

CHILD PROTECTION BULLETIN

STATE CHILD
PROTECTION
SOCIETY, ASSAM

MONTHLY BULLETIN OF ACTIVITIES CONCERNING CHILD PROTECTION IN ASSAM

EDITORIAL

Children in the armed conflict areas are affected in two ways: children are directly affected by violence itself and or often land up being recruited to be the agents of conflicts.

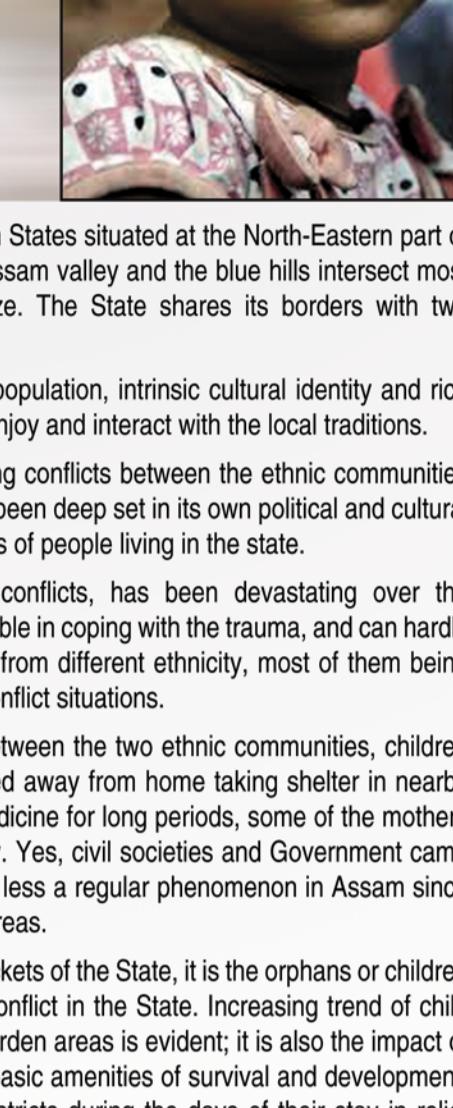
When there is any form of violence there is a breakdown of child protection system. At this time they become vulnerable to rape, abduction, disabilities, grievous injuries, separation from their families and long-term psychosocial effects. They are also at risk for disease, displacement and death.

Assam has seen a series of conflicts in the recent past. However, child protection system especially during conflicts has not shown much desired result. There is a serious need for strengthening child protection system in Assam. A convergence of different departments and schemes is of utmost importance to address children's issues in armed conflicts or else we are going to lose a good chunk of young resources engaged in dangerous activities.

*Editorial Board,
State Child Protection Society, Assam*

Growing Up in Rough Terrains and Times

Child Rights Protection Scenario in the Conflict-Prone regions of Assam



Assam, the land of 'red river and blue hills', is one of the seven States situated at the North-Eastern part of India. The mighty river Brahmaputra dominates the whole of Assam valley and the blue hills intersect most parts of the state with their evergreen forests and blue haze. The State shares its borders with two neighbouring countries and seven Indian states.

It is the natural beauty of the State coupled with multi-ethnic population, intrinsic cultural identity and rich mosaic of socio-cultural value system attract global tourists to enjoy and interact with the local traditions.

Unfortunately, this beautiful State has also witnessed underlying conflicts between the ethnic communities since long, the roots of these inter-community struggles having been deep set in its own political and cultural history. These struggles had a huge negative impact on the lives of people living in the state.

The human cost of armed conflicts, especially prolonged conflicts, has been devastating over the generations. It is more so with children who are the most vulnerable in coping with the trauma, and can hardly develop required sets of skills for survival. Millions of children from different ethnicity, most of them being socio-economically marginalized, are the direct victims of the conflict situations.

It has been experienced that in the recent armed conflict in between the two ethnic communities, children were killed, houses were gutted down, women and children fled away from home taking shelter in nearby villages or in relief camps. They had to go without food and medicine for long periods, some of the mothers also gave birth to babies in the relief camps without any facility. Yes, civil societies and Government came forward to support them in some of the cases, but it is more or less a regular phenomenon in Assam since long. It had a long term impact in the lives of children in those areas.

If we see the increasing numbers of child labour in the urban pockets of the State, it is the orphans or children of single parents who are the victim of the prolonged armed conflict in the State. Increasing trend of child trafficking from upper and lower Assam, especially in the tea garden areas is evident; it is also the impact of the conflict situation because children are being denied of the basic amenities of survival and development. There were instances of child trafficking from lower Assam districts during the days of their stay in relief camps through the famous 'chicken necks', these children were trafficked within the country and also abroad through the porous borders of Nepal and Bhutan.

