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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Written statement* submitted by Asian Legal Resource Centre (ALRC), a non-
governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 August 2007]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

INDIA: Child soldiers being used as expendable pawns in armed conflicts

In April 2007 the Chhattisgarh State Police ambushed a 12-member strong brigade of armed Naxalites (a group similar to the Maoists in Nepal) operating near Dhanora village. In the operation, the police arrested two girls, respectively aged 14 and 15 years old, who were wearing school uniforms and were armed with old 303 bore rifles. When questioned, the girls confessed that they had been picked up from school by the Naxalites, given a few days' training on armed combat before being sent out in the company of older members to fight against the State Police and the Salwa Judum, a State-sponsored private militia.

Elsewhere, in Chhattisgarh State's capital Raipur, five-year-old Saurabh reports for duty every day at the local police station and works as a boy police constable. Saurabh was employed by the State Police after his father was killed in an ambush by the Naxalites. Saurabh is not the only boy in the State Police. In nearby Korba Police Station, Manish Khoonte, a ten-year-old boy is employed as a police officer. Saurabh and Manish are paid US\$ 57 per month by the State Government.

Local human rights organisations, including the National Commission for Women, have expressed concern about the employment of child soldiers in Chhattisgarh by the State and the Naxalites.¹ The Naxalite child soldiers wing is called the Bal Mandal (Child Forum).² The members of Salwa Judum are known as 'Special Police Officers' or SPOs.

India ratified the Convention on the Rights of the Child on December 11, 1992. However, protection of the rights of children, particularly for preventing them from being made to fight in armed conflicts, is an area where the country has thus far failed. Children are often forced to take up arms in India after losing a close relative in the conflict.

In Manipur State in the northeast of India, hundreds of children have lost their relatives, including their parents, in the intense armed conflict that has been waged over the past decade.³ Many children have witnessed atrocities committed against family-members by the members of underground movements as well as by State-agents, including rape, torture and dismemberment and mutilation of bodies.

The situation in Manipur and Chhattisgarh is not unique. Child soldiers are used in several parts of the country, in the states of Jammu and Kashmir, Assam, Nagaland, Meghalaya, Tripura, Sikkim, Karnataka and Andhra Pradesh.⁴

Children are often recruited from tribal communities, as these communities are frequently caught up in armed conflicts. A common strategy used by both sides to these conflicts is to recruit children aged around 14, as their age can easily be covered up. The extent to which children are exploited by State-sponsored militias and anti-State militias does not differ much. However, in anti-State militias, girls are reportedly used for the sexual gratification of older cadres. The presence of girls in camps also assists in camouflaging them as being ordinary villages.

Anti-State militias typically falsely claim that children volunteer to justify their recruitment. State-sponsored units recruit children by manipulating their personal and nationalist sentiments. Once recruited, they are trained to use weapons and to manufacture explosives. Those who are not good at using weapons are used for espionage or for passing messages between groups. Children are also used for gathering extortion money for the militia. This practice is more prevalent in the northeastern States.⁵

State-sponsored militias usually recruit children based on the promise of future jobs at the State police department. Forcibly displaced tribal communities in conflict zones are another source of recruits. As the State agencies move in to counter anti-State militia activities, villagers are evacuated and relocated to government schools, forcing the schools to cease functioning normally. Such schools then become military targets for anti-state groups, as these schools will normally be guarded by members of the government-sponsored militias. During this period children, particularly boys, are recruited on the basis of the need for them to protect their parents and sisters from the anti-State groups.

The members of village defense forces are often trained by the Rashtriya Swayam Sevak Sangh (RSS). The RSS is a militant support group of India's Baharatiya Janatha Party (BJP). Indoctrination through exploitation and manipulation of inflated nationalism, peppered by the BJP's and RSS's interpretation of Hindu *Rashtra* (Hindu state)⁶ is a major force in recruitment to the State-sponsored militia.

Possession of arms in India is regulated by law.⁷ While restrictions are employed for possession of arms and ammunition in India for ordinary persons, the members of State-sponsored private militia groups are given more than one weapon, of which some are provided for use by the child soldiers.

Whenever State-sponsored child soldiers are killed in encounters, the government's claims the child was a member of an anti-State armed group, and the anti-State militia do the same and disown the child. In several cases, child soldiers' bodies have been mutilated in order to hide the possibility of their age and identities being found. Deaths of such children are frequently blamed on having resulted from being caught in the crossfire of an armed encounter.

Child soldiers' living conditions are invariably very poor, regardless of which faction they belong to. They are often denied adequate food. Food is often used as a reward for work. Children are used as scouts and to test the land for anti-personnel mines and other forms of explosives.⁸ Using children for these purposes makes troop movement easier for both sides. Even if a child dies or is injured, the loss is considered to be minimal, as a child is considered to be far more expendable than a trained cadre.⁹

India's Naxalite movement and the anti-state sentiments in the north-eastern states are both spreading out, increasing the areas affected by armed conflicts in the country. Child soldiers are considered as being highly expendable pawns in these conflicts.

