resettlement to take place" (47)

While the government notes that the "acquisition of land for coal mining, in a scheduled area must be done in accordance with PESA and rules made by the respective state" (48), the Chhattisgarh PESA rules however set the District Collector to decide on how indigenous life-heritages need or do not need to be protected.

State has instead to "ensure the effective participation of members of minority communities in decisions which affect them" "to ensure the survival and continued development of cultural identity".(49), the "cultural diversity" which the community sustains (50) with "the free, prior and informed consent of the members of the community" for ensuring "not to endanger the very survival of the community and its members." (51)

State has "to ensure that indigenous peoples can effectively participate in decisions of concern to them" so "that measures that compromise or interfere with the culturally significant economic activities of an indigenous community are taken with the free, prior and informed consent of the members of the community [...] so as not to endanger the very survival of the community". (52)

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Notes and references

1. CCPR/C/IND/4, paragraph 154
2. CCPR/C/IND/4, paragraph 154
3. See for example the UN Working Group on Human Rights in India (WGHR) report (2012), according to which after independence, 60-65 million people were displaced by the development projects in India and "of these displaced, 40 percent were tribals"
Or see Saroj Kumar Nayak and others 2020, Study on Development Projects, Displaced Tribals & Their Living Conditions, https://repository.tribal.gov.in/bitstream/123456789/73935/1/SCST_2016_research_0106.pdf

4. According to the reports of different years by the Global Hunger Index, the World Bank, UNICEF the percentage of wasted children in India has not reduced since the 1990ties inspite of India's continuous rapid commercial growth
5. Adiwasi Samta Manch and Adivasi ry, Study on Displacement Induced Malnutrition , Household Survey Report 2022, see for example pages 20-24
https://adivasi-info.net/Displacement_Induced_Malnutrition.pdf
6. CCPR/C/IND/QPR/4, paragraph 31. (a)
7. ICCPR articles 1, 6, 17 and 27
8. UNDRIP article 20.1
9. CCPR/C/IND/4, paragraph 154
10. CCPR/C/IND/4, paragraph 155
11. Adiwasi Samta Manch and Adivasi ry, Study on Displacement Induced Malnutrition , Household Survey Report 2022, see for example pages 20-24
https://adivasi-info.net/Displacement_Induced_Malnutrition.pdf
12. see for example our study on Baiga habitat https://adivasi-info.net/Baiga_Habitat_Pandaria.pdf
13. CCPR/C/IND/4, paragraph 156
14. CCPR/C/IND/4, paragraph 156
15. CCPR/C/IND/4, paragraph 157
16. Forest Rights Act (FRA), article 6.1
17. CCPR/C/IND/4, paragraph 157
18. CCPR/C/IND/4, paragraph 157
19. UNDRIP, article 32.1
20. UNDRIP, article 23
21. UNDRIP, article 20.1
22. ICCPR, articles 1.2, 47
23. CCPR/C/132/D/2552/2015., 21 September 2022, communication No. 2552/2015, paragraph 8.6 and CCPR/C/135/D/3624/2019, 18 September 2023 on communication No. 3624/2019, paragraph 8.13
24. CCPR/C/132/D/2552/2015,21 September 2022, communication No. 2552/2015, paragraph 8.6
Community needs "internal self-determination under article 27, read in the light of article 1, of the Covenant" as "the rights of members of the community to enjoy their own culture [...] in community with the other members of their group, are not enjoyed merely individually" (CCPR/C/124/D/2950/2017, communication No. 2950/2017, 18 December 2019, paragraph 9.9)
25. CCPR General Comment 36, Right to life, paragraph 26
26. CCPR/C/127/D/2728/2016 , concerning communication No. 2728/2016, 23 September 2020, paragraph 9.9
27. CCPR/C/95/D/1457/2006, 24 April 2009, Communication No. 1457/2006, Poma Poma vs. Peru, paragr. 7.2 -7.3
28. CCPR/C/IND/4, paragraph 159
29. CCPR/C/IND/4, paragraph 159
30. Chhattisgarh Land Revenue Code, 1959, Section 170-B.(1)
31. Chhattisgarh Land Revenue Code, 1959, Section 170-B.(2)-(3)
32. CCPR/C/IND/4, paragraph 159
33. "The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013"
34. CCPR/C/IND/4, paragraph 160
35. Statement by the United Nations High Commissioner for Human Rights Navi Pillay for 9 August, the International Day of the World's Indigenous People, "Let us ensure that development for some is not to the detriment of the human rights of others" https://www.un.org/esa/socdev/unpfii/documents/int_day_2011_message_UNHCHR.pdf
36. UNDRIP article 32.1
37. CCPR/C/95/D/1457/2006, 24 April 2009, Communic. No. 1457/2006, Poma Poma vs. Peru,paragraphs 7.4-7.5
38. ibid, paragraphs 7.6-7.7
39. ibid, paragraphs 6.3 and 7.1
40. https://www.adaniwatch.org/approval_for_adani_coal_mine_overtured_due_to_failed_process_and_collusion
41. ibid
42. CCPR General Comment 36, Right to life, paragraph 26
43. Adiwasi Samta Manch and Adivasi ry, Study on Displacement Induced Malnutrition , Household Survey Report 2022, page 25 , https://adivasi-info.net/Displacement_Induced_Malnutrition.pdf
44. CCPR General Comment 36, Right to life, paragraph 62
45. CCPR/C/132/D/2552/2015., 21 September 2022, communication No. 2552/2015, paragraph 8.8
46. ICCPR, article 17.1-2

47. CCPR/C/136/D/4023/2021-4032/2021, Decision adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communications Nos. 4023/2021–4032/2021, 14 March, 2023, paragraph 7.7
48. CCPR/C/IND/4, paragraph 160
49. CCPR/C/95/D/1457/2006, 24 April 2009, Communication No. 1457/2006, Poma Poma vs. Peru, paragraph 7.2
50. CCPR/C/132/D/2552/2015., 21 September 2022, communication No. 2552/2015, paragraph 8.9
51. CCPR/C/95/D/1457/2006, 24 April 2009, Communication No. 1457/2006, Poma Poma vs. Peru 7.6
52. CCPR/C/132/D/2552/2015., 21 September 2022, communication No. 2552/2015, paragraph 8.7