In the past two decades, a number of United Nations reports, including the 1996 study by Graça Machel and its 10-year review, have noted with concern that the character and tactics of armed conflict are changing. These developments have created new threats to children.

Children have become more vulnerable due to the new tactics of warfare, the absence of clear battlefields, the increasing number and diversification of parties to conflict that add to the complexity of conflicts and the deliberate targeting of traditional safe havens such as schools and hospitals. Moreover, the increasing usage of children in terrorist and counter-terrorist activities sometimes blurs the line between what is legitimate and what is not in addressing security threats.

If Assam is lagging behind in achieving the target of Human Development Index, armed conflict situation is the main factor contributing to this. Some time children are also victims of revenge politics and are lured by the armed groups to involve in child soldiering. As per various reports, there are thousands of children who are missing; parents are also not aware of the whereabouts and living conditions of their kids.

A news recently published in some National Dailies claimed that Assam had the highest conflict-induced Internally Displaced Persons in the world during the year 2014, according to a report prepared by Asian Centre for Human Rights and released in Guwahati. The report was prepared from the findings of the field visits to the affected areas and claimed that there are over 3,00,000 internally displaced persons (IDPs) in Assam, which is the highest in the world during 2014.

Broadly speaking, children in armed conflict situations are the victim of insecurity, large scale migration and other situations further multiplied by gross violations of child rights. They often miss the secured parental environment and are victims of dysfunctional families, violence, child sexual abuse, child labour, begging, substance dependence, human trafficking etc. Many of them often end up being engaged in domestic help, or recruited as child soldiers.

Children in transition from childhood to adolescence are more vulnerable as they are often confused and insecure. Being more inquisitive and apparently more aggressive at times due to their volatile state of mind, they easily succumb to substance abuse and sexual excess, or often fall prey to HIV. There is a lack of proper counseling and guidance for them, sometime being the victim of revenge politics they end up joining the armed groups. Sometime they are detained, tortured, sexually abused and gradually ostracized by the society.

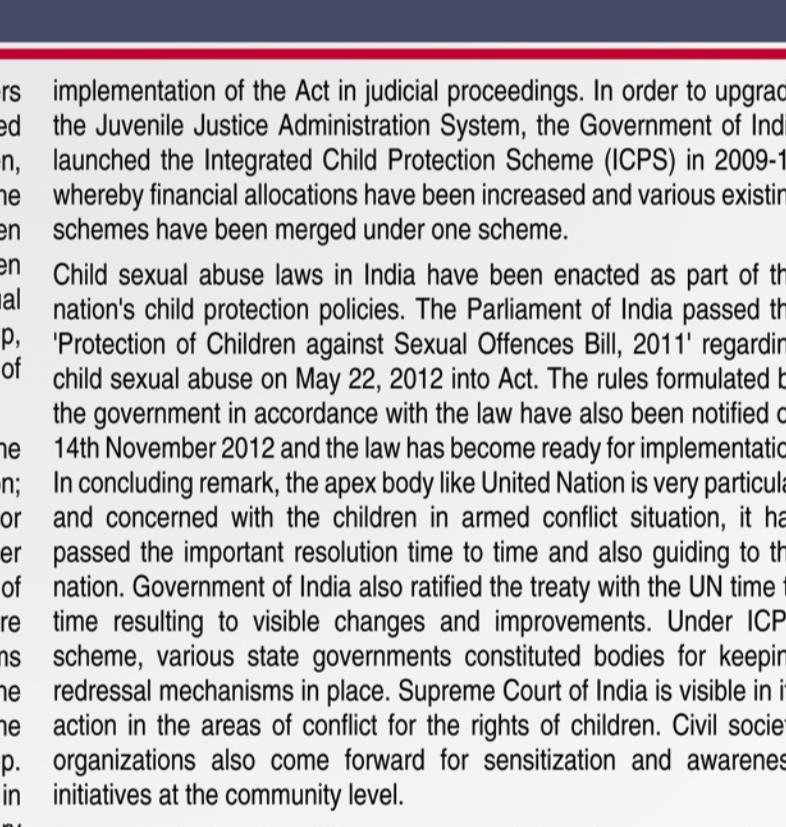
In some cases the State also arrests and detains children associated with armed groups, because they are perceived as a threat to national security, or because they have allegedly participated in hostilities. Many of these children are kept in poor conditions in contravention to international standards in juvenile justice.

Children are impacted by the internal displacement due to the armed conflict. According to a recent data, more than 1,26,263 persons including 19,036 children were forced to live in relief camps for more than 15 long years in sub-human standards. The recent armed conflict in lower Assam also saw 4,85,921 people being displaced.