In Andhra Pradesh, the children's faction of the Naxalite movement is named the Bala Sangam (Children's Group). There were reportedly 75 Bala Sangams groups in the state, including an estimated 800 children in their ranks in 2003. This number has likely increased by 2007, as the Naxalite movement in the State has steadily increased since 2003.

Child soldiers are also used in the mainly Hindu versus Muslim religious conflicts throughout India. Both factions have created their own self-styled armed brigades. The Hindu 'self-defence' groups operate under various banners, such as the RSS, the Bajrang Dal and the Shiv Sena. Similar Muslim factions are known to be operating under the banner of the Jamaat-i-Islami-Hind and the Islamist Sevak Sangh.¹⁰ All these groups have child soldier units. For example the Viswa Hindu Parisad (VHP) is also reportedly recruiting girls to a group called the Durga Vahini.¹¹

Once a child soldier is taken into custody by the State agencies, they are often falsely identified as being adults. Their ages are exaggerated in official records, so that they can be tried in regular courts, instead of juvenile courts. This is possible because in such cases, charges are typically framed without producing the accused in court. Once the charge has been framed, the child will have to wait in custody for a minimum of three to four years for the case to come to trial, by which time the child have often become adults.

Prolonged detention also reduces the prospects of the future rehabilitation of the child, if acquitted. Owing to the non-functioning of the public legal aid service, most cases will be decided without a proper legal defence being provided to the accused resulting in an unfair trial.

There are no existing mechanisms in India to prevent such rights violations from being committed against children, even if the child is fortunate enough to survive a battle and to be produced before a court. Those who dare to complain are targeted by the State police and administration. The case of Dr. Binayak Sen, who is currently being detained in Raipur Central prison on charges of association with the Naxalite movement in the State, is a typical example.

Such attacks on the integrity, personal freedoms of human rights activists and their ability to work, have a direct impact not only upon the children themselves, but also upon the communities that are caught up in such armed conflicts. Another concern is the absence of proper medical care in these conflict areas. The forced closure of Medecins Sans Frontiers [MSF] in August 2007 in Chhattisgarh has compounded this problem here.

There are currently at least 118 of India's 604 districts facing armed anti-state activities.¹² In all of these conflict zones, children are employed by both parties to the conflict. The UN Committee on the Rights of the Child, in its report dated February 26, 2004, urged the Indian government to ensure that thorough and impartial investigations are conducted into allegations of the use of child soldiers in India.¹³ However, the

reference to child soldiers in the report was limited to the State of Jammu and Kashmir and India's north-eastern states; however the problem of the use of child soldiers is far more widespread than this in the country.

The Asian Legal Resource Centre therefore requests the Human Rights Council to:

1. Request the Government of India to immediately disband all State-sponsored and other militia groups in the country, such as Chhattisgarh's Salwa Judum;
2. Urge the government of India to remove all obstacles and promote the activities of human rights groups in the country's regions involved in armed conflicts, so that human rights activists can work to prevent children being used in armed conflicts either as soldiers or as sympathizers of anti-State movements;
3. Improve the functioning of the criminal justice mechanism in India, so that it is adequately able to address the issue of child soldiers;
4. Prohibit arms training of both children and adults by political organisations;
5. Urge all non-State actors operating in India to respect international human rights and humanitarian laws concerning children in armed conflict;
6. Urge all relevant United Nations bodies and mechanisms, such as the Committee on Rights of Child, to look into the issue of child soldiers in India, without limiting their attention to regions in the country's north-east and Jammu and Kashmir State;
7. Urge the government of India to report regularly regarding the actions it has taken to prevent the employment of child soldiers, including in the upcoming review that will be conducted under the Council's Universal Periodic Review mechanism

¹ Minors turning combatants in Salwa Judum Camps: National Commission for Women – Report 2006

² Ibid

³ Ethnic conflict and orphans in South Asia: P Sahadevan, John B Kroc Institute for International Peace Studies: The University of Notre Dame

⁴ Child Soldiers: CRC Country Briefs - 2003

⁵ Militancy in India's Northeast: Power and Interest News Report, May 16, 2006

⁶ Please visit www.rss.org

⁷ Please see the Arms Act, 1959

⁸ Land Mine Monitor Report 2006

⁹ CSUS, Asia Report:2006

¹⁰ Sanjay, Jah K., 'Andra Pradesh : A False peace and more violence', South Asia Intelligence Review No. 1.3, 2002

¹¹ Id 2 above

¹² The Naxalite Challenge: Ramakrishnan, Venkitesh

¹³ Committee on the Rights of the Child : Thirty-fifth Session, CRC/C/15 Add.228, 26 February 2004