A marked characteristic of the changing nature of conflict is deliberate attacks on education infrastructures, as well as the targeting of school children and teachers.

United Nation security council in its resolution dated 7th March 2014

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"Strongly condemns all violations of applicable international law involving the recruitment and use of children by parties to armed conflict, as well as their re-recruitment, killing and maiming, rape and other sexual violence, abductions, attacks against schools or hospitals and denial of humanitarian access by parties to armed conflict and all other violations of international law, including international humanitarian law, human rights law and refugee law, committed against children in situations of armed conflict and demands that all relevant parties immediately put an end to such practices and take special measures to protect children."

The UN Optional protocol is a commitment that, States will not recruit children under the age of 18 years to send them to the battlefield. States will not conscript soldiers below the age of 18. States should take all possible measures to prevent such recruitment –including legislation to prohibit and criminalize recruitment of child under 18 and involve them in hostilities. States demobilize anyone under 18 conscripted or used in hostilities and to provide physical, psychological recovery services and help their social reintegration. Armed groups distinct from the armed forces of a country should not, under any circumstances, recruit or use in hostilities anyone under 18.

Government of India also ratify and signatories with:- Declarations: "pursuant to article 3 (2) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, the Government of the Republic of India declare that: (i) The minimum age for recruitment of prospective recruits into Armed Forces of India (Army, Air Force and Navy) is 16 years. After enrolment and requisite training period, the attested Armed Forces personnel is sent to the operational area only after he attains 18 years of age; (ii) recruitment into the Armed Forces of India is purely voluntary and conducted through open rally system / open competitive examinations. There is no forced or coerced recruitment into Forces"

Government of India in its national policy for children 2013 also stated that The State commits to taking special protection measures to secure the rights and entitlements of children in need of special protection, characterized by their specific social, economic and geo-political situations, including their need for rehabilitation and reintegration, in particular but not limited to, children affected by migration,

displacement, communal or sectarian violence, civil unrest, disasters and calamities, street children, children of sex workers, children forced into commercial sexual exploitation, abused and exploited children, children forced into begging, children in conflict and contact with the law, children in situations of labour, children of prisoners, children infected/affected by HIV/AIDS, children with disabilities, children affected by alcohol and substance abuse, children of manual scavengers and children from any other socially excluded group, **children affected by armed conflict** and any other category of children requiring care and protection.

Government of India has also made its progress towards handling the situation of children, who are impacted by the armed conflict situation; it has enacted law in the year 2005, The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commission for Protection of Child Rights Act, 2005, an Act of Parliament (December 2005). The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. The Child is defined as a person in the 0 to 18 years age group. It has developed a Protocol for Police and Armed forces who are in contact with children in civil unrest situation, this is also very progressive initiative by the Government, as per the provision of child right to protection act, every state has set up the State commission for protection of child rights (SCPCR), Assam government also set up this body in the State.

The NCPCR protocol also says that, "The present Protocols lays down the guidelines, in the form of Standing Operating Procedures, for the law enforcement agencies, to deal with children, with whom they may come in contact, in areas of civil strife and unrest. These Protocols have been framed keeping in mind the experience derived by the National Commission for Protection of Child Rights, from the handling of various complaints received by it, as also its experience from numerous field visits and investigations carried out in this respect. These Protocols also take into account relevant international instruments, existing laws, rules, regulations and policies".

The Juvenile Justice (Care and Protection of Children) Act, 2000 is the primary legal framework for juvenile justice in India. The Act provides for a special approach towards the prevention and treatment of juvenile and provides a framework for the protection, treatment and rehabilitation of children in the purview of the juvenile justice system. This law, brought in compliance of the 1989 UN Convention on the Rights of the Child (UNCRC), repealed the earlier Juvenile Justice Act of 1986 after India signed and ratified the UNCRC in 1992. This Act has been further amended in 2006 and 2010. The Government of India is once again contemplating bringing further amendments and a review committee has been constituted by Ministry of Women and Child Development which is reviewing the existing legislation. The Act is considered to be extremely progressive legislation and the Model Rules 2007 have further added to the effectiveness of this welfare legislation. However, the implementation is a serious concern even in 2013 and the Supreme Court of India is constantly looking into the implementation of this law in *Sampurna Behrua Versus Union of India and Bachpan Bachao Andolan Versus Union of India*. In addition to the Supreme Court, the Bombay and Allahabad High Courts are also monitoring

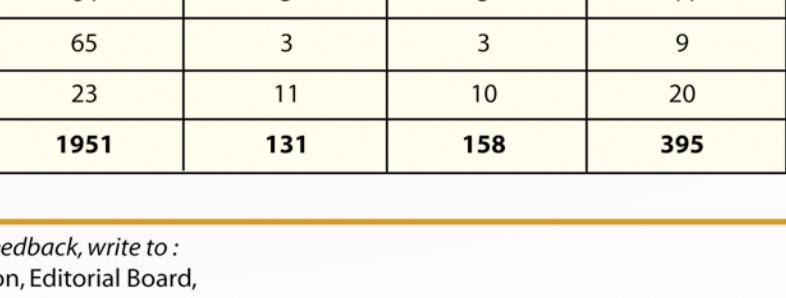
implementation of the Act in judicial proceedings. In order to upgrade the Juvenile Justice Administration System, the Government of India launched the Integrated Child Protection Scheme (ICPS) in 2009-10 whereby financial allocations have been increased and various existing schemes have been merged under one scheme.

Child sexual abuse laws in India have been enacted as part of the nation's child protection policies. The Parliament of India passed the 'Protection of Children against Sexual Offences Bill, 2011' regarding child sexual abuse on May 22, 2012 into Act. The rules formulated by the government in accordance with the law have also been notified on 14th November 2012 and the law has become ready for implementation. In concluding remark, the apex body like United Nation is very particular and concerned with the children in armed conflict situation, it has passed the important resolution time to time and also guiding to the nation. Government of India also ratified the treaty with the UN time to time resulting to visible changes and improvements. Under ICPS scheme, various state governments constituted bodies for keeping redressal mechanisms in place. Supreme Court of India is visible in its action in the areas of conflict for the rights of children. Civil society organizations also come forward for sensitization and awareness initiatives at the community level.

To sum it all, though visible progress is visible at the on-ground level, there is a lot to be done regarding rescue, restoration and rehabilitation of these children at the community level. The aspect of psycho-social support is very essential for children exposed to violence, trauma and conflict, it needs special mention along with preventive mechanisms of alternative care which fall under the ambit of ICPS – both preventive & restorative sponsorship, foster care (as there may be situations where a child needs a family support temporarily for the time the biological parents are indisposed).

Finally a convergence in the areas of Health, Education and Protection along with bodies of control is needed for addressing the issue of child protection in conflict ridden States like Assam. That is only possible, when all the stake holders will understand the concern and consequences and collaborative attempts to fight with the situation. Yes, we certainly can achieve this working together, and make the environment child-friendly, thereby ensuring lasting change for children.

[The Article is authored by Ashim Kumar Ghosh, AGM Development Support, CRY – Child Rights and You, and in-charge of CRY operations in Assam.]



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Status Report on the functioning of the Juvenile Justice Boards and Child Welfare Committees in Assam for the month of April 2015

Sl. No.	Districts	Juvenile Justice Boards			Child Welfare Committees		
		No. of cases instituted	No. of cases disposed	Total cases pending	No. of cases instituted	No. of cases disposed	Total cases pending
1	BAKSA	Cases are jointly dealt with Nalbari JJB			0	12	0
2	BONGAIGAON	1	2	32	1	0	5
3	BARPETA	3	0	105	0	2	1
4	CACHAR	0	2	65	4	7	1
5	CHIRANG	0	0	45	3	0	3
6	DARRANG	5	5	140	2	4	19
7	DHEMAJI	0	1	27	0	0	3
8	DHUBRI	7	1	182	0	3	9
9	DIBRUGARH	4	3	70	11	13	1
10	DIMA HASAO	1	0	6	0	0	1
11	GOALPARA	8	6	122	4	4	1
12	GOLAGHAT	1	4	22	3	2	5
13	HAILAKANDI	18	1	29	0	0	2
14	JORHAT	6	4	50	2	1	7
15	KAMRUP (M)	7	12	188	39	51	72
16	KAMRUP (R)	Cases are jointly dealt with Kamrup (M) JJB			2	1	17
17	KARBI ANGLONG	2	7	50	1	1	1
18	KARIMGANJ	0	0	58	0	0	25
19	KOKRAJHAR	3	6	136	0	1	6
20	LAKHIMPUR	2	2	27	3	6	24
21	MORIGAON	0	5	10	6	8	27
22	NAGAON	8	9	261	20	23	18
23	NALBARI	1	2	34	7	0	33
24	SONITPUR	4	0	140	4	1	41
25	SIBSAGAR	2	1	64	5	5	44
26	TINSUKIA	5	1	65	3	3	9
27	UDALGURI	2	0	23	11	10	20
Total		90	74	1951	131	158	395

Source: MIS Cell, SCPS, Assam

Implementation of the Act in judicial proceedings.

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